

WISCONSIN STATE FAIR PARK POLICE DEPARTMENT POLICY		TITLE: USE OF FORCE	
ISSUE DATE: 03-08-2023	LAST UPDATE: 04-26-2023	SECTION: Force	FILE NAME: F8
POLICY SOURCE: Chief of Police			TOTAL PAGES: 29
SPECIAL INSTRUCTIONS: Amends:			

(See Attached Appendix at end of Policies)

Appendix A – Disturbance Resolution Model

Appendix B – On/Off-Duty & Secondary Weapon Approval Form

Appendix C – Intervention Option – Motor Vehicle

PURPOSE

The purpose of this policy is to provide sworn personnel with guidelines for the use of deadly and non-deadly force. Law enforcement officers may use force legitimately when it is needed to achieve control in five specific situations:

- To achieve and maintain control of resistive subjects
- To detain persons reasonably suspected of criminal behavior
- To make lawful arrests
- To defend themselves or others
- To prevent escape

POLICY

It is the policy of the Wisconsin State Fair Park Police Department that officers use only that amount of force that is objectively reasonable to effectively bring an incident under control, while protecting the lives of the officers and others. When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective.

The reasonableness will be based upon the following criteria:

- The totality of the circumstances
- The perspective of a reasonable officer on the scene
- At the moment force was used
- Without the benefit of 20/20 vision of hindsight
- In circumstances that are tense, uncertain, and rapidly evolving

The State of Wisconsin Department of Justice (Training & Standards Bureau) has provided a general model to assist officers in selecting the proper use of force in a given situation. The model is called the Disturbance Resolution Model and is provided in this policy under **Appendix A**.

This policy is for departmental use only and does not apply in any civil or criminal proceeding. The departmental policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

DEFINITIONS

Active Resistance - Behaviors that physically counteract an officer's attempts to control a subject and which pose a risk of harm to the officer, subject, and/or others. Examples of active resistance include attempting to pull away from the officer's grasp, running away, getting up after being directed to the ground, and so on

Assaultive Behavior - An individual's direct actions that generates bodily harm to the officer(s) and/or another person(s).

Choke Hold- A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

Continued Resistance - An individual is maintaining a level of counteractive behavior that is not controlled with the officer's current level of force.

Deadly Force - The intentional use of a firearm or other instrument, the use of which would result in a high probability of death or great bodily harm.

Excessive Force - An intentional use of unreasonable physical force done in a sadistic or malicious manner. The application of which exposes an officer to civil suit, criminal liability, discipline or any/all of the above.

Great Bodily Harm - (WI State Statute 939.22) Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or any other serious bodily injury.

Non-Deadly Force - Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Objectively Reasonable - Amount of force an officer uses must be reasonably necessary to accomplish the law enforcement objective (USSC Case: Graham v. Connor 1989); to determine

whether force is objectively reasonable consider the following 3 factors: severity of the crime, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting or attempting to evade arrest by flight (all three need not be present in the determination).

Passive Resistance - Non-compliant, non-threatening behavior. An example would be a person who refuses to get out of a car when ordered to do so. The person is not fighting — he or she is simply not complying with orders. Protestors often use passive resistance as a political tactic, staging “sit-ins” to advance their agendas.

Reasonable Force - A physical act by a police officer in the performance of duty when it is used to accomplish a legitimate law enforcement goal and the level of force used is objectively reasonable considering the totality of the circumstances known to the officer at the time of the incident.

Vascular Neck Restraint – A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

EQUIPMENT DEFINED

Baton - Batons must be approved by the department DAAT instructor. Officers shall carry a baton while on duty and in uniform. Officers who have received training in the use of an expandable baton may carry same. A fixed length baton is also authorized.

Electronic Control Device - Electronic device that is designed to disrupt neuro-motor control allowing an officer to gain control of a resistive subject.

Firearm – If a firearm is not issued to the officer, Wisconsin State Fair Park officers are required to buy their own on-duty sidearms.

1. When on duty all officers shall carry a firearm authorized and approved by the Chief of Police.
2. The current authorized duty sidearm is a full frame 9mm, 40mm or 45mm pistol with a 3.8 to 4-inch barrel length.
3. Detectives or plain clothes officers are permitted to carry a smaller frame 9mm, 40mm, or 45mm pistol.
4. Officers shall carry their sidearm in a department authorized holster designed specifically for their specific sidearm.
5. The sidearm shall be carried with a round chambered and a full magazine. No extended magazines are permitted in your duty sidearm.
6. Officers shall report any problems with their pistols to a supervisor, whether department or personally owned. If necessary, the supervisor will take the firearm out of service, and until repaired by a department armorer, issue the officer a temporary sidearm.

7. All officers shall use the sidearm in a manner prescribed and trained by certified firearms instructors.
8. If a pistol is equipped with a tactical pistol flashlight, that flashlight will not be used as a primary light. The tactical pistol flashlight must be utilized in a holster specific to the use of the sidearm equipped with that specific tactical flashlight.
 - a) If you need to use the light, but you are not in a position that you need to utilize your weapon, remove the light from the weapon before using it.
 - b) The flashlight is meant to be used when circumstances, your experience and training can justify its use. Some examples may be building searches, or a high-risk traffic stop when you have deployed your pistol.
9. If a pistol is equipped with a red-dot sight, it must be utilized in a holster specific to the use of the sidearm equipped with a green-dot sight.

Less-Lethal Impact Munitions (LLIM) - Extended range impact munitions designed to control a violent or potentially violent subject and reduce the need to escalate to a greater force option.

Oleoresin Capsicum (OC) - A lachrymatory agent (a chemical compound that irritates the eyes to cause tears, pain, and even temporary blindness) commonly referred to as “pepper spray”.

Personally Owned Firearm – If not issued by the State, an officer may carry a personally owned sidearm approved by the Chief of Police. After January 25th, 2023, if an officer requests the purchase of a firearm, they will be required to carry firearms as listed in the Firearm definition of this section. Under no circumstances may an officer carry a personally owned shoulder firearm while on duty. Officers choosing to carry a personally owned firearm must utilize a firearm approved by the Chief of Police. **See Appendix B.**

Police Utility Knife - Fixed Blade: Knife has a fixed blade and a fixed handle.

Folding Blade Knife: The blade mechanically folds into the handle, also referred to as a pocketknife.

Tire Deflation Device (TDD) – Stop Stick or Stingers are the TDD used by the Wisconsin State Fair Park Police Department. Proper deployment occurs well ahead of an approaching target vehicle, with officers a safe distance from the contact yet in control of the device position via an attached cord reel. Teflon®-coated quills penetrate the tire and act as valves, releasing air at a safe, controlled rate.

USE OF FORCE (Act 75 §175.44)

The sanctity of human life. In serving the community, law enforcement officers shall make every effort to preserve and protect human life and the safety of all persons. Law enforcement officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner.

Use of force. When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to use force that is objectively reasonable based on the totality of the circumstances.

A. Duty to Report Noncompliant Use of Force

1. A law enforcement officer who, in the course of his or her law enforcement duties, witnesses another law enforcement officer use force that does not comply with “The Sanctity of Human Life” or “Use of Force” standards described above in the course of that law enforcement officer’s official duties shall report the noncompliant use of force as soon as is practicable after the occurrence of the use of such force.
2. The statutory requirement to report does not apply to an officer who learns about an event that he or she did not personally witness or is off duty at the time of the incident.
3. Each officer who witnessed the violation shall report the violation to their immediate supervisor verbally and then, if requested by your supervisor, in writing unless the officer’s supervisor is the person in violation. The report would then go to the next highest supervisor.
4. This verbal notification and/or written report, if asked for by a supervisor, shall be separate from the incident report and contain the related incident number, location, date, time, victim, officer violator, description of the noncompliant violation, witnesses to the violation and if any video evidence is available.
5. The report should be made as soon as possible after the noncompliant behavior occurred.

B. Duty to Intervene

1. A law enforcement officer shall, without regard for chain of command, intervene to prevent or stop another law enforcement officer from using force that does not comply with “The Sanctity of Human Life” or “Use of Force” standards described above in the course of that law enforcement officer’s official duties if all of the following apply:
 - a) The law enforcement officer observes the use of force that does not comply with “The Sanctity of Human Life” or “Use of Force” standards described above.
 - b) The circumstances are such that it is safe for the law enforcement officer to intervene.

2. A law enforcement officer who intervenes as required under par. (1.) shall report the intervention to his or her immediate supervisor as soon as is practicable after the occurrence of the use of such force. (Follow reporting procedure listed above).
3. The duty to intervene does not limit the duty to on-duty officers; it applies to officers regardless of duty status or location if it is safe for the law enforcement officer to intervene. Some safety issues for an off-duty officer might include but are not limited to:
 - a) Is the officer in his or her jurisdiction?
 - b) Is the officer in uniform or otherwise immediately identifiable as a law enforcement officer?
 - c) Is the observed use of force in the context of an ongoing tactical situation?
 - d) Is the officer's intervention likely to escalate the situation?

C. Whistleblower Protections

No law enforcement officer may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer reported, or is believed to have reported, any noncompliant use of force as required under A and B above; intervened to prevent or stop a noncompliant use of force as required under B above; initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a noncompliant use of force; or provided any information, or is believed to have provided any information, about noncompliant use of force as required under A and B above.

USE OF DEADLY FORCE

- A. Law enforcement officers are authorized to use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective to:
 1. Protect the officer or others from what is reasonably believed to be an imminent threat of death or great bodily harm.
 2. Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given, unless, due to tactical considerations, doing so would create more danger to the officer or others.

3. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.
- B. The department recognizes that there is no constitutional duty to attempt to use non-deadly alternatives where deadly force is otherwise justified under the constitution. Ref: Plakas v. Drinski 19 F.3d 1143 (7th Cir. 1994).
- C. Choke/Strangle Holds or Vascular Neck Restraints
1. The Department does not recognize, teach, or practice the application of choke/strangle holds (airway) or vascular neck restraints, also known as (blood chokes).
 2. The use of a choke/strangle hold or a vascular neck restraint is deadly force. A choke or neck restraint of any type would be a technique not trained but may be justifiable under special circumstances when all other viable alternatives have been eliminated and the officer fears great bodily harm or death could occur to him/herself, other officers or citizens.
- D. Officers may use a firearm to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured or ill. This is NOT considered deadly force as there is no loss of human life.

USE OF NON-DEADLY FORCE

- A. If deadly force is not authorized, officers may use only that level of force that is objectively reasonable.
- B. The Wisconsin Law Enforcement Standards Board (LESB) Defense and Arrest Tactics (DAAT) program dictate the following rules for “fighting”:
1. Be effective from the beginning
 2. Never spar with anyone
 3. Hit as hard as you can
 4. Attempt to create dysfunctions
 5. Get the confrontation over quickly
- C. Officers should not continue to use force, except mere physical restraint, after an individual has ceased to resist and has been secured.

D. Officers are authorized to use any department approved non-deadly force techniques and issued equipment where appropriate to:

1. Protect the officer or others, including the subject, from immediate physical harm where such harm has been implied, threatened, attempted, or is otherwise likely and the officer believes the person(s) has the ability to carry out the threat.

USE OF FORCE WHILE OFF DUTY

- A. The same criterion for the use of force applies regardless of if the officer using the force is on or off duty. However, off duty officers should take special care to ensure that all involved persons are aware of their police officer status when feasible.
- B. Off-duty officers should consciously evaluate whether [their] involvement is necessary or desirable, given the circumstances, and after determining the importance and urgency for officer intervention.
- C. Off-duty officers may go armed if in accordance with policy.

USE OF FORCE REPORT

- A. The following reporting guidelines shall be followed for “Use of Force” situations:
 1. Officers shall make an immediate verbal report to their supervisor following any use of force at a level of OC deployment or greater and shall file a written report. Officers shall not file a written report in the event of an Officer Involved Death Incident. The procedures found in Officer Involved Death Policy I7(G)(1).
 - a. Each officer who uses force at a level of OC deployment or greater in an incident shall submit a separate written report. This force need not be by use of a weapon, physical hand to hand force can constitute the need for a report.
 - b. When a firearm is discharged except in a training situation or for lawful recreational purposes. If an animal is dispatched legally, the officer does not have to do a report however it must be noted on the case comments.
 - c. When the action results in, or is alleged to have resulted in, injury of another person. In the event of death resulting from officer’s actions, the officer shall be removed from his/her line of duty assignment pending administrative review and will **not** complete a written report as stated in Policy I7, Officer Involved Death/Critical Incident.
 - d. Any officer who witnesses a use of force at a level of OC deployment or greater shall advise a supervisor and submit a supplemental report to the original incident report if that use of force did not result in death.

2. All Use of Force Reports shall contain a completed Use of Force Report form under the respective case. The shift supervisor will be responsible for making sure all paperwork is completed and sent to the proper personnel. The Use of Force Report is found under Policy F8a and shall be utilized in said instances.

POST FORCE AFTER-CARE

- A. Evaluation by EMS shall be provided as soon as the scene is secure whenever a person is injured as a result of force.
- B. Evaluation by EMS shall be provided if the secured combatant requests it.
- C. Any person subjected to Deadly Force shall be evaluated by emergency medical personnel.
- D. Any person subjected to passive or active countermeasures will be monitored by department personnel to ensure that the subject is not injured. The officer/supervisor will assess if medical attention is needed.
- E. Any person sprayed with O.C. shall be provided the opportunity to have their eyes flushed with water as soon as practical unless the subject refuses or continues to be resistive. If the person does not visibly improve after 45 minutes or the officer observes other problems and/or the person requests medical attention – call EMS.
- F. Any person placed in an incapacitating hold/technique shall be taken to a medical facility for evaluation prior to incarceration. Moreover, the jail personnel will be notified that an incapacitation technique was administered.
- G. Any person subjected to less lethal munitions shall be taken to a medical facility for evaluation prior to incarceration. EMS may be utilized for an on-scene evaluation if the combatant is cooperative.
- H. Any person exposed to an ECD shall have emergency medical personnel summoned if one or more of the following occur:
 1. The person is exposed to (3) or more cycles
 2. The person is exposed to (1) continuous cycle of fifteen (15) seconds or greater
 3. If a person has been subjected to more than one ECD simultaneously
 4. ECD probes have struck the head, groin, genitals, or female breasts. Officers in this case will not attempt removal of probes but rather allow EMS personnel to do so.

SUPERVISORY RESPONSIBILITIES

- A. The on-duty supervisor will be summoned and shall respond to any incident of the use of force beyond OC deployment on a priority basis. In any instance of use of force beyond OC deployment the supervisor will:
 - 1. Document the officer and suspect's statements of actions taken, injuries sustained, and medical treatment needed or desired.
 - 2. Identify witnesses as appropriate and complete investigation follow-up as necessary.
 - 3. Document, as necessary, the scene of the incident.
 - 4. Interview any health care provider concerning the injuries sustained and their consistency with the use of force.
 - 5. The supervisor shall submit to the Chief of Police a complete review of any use of force beyond OC deployment. The supervisor use of force report form can be found in Policy F8a, Use of Force Supervisor Form, and supplement it with any additional material as necessary.
- B. The responding supervisor will immediately notify the Chief of Police in cases involving serious injury - involving hospitalization, or death of a person resulting or allegedly resulting from an officer's use of force.
- C. The Chief of Police will review the appropriate reports relative to the incident, conduct such further investigation of the incident as may be deemed necessary to determine adherence to policy and procedures, and completeness of the report. Where further documentation or investigation is required, the Chief of Police shall notify appropriate personnel.
- D. The Chief of Police or his designee shall conduct a documented annual analysis of use-of-force incidents to identify trends that could reveal the need for training, equipment, or policy modifications.

PHYSICAL RESTRAINTS

- A. All persons in custody or otherwise restrained for safety should be so restrained using handcuffs with hands behind their back, palms facing outwards. There may be times where the subject is handcuffed in front such as someone with injuries not allowing their arms safely into a position behind their back. The reason for handcuffing a subject in front shall be documented in the officer's report.
- B. Multiple prisoners may be handcuffed together if there is an insufficient supply of

handcuffs available at the scene.

- C. Prisoners will not be handcuffed to any part of a vehicle during transport.
- D. Additional approved restraining devices may be used to secure a prisoner who violently resists arrest or who manifests mental disorders such that he/she poses a threat.
- E. The act of “hog tying” is strictly prohibited.

OLEORESIN CAPSICUM SPRAY (OC)

- A. All Officers will be trained in and certified for the use of OC by an Instructor, uniformed Patrol Officers will carry issued OC while on duty.
- B. Officers will maintain all OC spray devices in an operational and charged state. Replacements for damaged, inoperable, or empty devices are the responsibility of the officers to whom they are issued.
- C. Use of OC spray is permitted as a control alternative when either or both are present:
 - 1. The person demonstrates active resistance or the threat thereof.
 - 2. When it appears that mere physical restraint would be/is ineffective based on the totality of the circumstances.

INCAPACITATING AND STUNNING TECHNIQUES

- A. Officers may use the diffused strike or vertical stuns to cause immediate, temporary cessation of violent behavior. These techniques usually render the subject temporarily unconscious.
- B. These techniques fall under protective alternatives and may be used to overcome continued resistance, assaultive behavior, or their threats.

BATON

- A. All Officers will be trained in and certified for the use of baton by an instructor, uniformed Patrol Officers will carry a department approved baton while on duty.
- B. The main goal of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior.
- C. The intermediate weapon is classified under protective alternatives but may also be used as a control alternative depending upon the situation.

- D. The baton can serve as a deterrent as well—often simply the display of the baton as part of the officer's official presence will cause a subject to decide to comply rather than resist.
- E. Officers will take photographs of the impact area(s) on the body for documentation.
- F. Intentional baton strikes to the head/neck are deadly force. This is a technique not trained but may be justifiable under special circumstances when all other viable alternatives have been eliminated and the officer fears great bodily harm or death could occur to him/herself, other officers or citizens.

LESS LETHAL IMPACT MUNITIONS (LLIMS)

- A. LLIMS are classified as “extended range batons”. They may be utilized by officers in circumstances where protective alternatives (intermediate weapons) may be appropriate for resolving the situation and/or when the risk associated with closing the distance on the subject to take control makes other alternatives unsafe. When deploying LLIMS, our goal is to resolve a potentially violent situation with a minimal amount of force and the least likelihood of serious injury to all involved participants.
 - 1. Only officers who have met the department’s training requirements and bi-annual recertification for use of LLIMS are permitted to carry and deploy LLIMS.
- B. The department’s LLIM weapon is a 12-gauge shotgun marked with a blaze orange stock and fore-end. These shotguns will not be used for any other purpose. These shotguns are kept in the squad in the shotgun rack. While in the rack these weapons shall be in “squad ready” condition meaning no bean bag round in the chamber with the safety on. When an officer goes to utilize the weapon, he/she shall charge same with a bean bag round taking it from “squad ready” to “call ready”. The safety shall remain on until the officer needs to utilize the weapon. Upon completion of the call, if no deployment is made, the officer is responsible to take the shotgun from “call ready” back to “squad ready” replacing same in the rack with the safety on. If a deployment is made, the officer shall place the safety on and secure the shotgun in the squad car until a supervisor arrives.
 - 1. Prior to intended deployment or use of the LLIM weapon, officers should inform other police personnel in the immediate vicinity that LLIMS will be deployed. The command is “IMPACT!”
 - 2. Prior to deploying, a determination will be made regarding the need for a lethal cover officer. Such cover is required in cases in which the suspect possesses a weapon.
 - 3. LLIMS should be directed at subject target areas based on the totality of the circumstances.

4. Officers should collect all expended LLIMS. An inventory of LLIMS used and not used should be noted.
5. Officers will take photographs of the impact area on the body for documentation.

ELECTRONIC CONTROL DEVICES (ECD)

- A. ECD's are designed overcome active resistance or the threat thereof. Officers may include in the decision-making process regarding whether or not to use the ECD information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
- B. Only officers who have satisfactorily completed this agency's approved training course will be authorized to carry ECD's while on duty. Uniformed Patrol Officers shall carry ECD's while on duty. Officers will receive re-certification training annually, firing 2 cartridges.
- C. Officers shall inspect the ECD's before the start of their shift to ensure that the unit is working properly by completing a spark test.
- D. The device will be carried in a department approved holster. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
- E. Only agency approved battery power sources may be used in the ECD.
- F. The department approved ECDs are the Taser X-26 and Taser X-26P.

POLICE UTILITY KNIFE

- A. All officers may carry police utility knives (knife) as authorized by this policy. The knife is intended solely for the purpose of carrying out the general duties and designated specialized assignments of police operations; its use as a defensive or offensive weapon is authorized only in exigent circumstances. The type of knife carried is subject to the approval of the Chief of Police or his/her designee.
 1. The knife must be of such quality and design to withstand the rigors and job responsibilities of their assignment as determined by their commanding officer or unit supervisor.
 2. Knives shall be secured in either a scabbard (for fixed blades) or folded and secured. Knives shall remain concealed except for a scabbard or a clip.
 3. Any knife carried shall have the officers' initials engraved somewhere on the knife.

B. Prohibited Uses

1. Display a knife in any offensive or threatening manner without legitimate operational justification.
2. Carry a knife in any manner that shows the blade exposed. The blade is not to be displayed in any event other than an authorized deployment situation.
3. Carry the knife while handling prisoners in a custodial facility, except when needed for rescue, suicide prevention, or other authorized purposes as determined by supervisory officers.

C. Use as a Weapon

1. The police utility knife may be used in defensive or offensive capacities under exigent circumstances. Under such circumstances it shall be deemed a use of deadly force and proper Use of Force policies are to be followed.

D. Compliance with State Law

1. Both on and off duty officers shall comply with State law regulating carry. While on duty, all knives and methods of carry and concealment shall be subject to the approval of administration.
2. Officers are responsible for maintenance, safe storage, and use of his/her Police Utility Knife. Any on or off duty injuries must be reported to supervision.

E. Training

1. Training will be done during Field Training, In-Service Training and by Policy.

Motor Vehicle Procedures: Roadblocks, Blockades, Pursuit Intervention Technique (PIT) and Ramming

1. Roadblocks, blockades, tire deflation devices, Pursuit Intervention Technique (PIT) and ramming may be utilized in an attempt to apprehend a violator or person otherwise attempting to evade arrest or elude an officer, when all other reasonable means of apprehension have been exhausted, or the continuation of the pursuit may result in significant injury to the public, the officer, or the suspect.
 - a) Roadblocks or blockades without escape routes are considered deadly force and are considered Force to Stop techniques whereby the driver must stop or crash. (**Appendix C**)

- b) Roadblocks, blockades and the Pursuit Intervention Technique (PIT) with escape routes (a vehicle operating at a normal speed could maneuver through the roadblock or blockade safely) are considered Protective Alternatives to convince the driver to stop voluntarily.
(**Appendix C**)
- 2. Amount of Force: roadblocks, blockades, tire deflation devices, Pursuit Intervention Technique (PIT) and ramming procedures must be executed in such a manner that that if utilized do not constitute deadly force, unless deadly force is otherwise justified by the provisions of this policy.
- 3. Emergency Equipment: all State Fair Park squads utilized in setting up any type of blockade, or roadblocks shall have all appropriate available emergency equipment activated.
- 4. Safety: whenever a blockade, roadblock, Pursuit Intervention Technique/PIT, ramming, or tire deflation procedure is employed, it shall be established in a safe manner taking into consideration the safety of the officer, the occupants of the affected vehicle, the general motoring public and innocent third parties.
- 5. Ramming: ramming or forcing a fleeing vehicle off the highway is generally prohibited and should be considered in only the most extreme circumstances, and then only when all other reasonable methods of stopping the fleeing vehicle have been attempted.
- 6. Pursuit Intervention Technique (PIT): The Pursuit Intervention Technique known as PIT, is a controlled contact between a patrol unit and a pursued vehicle, executed at low speed. The technique is intended to cause the operator of a pursued vehicle to lose control of the vehicle and subsequently disable the vehicle.
 - a) The officer matches speed with the suspect, makes contact between the vehicles, and then steers his or her squad into the suspect vehicle. This maneuver causes the suspect vehicle to spin, while the officer is able to maintain control of the squad.
 - b) PIT is a specific technical maneuver that requires advanced practical training prior to use.
 - c) Because the completion of the PIT maneuver can cause the suspect to lose control of his or her vehicle, officers must carefully choose the location for executing it. There should be no other traffic or pedestrians that could be put at risk.
 - d) The pursuing officer must communicate with other officers his or her intent to

execute the PIT maneuver and the intended location, so that they can clear the area and be ready to assist if the suspect surrenders or crashes – or continues to flee.

TIRE DEFLATION DEVICES (TDD)

A. Tire deflation devices will be authorized in the below circumstances:

1. To assist in the termination of a pursuit.
2. As part of a roadblock.
3. To impede movement of a vehicle to prevent the escape of a suspect.
4. Only by department trained/certified users.

B. Deployment during a pursuit will be approved by a supervisor.

1. If a supervisor is not available, an officer may use their discretion to deploy the device, following trained procedures.

C. TDDs should not be used when the risk of use creates a greater danger than non-apprehension of a suspect.

1. Unless the suspect represents a threat to cause death or great bodily injury, TDDs shall not be deployed in areas including, but not limited to:
 - a. Special highly attended fair events.
 - b. A construction zone occupied by workers.
 - c. Occupied playgrounds or schools.
 - d. Steep embankments, curves or other physical obstacles that limit the officer's view or traffic and the approaching pursuit.
 - e. Occupied school or passenger buses (when occupied by passengers other than the suspect).
 - f. Vehicles transporting hazardous materials.

- g. Motorcycles, mopeds or similar two wheeled vehicles **unless the use of deadly force is justified.**
 - 2. Accurate and timely communication between officers and dispatchers is critical when using the TDD.
 - a. Pursuing units must notify the officers at the deployment site well in advance, while deploying officers must notify the pursuing units and dispatch when the units are in place.
 - 3. Any officer deploying a TDD will be responsible for the preparation of reuse, replacement, maintenance and storage of the TDD, and the collection of debris left at the scene.
- D. When deploying a TDD officer safety is paramount. Officers will attempt to utilize a location that provides safety and cover. Emergency lighting shall be turned off.
- Officers shall use a location that provides cover, such as:
- 1. Behind a large tree.
 - 2. Behind a bridge abutment.
 - 3. Behind any concrete barrier/guardrail.
 - 4. Behind any cover that will prevent you from being struck by the fleeing vehicle.
- If none of these types of cover are available, **do not** deploy the TDD. The emergency lighting system in the squad car should **remain off**. The squad should be positioned away from the area where the pursued vehicle path will be. **Do not** use the squad car as cover.
- E. After the suspect vehicle has passed and (if possible) prior to the passage of pursuing units, the TDD should be removed from the roadway. Officers will notify dispatch when the roadway is clear.
- 1. If the TDD cannot be removed in time after the target vehicle drives over them, pursuing officers should also drive over the TDD and not try any evasive maneuver to avoid them.
- F. Deploying officers shall document the use of TDDs in the written report.

1. Include damage to any vehicles that is caused by the device.
- G. If necessary, or as directed by a supervisor, property inventory and/or photograph used spike strips for evidentiary purposes.
- H. At an officer's discretion and as necessary, TDDs may be placed in the path of a stationary vehicle to prevent the escape of a suspect.

FIREARMS

A. Department Issued Weapon.

1. The department issued duty firearm (full frame Smith and Wesson M&P .40mm with a four-inch barrel) shall be carried with 2 extra magazines that shall be fully loaded with departmentally issued ammunition and carried in a departmentally authorized threat level II or higher hard-plastic, leather or leather-look alike holster and shall be immediately available at all times when the member is on duty and/or in uniform. Holsters shall be approved by the Chief of Police or his/her designee. Holsters must be specific and designated for the specific pistol carried.
 - a. Personally owned duty firearms are permitted while the officer is on duty when approved by the Chief of Police. Officers shall carry full frame 9mm, 40mm or 45mm firearms only with a barrel length of 3.8 to 4 inches.
2. Members may, if they choose to do so, purchase (at their own expense) their own off duty firearm with approval from the Chief of Police and/or his designee and upon successful training and annual qualification, carry the weapon off duty.
3. For personally owned firearms purchased, the member shall purchase at his/her own expense all accessories for the weapon including a threat level II or higher hard plastic, leather or leather look-alike holster, three magazines and a magazine pouch. Holsters must be specific and designated for the pistol carried. The Chief of Police must approve all accessories before they can be used on duty.
4. All sidearms shall be carried on the duty belt, officer's strong side, with a round in the chamber and full magazine. Pistols with safety de-cocking levers shall be on "safe" while in the holster. No cross-draw or load bearing vest holsters are permitted.
5. Rifles, while in the rifle rack of the squad, will be in "squad ready" condition. This means a fully loaded magazine with no round in the chamber and the safety on. When an officer utilizes the rifle on a call, he/she shall charge the rifle taking it from "squad ready" to "call ready" with the safety on. When the call is completed, and the rifle was not fired, the officer is responsible for making the rifle "squad ready" once again prior to placing it back in the rifle rack in the squad. If the rifle was fired the officer is to turn the safety on and secure same in the squad car until a supervisor arrives.

- a) If a rifle is equipped with a tactical flashlight, said flashlight shall not be used as a primary flashlight.
- b) The flashlight is meant to be used when circumstances, your experience and training can justify its use. Some examples of this may be a building search, or a high-risk traffic stop in which you have deployed the rifle.

B. Secondary Handguns.

1. A member must apply in writing to the Chief of Police in order to obtain authorization to carry while on duty a secondary handgun (**See Appendix B**). The Chief of Police reserves the right to deny members the authorization to carry a secondary handgun based upon, but not limited to any of the following:
 - a. Inadequate training with the proposed handgun.
 - b. The firearms having been deemed inappropriate due to caliber, size, or mechanical condition.
 - c. The method of carrying the weapon having been deemed by the Chief of Police as being unsafe or inappropriate for police service.
 - d. The member's failure to show proficiency with the proposed handgun.
2. Every aspect of these policies and procedures shall apply to the carrying on duty of authorized secondary handguns regardless of ownership, including the requirement to qualify annually with the specific secondary handgun and to surrender such handgun upon demand by the Chief of Police to the Department for examination or for other purposes.

C. Shoulder Fired Weapons.

1. The primary shoulder fired weapon is the departmentally owned and maintained .223/5.56mm caliber rifle. This weapon is loaded with departmentally approved ammunition and shall not be loaded with ammunition other than that provided by the Department.
2. Duty Officers, upon certification of training and qualification by a Department Firearms Instructor, shall be familiar with the departmentally owned .223/5.56mm caliber semiautomatic rifles carried in the squads. Duty Officers will first undergo a course of training determined by the Department Firearms Instructor and approved by the Chief of Police and then demonstrate proficiency with this weapon. All sworn personnel must receive a written directive and demonstrate their understanding of the

directive before being authorized to carry any firearm. All sworn officers may, if they choose, participate in semiautomatic rifle qualification training which is highly recommended by this agency.

3. No personally owned shoulder fired weapons are permitted while the officer is on duty.
4. The patrol rifle shall not be used beyond an officer's level of training.
5. Each squad has a patrol rifle in the squad. The chamber shall be empty, safety on and set on semi auto only "squad ready".

D. Possession of Firearm; On and Off Duty.

1. Officers on duty shall have in their possession and readily available the departmentally authorized firearm. Officers may carry a secondary handgun as defined in section B.
2. Officers are neither encouraged to, nor discouraged from the carrying of firearms while off duty. If the officer chooses to go armed while off-duty with a weapon other than their approved/issued duty weapon, the handgun needs to have been approved under **Appendix B**.
3. Off-duty officers should weigh the need to act with the benefit of calling on duty officers to intervene in a given situation. An officer's off-duty action(s) must be objectively reasonable in any given situation. All aspects of the situation should be taken into consideration when deciding on a course of action. In some instances, it may be more beneficial for an off-duty officer to be a good witness, rather than to make an attempt to detain or arrest.
4. Officers shall not consume intoxicating beverages while armed and are discouraged from being present while armed on premises where the main occupation is the sale or serving of intoxicating beverages.
5. Armed on duty officers working in an undercover capacity may find it necessary to consume intoxicating beverages as part of their "cover" but should not drink to a level of intoxication. This rare exception is the **ONLY** exception to officers drinking intoxicating beverages while armed.

E. Alteration of Firearms Prohibited.

1. No member may alter from its originally manufactured configuration, without the express consent of the Chief of Police, any firearm carried or used while on duty.

F. Weapon Mounted Light Systems.

1. Various weapon mounted lights may be authorized. Only weapon mounted lights approved by the Chief of Police will be authorized and must comply with the following:
 - a. The weapon mounted light is to be used only when the display and use of the weapon is appropriate. The weapon shall not be solely used as a flashlight under any circumstances
 - b. Officers using weapon mounted lights shall at all times have another flashlight available to them to use for illumination when light is needed and the display and/or use of the weapon is not imminent and/or appropriate.
 - c. Officers using weapon mounted lights shall be able to secure the weapon and light system in an approved holster when on duty and not in use.
 - d. This section does not apply to weapon mounted lights on shoulder fired weapons.

G. Authorized Ammunition.

1. Only ammunition supplied and issued by the Department shall be carried or used while on duty in any authorized firearm.
2. Only approved ammunition clearly stated on Appendix D shall be authorized for off-duty carry.

H. Registration Maintenance of Firearms, Inspection.

1. All department firearms and officer owned handguns intended for use in the performance of duty shall be registered with the DFI (Department Firearms Instructor) prior to being carried. The registration shall include the weapon type, description manufacturer, model, serial number, and name of the owner or assignee.
2. The DFI (Department Firearms Instructor) should visually inspect each firearm to be used prior to any firing session over which he/she presides. The firearm will be inspected for mechanical operation, cleanliness, and overall condition. Firearms found to be damaged or otherwise inoperable shall be removed from service until repairs can be made by a certified armorer or factory authorized technician. Additionally, on an annual basis all firearms used on duty will be inspected by an Armorer qualified to inspect the make and model of the firearm used by the employee. The DFI will maintain a record of each firearm approved for use.
3. No member should perform any repair or non-routine maintenance on any departmentally owned firearm without the express consent of the Chief of Police. Departmentally owned firearms shall be serviced only by a certified armorer or factory

authorized service technicians. If the member chooses to use a firearm they own for department use and the make is not one in which the Department provides and Armor for, it is the responsibility of said employee to incur all cost of maintenance and mandated yearly inspection.

4. Secondary handguns carried under section 3 (Secondary Handguns) of these Policies and Procedures shall be purchased and maintained at the expense of the member. The Department shall not be liable for the repair or replacement cost of any secondary handgun regardless of the circumstances of the damage or loss.
 5. During annual qualification, the firearms instructor will perform an ammunition audit of each member's on-duty weapon to ensure each of the 3 (or more) magazines are fully loaded. That information will make it to the Handgun Skill Evaluation Form under "comments".
- I. Use of warning shots are prohibited.
 - J. Notification of Firearms Discharge.
 1. Whenever an officer deems it necessary to discharge any firearm while on duty or while acting in an official capacity while off duty for any reason, he/she shall contact a supervisor as soon as possible.
 2. In the event of accidental discharge, the officer will immediately notify their direct supervisor and advise any officers in the immediate area of the accidental discharge. A supervisor will immediately respond to the scene to determine whether investigation is warranted.

DIRECTIVE FIRE

- A. The use of target specific directed fire should only be used accordingly to assist officers maneuvering across an open, unprotected area that is jeopardized by the suspect(s) deadly behavior.
- B. In extreme tactical situations, rifle and/or handgun fire may need to be used to suppress suspect(s) movement or engagement.
- C. It is employed to prevent a suspect(s) from observing officers and/or civilians and to prevent the suspect(s) from effectively using a weapon against them. When a sustained volume of accurate, directive fire is placed on suspect(s) locations to contain him/her, it can be effective even though the suspect cannot be seen.
- D. Effectively pinning the suspect(s) down behind cover reduces the ability for a suspect to deliver fire and allows friendly forces to move to a better position of safety.

E. The course of fire by the officer(s) should be:

1. Controlled and Deliberate.
2. Directed at a life endangering threat where the officer reasonably believes the threat is located.
3. Deployed when all other options are not feasible.
4. Directed at a target specific deadly threat area.

F. Directive fire should commensurate with officers and/or civilians moving out of (or through) the “kill zone” to a position of safety.

G. If officers are being engaged by a suspect(s), they should not attempt to move until directive fire is established.

H. Officers using directive fire will attempt to broadcast their intent to do so in order to prevent contagious fire.

TRAINING

A. Use of trained techniques are preferred; however, techniques not trained may be used as long as they fit the situation and the aforementioned guidelines laid out in this policy. Techniques may be dynamically altered on the street.

B. In addition to in-service training, officers may receive agency-authorized training designed to simulate actual use of force situations and conditions and, as otherwise necessary, to enhance officers’ discretion, judgment, and tactics in using deadly and non-deadly force in accordance with this policy. Less Lethal weapons training will be held biennially. Use of Force policies will be reviewed at least annually by any personnel authorized to carry weapons.

1. Firearms training shall be held as determined by the Department Firearms Instructor(s). Training does not necessarily construe a qualification, or even live-fire drills. Officers need to demonstrate knowledge of laws covering the use of weapons and knowledge of agency policy on all aspects of use of force.
2. Firearms qualification will be held annually. Officers who fail to qualify at the minimum level of proficiency shall receive additional training at the discretion of the DFI. If, after additional training, the member is still unable to qualify at the minimum levels, the matter shall be referred to the Chief of Police for further action. An officer who cannot show proficiency with their duty weapon will be removed from full duty until successful remediation has occurred.

3. All officers authorized to carry firearms other than their primary duty weapon (rifle, etc.) shall be required to qualify with each authorized firearm annually pursuant to Wisconsin Training and Standards Annual certification requirements. Officers need to demonstrate safe handling and proficiency of all approved weapons.
4. Qualification for off duty weapons will be held on an annual basis as required by Wisconsin Training and Standards Annual certification requirements. Officers who fail to qualify at the minimum proficiency shall receive additional training at the discretion of the DFI. If, after additional training, the member is still unable to qualify at the minimum levels, the matter shall be referred to the Chief of Police for further action.
5. The Department firearms instructors shall maintain a log of all firearms training, as well as weapons used by individual members during training periods.

K. Procedures – Range Conduct

1. The firearms instructor shall be in charge at all times when officers are on the firing line.
2. Only weapons and ammunition issued by the department shall be used during qualifications or if qualifying with off-duty weapons.
3. Officers waiting to shoot shall remain outside the immediate firing area.
4. Horseplay shall not be permitted on the firing range. Anyone engaged in horseplay shall be asked to leave the range, and the firearm instructor shall write a report to the chief of police detailing the circumstances.
5. The firearm instructor shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.
6. All sworn personnel are required to qualify on the firing range with the handgun he/she carry in their capacity as a police officer, either on or off-duty. Personnel must qualify at least once a year, for each weapon they may carry, successfully passing state requirements.
7. Officers who fail to qualify shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within thirty days of the original qualification shall be subject to administrative termination.
8. Before going to the shooting line, each officer shall wear approved

protection for eyes and ears.

9. All weapons and ammunition pouches shall be emptied within the firing range upon command and under supervision of the firearms instructor. The instructor shall instruct all shooters on range safety procedures before the range takes place.
10. Once weapons have been emptied, they shall remain in holsters until officers have taken positions on the firing line and the firearms instructor has given permission to load with ammunition.
11. Once a shooting phase has begun, weapons shall be kept pointed down range, and officers shall remain facing their target. An officer shall raise his/her hands to draw the instructor's attention if he or she misunderstands a command.
12. In case of a misfire, keep the weapon pointed down range for at least 10 seconds (in case of a delayed reaction) before removing a magazine and inspecting the chamber, as appropriate to the weapon. Never attempt to fire the next round without first having the firearms instructor check the weapon.
13. At no time shall anyone go beyond the firing line until it is safe, and then only when the firearms instructor gives the command.
14. Keep the trigger finger out off the trigger and outside the trigger guard until you have made the decision to fire.
15. With the chamber open, always check the weapon twice to make sure it is unloaded.

B. Patrol Rifle

10. Every Duty Officer must pass the recruit level patrol rifle qualification course before handling a department-owned rifle.
11. The qualification course shall include:
 - a. Knowing how to load and unload the rifle.
 - b. Firing at least 10 shots, some from different positions.
 - c. Officers shall be able to take apart, clean and reassemble the rifle.
12. The ammunition chamber shall be left open and the safety on until instructed by the firearms instructor to load or check the weapon.

United States Supreme Court (USSC) Cases cited:

Graham v. Connor, 490 U.S. 386 (1989)

Tennessee v. Garner 471 U.S. 1 (1985)

Plakas v. Drinski 19 F.3d 1143 (7th Cir. 1994)

Kenneth M. Pileggi
Chief of Police

01-25-2023
Date

Appendix A

Disturbance Resolution Model

1. Approach Considerations

a. Decision Making	Justification
	Desirability
b. Tactical Deployment	Control of Distance
	Relative Positioning
	Relative Positioning with Multiple Subjects
	Team Tactics
c. Tactical Evaluation	Threat Assessment Opportunities
	Officer/Subject Factors
	Special Circumstances
	Level/Stage/Degree of Stabilization

2. Intervention Techniques

Mode	Purpose
a. Presence	To present a visible display of authority
b. Dialog	To verbally persuade
c. Control Alternatives	To overcome passive resistance, active resistance, or their threats
d. Protective Alternatives	To overcome continued resistance, assaultive behavior, or their threats
e. Deadly Force	To Stop the Threat

3. Follow-Through Considerations

a. Stabilize	Application of restraints, if necessary
b. Monitor/Debrief	
c. Search	If appropriate
d. Escort	If necessary
e. Transport	If necessary
f. Turn-Over/Release	Removal of restraints, if necessary

Appendix B**ON/OFF DUTY WEAPON AND ON DUTY SECONDARY WEAPON**

OFFICERS NAME	
TYPE OF WEAPON	<input type="radio"/> OFF DUTY <input checked="" type="radio"/> SECONDARY
MAKE	
MODEL	
CALIBER	
SERIAL #	
MAGAZINE/CHAMBER CAPACITY	
AMMUNITION	
BRAND OR TYPE	
QUANTITY OF AMMUNITION CARRIED	
HOLSTER TYPE AND LOCATION CARRIED ON PERSON	
TRAINING EXPERIENCE	
LAST QUALIFICATION DATE	
LAST TRAINING DATE	
PERSONAL EXPERIENCE TIME WITH WEAPON	

CHIEF'S APPROVAL: _____**TRAINING SUPERVISOR APPROVAL:** _____**OFFICER'S APPROVAL:** _____

Appendix C

Intervention Option – Motor Vehicle

Mode	Tactic	Purpose
Presence	Authorized emergency vehicle	To present a visible display of authority
Dialogue	Emergency lights Siren Communication with dispatch Approach contact	To persuade
Control Alternatives	Multiple units Coordination of multiple units Use of tire puncture strips/barricades Channelization Non-approach contact	To overcome passive or active resistance, or their threats
Protective Alternatives	Pursuit Intervention Techniques Boxing in Roadblocks (allows for an escape route) High risk contacts (unknown)	To overcome continued resistance, assaultive behavior, or their threats
Deadly Force	Ramming Roadblock (no escape route) Shooting from a moving vehicle High risk contacts (known weapons/shots fired) Other means as a last resort	To stop an imminent threat