POLICY & PROCEDURE

OCONTO FALLS POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: All Sworn Personnel
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statutes: 66.0511, 165.845, 175.44, 939.22(14), 939.45, 939.48, and Chapter 941; DAAT Incident Response and Disturbance Resolution Model, 2021 WI Act 82

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PURPOSE: The purpose of this Policy & Procedure is to establish policies and procedures for the Oconto Falls Police Department regarding: the use of force and identifying the responsibilities of officers using force or after it has been used; to provide guidance to officers when persons become injured due to the use of force by an officer; and to provide guidelines for officers for the reporting and review of any officer-involved critical incident.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. DEFENSIVE AND ARREST TACTICS (DAAT)

IV. USE OF FIREARMS

V. USE OF VEHICLES - BLOCKADES, BARRIERS, AND RAMMING

VI. USE OF NON-DEADLY FORCE

VII. USE OF RESTRAINTS

VIII. FOOT PURSUITS

IX. RENDERING MEDICAL AID

X. REPORTING THE USE OF FORCE

XI. PUBLIC ACCESS TO POLICY & PROCEDURE

XII. WHISTLEBLOWER PROTECTIONS

I. POLICY

A. It is the policy of the Oconto Falls Police Department that when serving the community, Officers make every effort to preserve and protect human life and the safety of all persons. Officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner. When using force, Officers are required to act in good faith to achieve a legitimate law enforcement objective. Officers are authorized to use force that is objectively reasonable based on the totality of the circumstances, including: the severity of the alleged crime at issue, whether the suspect poses an imminent threat to the safety of law enforcement officers or others, and/or whether the suspect is actively resisting or attempting to evade arrest by flight. Officers may include in their decision to use this force option, information known to the officer(s) at the time of the incident or conduct or statements by the subject or a prior history of resistive or assaultive behavior.

A law enforcement officer may 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. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

1. All sworn Officers are required to follow the State of Wisconsin's Law Enforcement Training and Standards' system of Defensive and Arrest Tactics when making all use of force decisions.

2. Officers shall use only force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others.

3. Any person injured through the use of force by one of its officers, shall receive medical aid for such injuries.

4. It is the responsibility of any officer who uses physical force or any of the enumerated weapons, items or devices indicated below to complete an Incident Report on the incident involved and to specifically note the circumstances necessitating, and manner of, such use of force.

5. All cases where force is used shall be reviewed by the Chief of Police on a documented annual basis.

II. DEFINITIONS

A. DEADLY FORCE: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

B. DEFENSIVE AND ARREST TACTICS (DAAT): A system of verbalization skills coupled with physical alternatives.

C. DE-ESCALATION: An officer's use of time, distance and relative positioning in combination with Professional Communication Skills to attempt to stabilize a situation and reduce the immediacy of threat posed by an individual.

D. CONDUCTED ENERGY WEAPON (CEW): A less lethal force weapon that causes electro-muscular disruption to a combative, violent, or potentially combative, violent subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.

E. GREAT BODILY HARM: "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 other serious bodily injury." WI State Statute 939.22(14)

F. NECK RESTRAINT: an action taken by the use of any force or device to the neck area to restrain a person, including but not limited to:

1. Choke Hold means the intentional and prolonged application of force to the throat, windpipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces blood flow to the head.

G. NON-DEADLY FORCE: That amount of force which does not meet the definition of deadly force, but which is an amount of force which, in normal circumstances, can cause bodily harm.

H. POST TRAUMATIC STRESS DISORDER: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

I. REASONABLE FORCE: That force which an ordinary, prudent, and intelligent person with the same knowledge of the particular situation as the officer would deem necessary.

III. DEFENSE AND ARREST TACTICS

A. The Department adopts the Defensive and Arrest Tactics System DAAT). This is a system designed for all police officers for the primary purpose of self-defense.

This system includes the Incident Response and Disturbance Resolution Models which provide general guidelines that define the degree and type of force to be used in controlling suspects. All Officers shall be trained in the DAAT system per State of Wisconsin Training and Standard Bureau standards.

1. An officer shall only use that amount of force which is objectively reasonable to gain control in the performance of his/her law enforcement duties.

2. Under no circumstances shall an officer continue to use force (except mere physical restraint) against an individual who has ceased to resist.

3. When an individual only offers passive resistance to arrest, the officer shall bodily remove and transport such an individual with as much regard to the individual's safety and welfare as reasonable, practical, and possible.

4. When utilizing the Disturbance Resolution Model, the officer must use only that force which is reasonably necessary in reacting to other people's behavior by escalating or de-escalating through the Intervention Options.

5. Use of Force Training including policy and legal updates will be conducted annually and will include various control techniques.

B. De-escalation

1. The concept of de-escalation involves an officer's use of time, distance, and relative positioning in combination with Professional Communication Skills to attempt to stabilize a situation and reduce the immediacy of threat posed by an individual. The merging of Professional Communication Skills such as Crisis Intervention, and sound tactical positioning can be instrumental in generating the needed time, options, and resources to gain willful cooperation and ensure everyone's safety.

2. DONE- Danger, Overriding Concern, No Progress, and Escape- There are many circumstances in which de-escalation is not applicable to a situation and the Professional Communication Skill concept of DONE offers examples and guidance. The acronym DONE stands for Danger, Overriding Concern, No Progress, and Escape.

a) Danger- Something has occurred that negatively effects the commodities of time, distance, and positioning making de-escalation not possible. Ex- When officers are making contact with the subject who is armed with a knife, he suddenly charge the officers forcing them to escalate.

b) Overriding Concern- An event occurred that has changed the priority and has drastically influenced the outcome of this situation and placed officers in a position to use force. Ex-Officers are talking to a subject armed with a knife and an innocent bystander has walked into the situation and the subject's closes the distance with them.

c) No Progress- Officer's attempts to gain rapport with the subject and it isn't working. Ex- Officers are talking to a suspect who ignores their dialog and closes the distance on them.

d) Escape- The officers' relative positioning and limited distance does not allow them the ability to regain safe distance and positioning (escape) to continue de-escalation efforts.

Example-The subject moves towards the officers and puts them into a position where they can't escape.

C. Incident Response Model: all officers shall follow the most current version of the Incident Response Model adopted by the State of Wisconsin DAAT Advisory Committee.

D. Disturbance Resolution Model: all officers shall follow the most current version of the Disturbance Resolution Model adopted by the State of Wisconsin DAAT Advisory Committee.

IV. USE OF FIREARMS

A. Sworn personnel are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes and exemptions granted under various statutes found in WI. Statutes: Chapter 941. Officers must also follow the requirements set forth in Policy & Procedure 12.01: Firearms and Ammunition.

B. Officers may display Department authorized firearms when they have reasonable suspicions to believe that the use of deadly force may be necessary. Officers need not be under attack, but only be reasonably apprehensive that the situation may lead to circumstances outlined in the Use of Deadly Force section of this Order. Department authorized firearms should not be displayed under any other circumstances.

1. This section is intended to allow the officer to have the firearm ready in circumstances such as answering a silent alarm or confronting a suspect whom there is reasonable suspicions to believe may be armed, or any other situation which may cause the officer to have reasonable fear for his/her life.

C. Whenever safety permits and time allows, officers shall identify themselves and state their intent to shoot prior to using a firearm. Officers are to fire their weapons to stop an assailant from completing a potentially deadly act. The primary target is the central nervous system, to stop the threat and to minimize danger to innocent bystanders.

D. Firearms shall not be discharged when it appears likely that an innocent person may be injured unless failure to discharge will result in the greater danger exception. The greater danger exception allows you to shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.

E. A warning shot should not be fired, however if an officer does fire a warning shot, he/she will need to justify the reason(s) for doing so in a written report.

F. Officers should not discharge a firearm at or from a moving motor vehicle except as the last measure of self-defense of oneself or another, and only then if the officer believes that the suspect has or is intent upon causing death or great bodily harm to oneself or another person.

If this decision is made, consideration must be given to the safety of innocent bystanders and possible innocent passengers in the vehicle.

G. An officer may also discharge a firearm under the following circumstances:

1. During range practice or competitive sporting events.

2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

H. Prior to being authorized to carry a firearm on duty for the Department, officers must meet the following three requirements:

1. Officers shall receive training in the safe handling and operation of Department issued and authorized firearms. Officers must demonstrate their understanding of Department Policy & Procedures and state laws pertaining to deadly weapons and the use thereof.

2. Officers must be certified by the State of Wisconsin in the use of firearms.

3. Officers must qualify with a Department Range Officer.

V. USE OF VEHICLES-BLOCKADES, BARRIERS, AND RAMMING

A. The following may only be employed by an officer if, and only if, the use of deadly force would be authorized:

1. The use of blockades or roadblocks constructed by placing obstacles (including but not limited to police vehicles) of such density and mass upon a roadway that any vehicle colliding with them would be so severely decelerated that its occupants would likely suffer death or serious injury.

2. Ramming of a suspect/evader vehicle by a police vehicle.

3. Forcing a suspect/evader off the roadway or highway and/or into another object by the use of a police vehicle.

4. Also refer to Policy & Procedure 6.03: Vehicle Pursuits.

VI. USE OF NON-DEADLY FORCE

A. An officer shall use only the amount of force that is reasonably necessary to perform his/her duties. The amount of force which may be employed is determined by the circumstances of a situation, including, but not limited to:

1. The nature of the incident of offense.

2. The behavior of the subject against whom force is to be used, actions by third parties who may be present.

3. Physical conditions.

4. The feasibility or availability of alternative actions.

B. The reasonableness of the force used will be judged in the light of the circumstances as they appeared to the officer at the time he/she acted, and not as they appear from a subsequent, more thorough knowledge of the circumstances.

C. Under no circumstances may an officer continue to use force (except for physical restraint) against an individual who has ceased to resist, escape, or otherwise violate the law.

The officer making an arrest has the right to use only that amount of force reasonably necessary to affect the arrest and maintain control of the arrested individual.

D. Officers may use reasonable force to:

1. Overcome an offender's resistance to or threat to resist a lawful arrest.

2. Prevent the escape of an offender or arrested person.

3. Protect a third person from bodily harm or death.

4. Protect himself/herself from bodily harm or death.

E. When an individual offers only passive resistance to arrest, an officer shall take such person into custody and transport such individual with as much regard to the individual's safety and welfare as is reasonable, practical and possible.

F. Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with the law and Department policies. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and may subject the officer to disciplinary action.

G. An officer who witnesses another officer using force in excess of that permitted by law, training, WI. State Statue 175.44, and/or this Policy & Procedure must intervene and stop the prohibited use of force when circumstances are such that it is safe for the Officer to intervene. The officer shall also report such use of force to a supervisor immediately. If the offending officer is their supervisor then the reporting officer will report the incident to the next supervisor in the chain of command.

Subsequent written notification to the Chief of Police shall be made prior to the end of shift and include the date, time, and place of the occurrence, the identity if known, and description of the participants, and a description of the events and the force used.

H. Use of Less Lethal Weapons. Refer to Policy & Procedure 5.02: Use of Less Lethal Weapons.

I. Use of Force to Enter Private Property (Also refer to Policy & Procedure 1.10:

Arrest Procedures).

1. In lawfully entering the land of another to make a felony arrest (not for a misdemeanor or ordinance arrest), an officer may use force reasonably believed necessary against persons on that land. An officer may use force to break and enter a fence, enclosure dwelling or other building.

2. Prior to forced entry into a building, the officer should knock on the door announcing that he/she is a police officer unless such announcement is known to be futile.

   He/she should announce that he/she is there to make an arrest and demand that the person inside open the door. Only after a reasonable period of time should the officer enter the door without it being opened from the inside. If an officer does break in, he/she should try to do as little damage as possible.

3. There are exceptions to the above policies where police officers may enter without announcement and demand to make a lawful arrest. This occurs when an officer has good reason to believe that an announcement may:

   a) Help the suspect to escape.

   b) Endanger persons.

   c) Result in the destruction of evidence.

4. When executing a search warrant, officers should first secure the area, and then enter the property.

VII. USE OF RESTRAINTS

A. It should be understood that for the protection of both the person being restrained and the officer, use of restraints, such as handcuffs, reduces the likelihood of a struggle resulting in a possible injury to the offender, the officer, or both.

B. An officer may use restraining devices in order to:

   1. Maintain control of subject.

   2. Prevent escape.

   3. Protect him/her or others.

C. An officer should never use restraining devices as punishment.

D. The use of neck restraints by personnel of the Oconto Falls Police Department is prohibited unless the situation requires the use of deadly force that would be justified.

E. It is the policy of the Department that *all persons placed in protective custody or*

under arrest shall be properly handcuffed, except in the case of cooperative, non-threatening persons, where such decision shall be at the officer's discretion.

F. It is the policy of the Department to use handcuffs or restraining devices during all transportation, except in the case of cooperative, non-threatening persons, where such decision shall be at the officer's discretion. The following use procedures are provided:

1. The officer should use Departmentally-approved restraints.

2. Handcuffs should be applied to the person's wrists behind his/her back unless not physically possible, or other factors exists, such as:

   a) Other restraining equipment is in use, i.e., belly chains.

   b) Conditions exist that make it unreasonable or impossible to place handcuffs behind the subjects back. In all such cases the officer should detail in his/her written report the unusual circumstances that existed and what alternative restraining device or techniques was used.

3. Handcuffs should be double-locked upon placement on the person in order to negate any attempted tampering by the person and to assure that accidental tightening of the cuffs cannot occur.

4. Handcuffs should be closed to a firm contact with offender's skin, but not so tightly as to produce pain, although one may expect comments as to discomfort.

5. Handcuffs should not intentionally be closed so tightly as to cause physical injury to the person.

6. Handcuffs (or any other restraining device) should be removed from the person upon arrival at a secure area within the Department, or upon transfer of custody to a responsible party. This procedure will not be affected should such removal be likely to result in physical harm to the offender, officers, or other person.

7. Handcuffs should not be used when it appears likely that the person's wrists or hands are too small, or for some other reason which would negate the restraining effects of handcuffs. In such circumstances, flex cuffs or other restraints will be used.

8. *The use of handcuffs should not be viewed as an absolute provision of safety*. Officers should continue to exercise all due care as to the safety and custody of prisoners.

G. Handcuffing Prisoners Being Transported.

1. *Prior* to any transportation of persons in custody, they should be searched for weapons.

2. Subjects should be handcuffed behind the back. The following factors, among others, may be taken into consideration in choosing alternate means of restraints:

   a) Other restraining equipment is in use, i.e., belly chains. Handcuffs may be used in front of the body when the prisoner is wearing a garment with a belt through which the handcuffs may be laced to securely pin the hands to prevent flailing about.

   b) Conditions exist that make it unreasonable or impossible to place handcuffs behind the subjects back. In all such cases the officer should detail in his/her written report the unusual circumstances that existed and what alternative restraining device or techniques was used.

3. Prisoners should be placed in a police vehicle so that seat belts may be secured about the prisoner in order to enhance their safety during transportation. Also refer to Policy and Procedure 7.01: Search/Transport of Detainees.

4. *The use of handcuffs should not be viewed as an absolute provision of safety.* Officers should continue to exercise all due care as to the safety and custody of prisoners.

H. Exceptions to Handcuff Requirements.

1. Officers should always handcuff unless the officer can articulate exceptional circumstances.

2. Officer discretion may be used in the following circumstances when deciding not to handcuff.

   a) Persons who are temporarily incapacitated, such as by a serious wound to the lower arms, hands, etc. or a woman in an advanced stage of pregnancy, etc.

   b) Juveniles who are either very young, or whom the officer has personal knowledge of, and as such, determines that the use of handcuffs is not an appropriate action.

3. All officers shall receive defensive tactics training in accordance with Wisconsin Training and Standards guidelines.

VIII. FOOT PURSUITS

A. An officer's decision to pursue on foot shall be made with an awareness and appreciation for the risk to the officer and others who may be exposed.

In deciding whether to initiate or continue a foot pursuit, officers shall also consider the following risk factors:

1. The severity of the incident and/or offense to which the officer is responding.

2. Officer/suspect factors regarding skill level, age, size, and strength of the fleeing suspect.

3. Availability of immediate assistance.

4. Geography familiarization and orientation.

5. The necessity of the pursuit based upon whether the identity of the suspect is known or can be determined permitting apprehension at a later time.

6. Whether the person being pursued poses a threat or harm to the public beyond the act of fleeing the officer, if not immediately apprehended.

7. When the foot pursuit enters a building, structure, confined spaces, wooded or otherwise isolated areas without sufficient backup; the officer should consider setting up a perimeter and waiting for additional officers.

8. Consider perimeter and await back-up officers.

B. The foot pursuit should be discontinued when the following risk factors develop:

1. The threat of harm to the officer or the fleeing suspect outweighs the necessity for immediate apprehension.

2. Inability to maintain radio contact with communications center.

3. Riotous or unsafe environment.

4. Termination of pursuit is directed by a supervisor.

IX. RENDERING MEDICAL AID

A. Treatment of Persons Injured Through the Use of Force

1. Persons subject to the use of force shall be observed to detect obvious changes in their physical or mental condition and administer first aid if required.

2. Summon appropriate medical aid, if necessary.

3. If necessary, or requested by the injured subject, the injured person/s is/are to be transported by ambulance to the most quickly acceptable medical facility for proper treatment.

4. During the time awaiting treatment and during the treatment activities, the officer should maintain security.

5. The injured person is to remain handcuffed during treatment unless the

handcuffs interfere with such treatment. Should medical treatment require removal of handcuffs, the officer should request that restraints be used by hospital personnel.

If medical treatment requires the removal of handcuffs and hospital restraints are not authorized or utilized, the officer/s should maintain close physical proximity to the subject and determine the appropriate level of control and/or restraint use with hospital personnel and security staff based on officer/subject factors, degree of subject's injuries, the possibility of behavior changes of intoxicated and/or drug impaired subjects, and the subject's level of cooperation with officers and hospital personnel.

6. The officer is to remain with the injured person at all times during the hospital stay unless the injury is so serious that escape is not physically possible.

7. If it is determined that the injured person needs to be admitted to the hospital for additional treatment or a hospital stay, the officer will contact his/her immediate supervisor and coordinate efforts with hospital personnel in order to determine what level of monitoring will be required.

8. If the injured person is to be released from the Emergency Department following medical evaluation and treatment the officer will notify the appropriate detention facility of the nature of the subject's injuries as well as providing them with any medical discharge instructions or paperwork, if applicable.

X. REPORTING THE USE OF FORCE

A. A report will be required when any an officer is forced to use any of the following:

1. Firearms: discharging or pointing of any firearm.

2. Conducted Energy Weapon (CEW).

3. Baton or kinetic energy impact projectiles: use in striking, blocking or pushing of any person.

4. Chemical agents: use of any chemical agent.

5. Physical force: striking, punching, pushing or restraining any person.

6. Oleoresin capsicum: use of any pepper gas aerosol.

B. The officer involved shall orally advise his/her supervisor of the use of force and the underling facts justifying his/her use of force as soon as possible.

C. The officer involved shall make a written report/statement as to the underlying facts and the reasonableness, as perceived by the officer, justifying his/her use of force.

D. If the discharge of the weapon or use of force causes injury or death or great bodily harm, the supervisor shall notify the Chief of Police or designee as soon as possible.

E. The supervisor, as soon as possible during the investigation, shall forward all reports of the investigation to the Chief of Police.

F. Whenever an officer uses force in the performance of his/her duty, he/she shall indicate in the report of the incident the use of the force and the circumstances and justification for its use.

G. All use of force reports shall be forwarded to the lead DAAT instructor and a copy will be filed with the Chief or designee.

H. Post use of force removal from duty.

1. An officer(s) whose actions or use of force results in a death or serious physical injury shall be placed on administrative leave or desk duty by the Chief of Police or his/her designee during the investigation of the incident and/or until such time as the incident investigation or administrative review is completed.

a) The officer shall be available for Departmental interviews and statements regarding the incident and subject to recall to duty.

I. Post use of force review

1. The Chief or designee may conduct a documented review of the use of force reports to determine any policy issues, training or weapons/equipment deficiencies, or disciplinary matters that require attention or any type of future action.

J. The Department will forward information related to the National Use-Of-Force Data Collection-FBI program to the Wisconsin Department of Justice. Additional information regarding this program can be found at the Wisconsin DOJ, Bureau of Justice Information and Analysis.

1. In addition, the Department shall supply additional information regarding the use of force to the Wisconsin Department of Justice, in their format that is specific to the language in Wisconsin State Statute 165.845.

K. In addition, per 2021 WI Act 82, effective November 8th, 2021, all Use of Force Reports involving each Department member shall be included in that member's employment file. Also refer to Policy & Procedure 2.07: Performance Evaluations.

XI. PUBLIC ACCESS TO POLICY & PROCEDURE

A. Pursuant to WI State Statute 66.0511(2), the Department shall:

1. Make this Policy & Procedure publicly available on a web site maintained by the Department, or if the Department does not maintain its own site, on a web site

maintained by the municipality over which the Department has jurisdiction.

a) If the Policy & Procedure is changed, the Department shall ensure the web site displays the updated information as soon as practically possible but no later than one year after the change is made.

2. Prominently display a means of requesting a copy of this Policy & Procedure. If a person requests a copy, the Department shall provide a current copy free of charge as soon as practically possible but no later than 3 business days after the request is made.

XII. WHISTLEBLOWER PROTECTIONS

A. 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 in WI State Statute 175.44; intervened to prevent or stop a noncompliant use of force as required in the Statute; 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 in the Statute.

Brad Olsen
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 08/20/2026