



USE OF FORCE

PURPOSE:

The purpose of this Policy is to establish policies and procedures regarding the use of force, and to identify the responsibilities of officers when using force or after it has been used.

I. POLICY

- A. The Barron Police Department recognizes and respects the value and special integrity of each human life. Investing police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another. Deadly force shall never be resorted to until every other reasonable means of apprehension or defense is deemed likely to be ineffective (preclusion).

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. **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.
- C. **NON-DEADLY FORCE:** That amount of force which does not meet deadly force, but which is an amount of force which, in normal circumstances, can cause bodily harm.
- D. **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.
- E. **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.
- F. **DEFENSIVE AND ARREST TACTICS (DAAT):** A system of verbalization skills coupled with physical alternatives.

III. DEFENSE AND ARREST TACTICS

- A. The Barron Police Department adopts the Defensive and Arrest Tactics System. 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 Barron Police Officers shall be trained in the DAAT system per State Training and Standard Bureau standards.
1. An officer should only use that amount of force which is necessary and reasonable 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 the minimum necessary force in reacting to other people's behavior by escalating or de-escalating through the Intervention Options.
 5. Use of Force Training will be conducted annually and will include various control techniques.
- B. Incident Response Model: The following is the Incident Response Model adopted by the State of Wisconsin DAAT Advisory Committee 01-16-02.

INCIDENT RESPONSE

R-Report *Become aware *Plan response *Arrive/Assess *Alarm/Inform

E-Evaluate *Look for dangers *Determine backup needs *Enter when appropriate/tactically sound

S-Stabilize *Subject(s) *Scene

P-Preserve *Life-Conduct an initial medical assessment (as trained) – Treat to level of training – Continue to monitor the subject(s) *Evidence

O-Organize *Coordinate additional responding units (if necessary) *Communicate with dispatch and others *Organize the collection of evidence (if appropriate)

N-Normalize *Provide long-term monitoring (as appropriate) *Restore scene to normal *Return radio communications to normal

D-Document/Debrief *Debrief self, other responding personnel, subject(s), other persons *Document incident appropriately

C. Disturbance Resolution Model: The following is the **Disturbance Resolution Model** adopted by the State of Wisconsin DAAT Advisory Committee 04-19-05.

1. APPROACH CONSIDERATIONS

- a. Decision-making Justification, Desirability
- b. Tactical Deployment Control of distance, Positioning Team Tactics
- c. Tactical Evaluation Threat assessment opportunities, Officer/subject factors, Special circumstances, Level/stage/degree of stabilization

2. INTERVENTION OPTIONS

a. Which mode you choose in a given situation depends on your tactical evaluation and threat assessment. Note that the same tactic may, depending on the circumstances and the purpose for which it is used, fall into more than one mode. The criterion is whether the level and degree of force is objectively reasonable. Five fundamental principles apply:

- (1) The purpose for use of force is **to gain control** in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable, rather than use of physical force.
- (2) You may initially use the level and degree of force that is reasonable through the Intervention Options. As the situation dictates, you may move from any mode to any other if you reasonably believe that a lower level of force would be ineffective.
- (3) At any time, if the level of force you are using is not effective to gain control, you may disengage and/or escalate to a higher level of force.
- (4) Once you have gained control of a subject, you must reduce the level of force to that needed to maintain control.
- (5) You should maintain a position of advantage when possible.

b. The five modes each serve a different purpose and include different tactics and techniques.

<u>Mode</u>	<u>Purpose</u>
(1) Presence:	To present a visible display of authority
(2) Dialog:	To verbally persuade
(3) Control Alternatives:	To overcome passive resistance, active resistance, or their threats
(4) Protective Alternatives:	To overcome continued resistance, assaultive behavior, or their threats
(5) Deadly Force:	To stop the threat

(1) **Presence:** The first mode, Presence, reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is to "present a visible display of authority", the simple presence of an officer in uniform or otherwise identified may be enough to prevent people from starting or continuing to behave aggressively or otherwise create a disturbance.

- (2) **Dialogue:** The second mode, Dialogue, covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to persuade subjects to comply with an officer's lawful directives. The specific techniques used are covered extensively in Professional Communication Skills.
- (3) **Control Alternatives:** The third mode, Control Alternatives, includes a wide range of tactics and tools for controlling subjects. These are divided into four groups: escort holds, compliance holds, control devices, and passive countermeasures. This mode includes both empty-hand techniques such as applying an escort hold or directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called "pepper spray," and Conducted Energy Weapon's (CEWs). The common thread is that all these tactics and tools are used to control subjects who are resisting or threatening to resist.

The mode of Control Alternatives includes four tactics/tools:

- Escort Holds
- Compliance Holds
- Control Devices (OC spray, CEW's)
- Passive Countermeasures

The goal of control devices (OC spray and CEW's) is to overcome active resistance or its threat. Active resistance, unlike passive resistance, involves a subject who is physically counteracting an officer's control efforts under circumstances in which the behavior itself, the environment in which the behavior occurs, or officer/subject factors create a risk of bodily harm.

The criterion of active resistance or its threat means that in general, control devices would not be appropriate to use against verbal aggression, against young children and elderly persons, and against persons engaged in peaceful civil disobedience-unless reasonably justified by the circumstances covered in Approach Considerations.

Verbal Aggression – Verbal aggression occurs when a suspect is being argumentative, and/or confrontational with an officer. While this behavior alone can be difficult for an officer to deal with, Professional Communication skills are the preferred method. However, if arbitration is unsuccessful (REACT), and an officer/subject factor comparison dictates lesser levels of force would be ineffective, then a control device could be a viable alternative.

People who are running away - In the case of a fleeing subject, the fact that the subject is fleeing should not be the sole justification for use of a control device. Before deploying a control device in this case, an CEW would be a better choice than OC spray) on a suspect fleeing by foot, officers must assess the situation and determine if the use of the control device would be reasonable using the following criteria:

- The severity of the alleged crime at issue.
- Whether the suspect poses an imminent threat to the safety of officers and/or others.
- Whether the suspect is actively resisting or attempting to evade by flight.

(4) Protective Alternatives: Protective Alternatives is the fourth mode in Intervention Options. As the name implies, these interventions are designed to protect officers in situations when they face subjects continuing to resist or threatening to assault. The overall purpose is to overcome continued resistance, assaultive behavior or their threats. Continued resistance means that an individual is maintaining a level of counteractive behavior that is not controlled with the officer's current level of force. Assaultive behavior occurs when an individual's direct action generates bodily harm to the officer(s) and/or another person(s).

The mode of Protective Alternatives includes three tactics:

- 1) Active Countermeasures
- 2) Incapacitation Techniques
- 3) Intermediate Weapon

Note that these tactics may also be used as control alternatives, depending on the situation. For example, a jab with a baton (an intermediate weapon) may be used to prevent a person from pushing into a room while officers are interviewing a victim of domestic violence. In that situation, the baton would be used as a Control Alternative rather than a Protective Alternative. Remember that Intervention Options are just that - options, officers will choose the appropriate option depending on the totality of the circumstances.

Active Countermeasures -- The purpose of active countermeasures is to create a temporary dysfunction of an actively resistive or assaultive subject. The goal is to interrupt the subject to the ground for stabilization, handcuffing, and other follow-through procedures.

Active countermeasures include two categories of techniques:

- 1) Vertical stuns
- 2) Focused strikes

Incapacitating Techniques – The goal of incapacitating techniques is to cause the immediate, temporary cessation of violent behavior. One such technique is taught in the DAAT system: the Diffused Strike. Like the Vertical Stun, the Diffused Strike disrupts nerve impulses to the brain. Unlike the Vertical Stun, however, the effect is usually greater, rendering the subject temporarily unconscious.

Intermediate Weapon – The goal of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior.

Intermediate weapons include a variety of impact and other weapons designed to impede subjects. The intermediate weapon included in the DAAT program is the straight baton. The baton-either a wood or plastic fixed-length baton or a metal expandable baton-is an impact weapon.

While Wisconsin law (939.45 Wis. Stats.) affords officers the protection of privilege "when the actor's conduct is a reasonable accomplishment of a lawful arrest," the conduct must be reasonable-using deadly force in the absence of significant threat would not be reasonable. Further, Wisconsin law specifically limits the use of deadly force in self-defense (939.48 Wis. Stats.) as follows:

"the actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself." (939.48(1) Wis. Stats.)

The same limitation is extended to use of force to defend a third person, in 939.48(4) Wis. Stats.

The statutes and this Policy specifically prohibit use of deadly force to prevent suicide and solely to protect property.

(5) Deadly Force: The fifth mode, Deadly Force, represents the highest level of force available to law enforcement officers.

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 Wis. Stats. Chapter 941.
- 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 Policy. 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 shall not be fired under any circumstances.
- 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 Barron Police 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 Policies 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 WI DOJ trained/certified Firearms Instructor.

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

- A. The following may only be employed by a police 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 the Policy Vehicle Pursuits.

VI. USE OF NON-DEADLY FORCE

- A. An officer shall use only the minimum 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 orders. 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. The DAAT Disturbance Resolution Model should be followed and adhered to at all times.
- H. Training for less lethal weapons shall occur at least biennially for officers authorized to use such weapons or techniques.

DEADLY FORCE

PURPOSE:

The purpose of this Policy is to provide guidelines for the use of deadly force when officers are involved in shooting incidents and other incidents where death or serious injury has resulted from an officer's actions.

INTRODUCTION

Many circumstances exist within the normal duty functions of police officers which call for the use of force. The use of deadly force particularly deserves serious consideration, and calls for the development of practical guidelines for the officer on the street.

One consideration should be stressed; this policy is not intended to limit the officer's ability to use deadly force when and if the proper circumstances exist.

The officer is expected to retain the right to defend himself/herself or others with as much force as is necessary to affect such defense. This General Order is intended to protect the officer from possible criminal or civil charges stemming from misinterpretation of the law covering the use of deadly force.

While no general policy and procedure can hope to cover each and every specific situation the officer may be required to participate in, it is hoped that this policy will cover the legal points inherent in every situation to the extent that the officer can make valid and immediate decisions on the street.

I. POLICY

- A. Deadly force should only be used as a last resort. This policy and procedure requires only that an officer use reasonable alternatives, *if such are available*. For example, an officer need not hesitate to employ deadly force against an individual who is shooting at him/her. The officer should use his/her weapon in such a manner as not to endanger the lives of innocent bystanders or fellow officers, but he/she is not required to seek alternatives to deadly force if he/she is under an immediate attack on his/her or other lives.

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.
 1. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill.
 2. The firing of a firearm at a vehicle in which the person to be arrested is riding.
 3. Any force applied in any manner by any means, by any member of the Department that could reasonably be expected to cause death.
 4. Besides firearms, many items such as flashlights, batons (stick or collapsible) and other instruments are considered lethal weapons when they are used in a lethal manner. For example, the use of a nightstick to subdue a subject by striking him/her on the arm is a nonlethal use of that instrument. However, striking on the head or repeated blows to the internal organs could be construed as deadly force.
- B. **DEADLY FORCE JUSTIFICATION:** Any behavior that an officer reasonably believes has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.

- C. IMMINENCE: means “about to happen.” An imminent threat is an immediate threat. For a subject’s threat to be considered imminent, it must meet three criteria: weapon, intent and delivery system.

III. PROCEDURE

A. Use of Deadly Force - Generally.

1. Recognizing the legal and moral obligation to use force judiciously and wisely, it is the policy of this Department that deadly force should never be resorted to until every other reasonable means of apprehension or defense have been exhausted.
2. Only the minimum amount of force reasonably required to affect an arrest or control a person should be used by members of this Department. The force used by an officer should only be that which is required to overcome the resistance being offered by an offender.
3. This directive is consistent both with Wisconsin law and with the 1985 US Supreme Court decision in *Tennessee v. Garner*, 53 U.S.L.W.4410. (a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.
4. Officers are trained in the proper use of firearms and are required to maintain rigorous standards of shooting proficiency and accuracy.
5. The department recognizes that the use of deadly force can be accompanied by emotional and psychological strain for the officer involved.

B. Deadly force may be used under the following circumstances:

1. As a last resort in the defense of oneself, when there is reasonable cause to believe that one is in imminent danger of death or great bodily harm.
2. As a last resort in the defense of another person or persons whom the officer has reasonable cause to believe is being unlawfully attacked and is in imminent danger of death or great bodily harm.
3. Deadly force may be used, after all other reasonable means of capture are exhausted, to effect the arrest or prevent the escape of a suspect whom the officer has reasonable cause to believe has committed or attempted to commit a felony *involving the use or threatened use of deadly force*, and the officer reasonably believes the suspect cannot be apprehended later without the use of deadly force; and provided further, that the lives of innocent persons may be endangered if the officer does not use deadly force. This Section allows the officer to use deadly force when the suspect is engaged in such felonies involving violence (armed robbery, murder, etc.). Non-violent felonies such as embezzlement or burglary do not in themselves justify the use of deadly force.
4. Deadly force should never be used in any misdemeanor case, unless the criteria in Subsections (1) or (2) above is present, or when the officer is in doubt as to whether or not deadly force is justified, or when its use would unreasonably endanger innocent bystanders.

5. When a misdemeanor intentionally flees arrest or escapes from custody, pursuant to a legal arrest for a misdemeanor, or after having been lawfully charged with or convicted of a misdemeanor, such act of fleeing does not constitute a felony permitting the officer to resort to the use of deadly force if other reasonable means have failed to prevent the escape. The value of human life is considered to supersede the importance of immediate apprehension.
6. Except when exigent circumstances exist where an arrest may be facilitated, an officer should not threaten to use deadly force unless he/she reasonably believes that he/she would be justified under this policy to, in fact, use such force.
7. Weapons should not be discharged from a moving vehicle unless absolutely necessary to protect the life of the officer or a third person and when the use of deadly force would not unreasonably endanger the lives of others.
8. An officer may draw his/her sidearm when he/she has reasonable grounds to suspect that the use of deadly force may be necessary. The officer need not be under attack, but only be reasonably apprehensive that the situation may lead to circumstances outlined in this policy. Side arms should not be drawn under any other circumstances.
9. This section is intended to allow the officer to have his/her weapon ready in such circumstances as answering a silent alarm, conducting a building search or confronting a suspect whom there is reasonable grounds to believe may be armed, or when the officer reasonably believes circumstances indicate a substantial risk of death or great bodily harm to his/her person or another.
10. There is no legal distinction in the use of deadly force against juveniles as compared to adults.
11. To protect oneself or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled or after giving consideration to public view, safety and all other reasonable means of disposition to end the suffering an animal gravely injured or diseased.
12. For Department-mandated firearms practice and qualification on an approved range.
13. Officers should not fire into buildings or through doors, windows, or other forms of concealment or cover unless the Officer is certain of the person's presence that is to be lawfully fired upon.
14. Officers should not discharge a firearm from or at a moving vehicle unless the officer reasonably believes that the occupant(s) of the vehicle are using or are about to use deadly physical force against the officer or another person.
15. Officers should not fire warning shots.
16. Before using deadly force, officers should, *if reasonably possible*, identify themselves, order the suspect to desist from the unlawful activity, and threaten to use deadly force if the lawful order is not obeyed.
17. Officers should not use deadly force when its use unreasonably risks the lives of innocent bystanders. The greater danger exception permits an officer to shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.
18. The intentional grabbing, punching, or striking of the throat (trachea), or blocking or restricting the carotid neck arteries creates a substantial likelihood of death or great bodily harm and, therefore, should be used only in accordance with this policy on the use of deadly force.

C. Self-Defense.

1. Before deadly force is authorized in self-defense, several qualifications should be observed:
 - a. The danger or harm is present.
 - b. The officer believes that the use of deadly force was the only means available to avert death or great bodily harm.
 - c. The degree of force used by the officer was believed to be necessary under the circumstances.
 - d. The officer's belief in each of the foregoing aspects was reasonable even if mistaken.
2. Qualifications that do not authorize the use of deadly force include:
 - a. Retaliation or revenge is not an excuse for killing in self-defense.
 - b. There is no justification to use deadly force after the danger has passed.
 - c. The force threatened is unlawful.
3. If oleoresin capsicum (OC pepper spray) is employed or threatened against an officer, an officer's response to being threatened or sprayed with OC may include deadly force because the officer will likely be completely vulnerable if successfully attacked.
 - a. In deciding whether an officer is threatened with OC, an officer should consider the following factors:
 - (1) Distance - Is the officer close enough to be sufficiently exposed to the OC to incapacitate him/her?
 - (2) Environmental Conditions at the Scene- Including, but not limited to:
 - (a) The number of suspects present.
 - (b) The number of officers present.
 - (c) Location of the incident: Known high crime and/or violent area.
 - (d) Time of day and lighting conditions: Can the officer clearly see the offender and his/her movements?
 - (e) Type of crowd - Hostile? Pro-police?
 - (f) Weather conditions.
 - (3) Subject and Officer Factors - The subject's history, if known: Prone to violence? (Known gang member, etc.). Size, age, gender and skill level of all participants involved.
 - (4) Nature of initial contact - Severity of original offense.
 - (5) Special knowledge or special circumstances - Inquiry or exhaustion, proximity of subject to officer's firearm, ground fighting, disability, etc.

4. If a Conducted Energy Weapon (CEW) is deployed or threatened against an officer, an officer's response to being threatened with a CEW or having a CEW deployed against him/her may include deadly force because the officer will likely be completely vulnerable if successfully attacked.
 - a. In deciding whether an officer is threatened with a CEW, an officer should consider the following factors:
 - (1) Distance - Is the officer close enough to be exposed to the CEW or the CEW probe's firing range to incapacitate him/her?
 - (2) Environmental Conditions at the Scene - Including, but not limited to:
 - (a) The number of suspects present.
 - (b) The number of officers present.
 - (c) Location of the incident: Known high crime and/or violent area.
 - (d) Time of day and lighting conditions: Can the officer clearly see the offender and his/her movements?
 - (e) Type of crowd – Hostile? Pro-police?
 - (3) Subject and Officer Factors – The subject's history, if known: Prone to violence (known gang member, etc.). Size, age, gender and skill level of all participants involved.
 - (4) Nature of initial contact - Severity of original offense.
 - (5) Special knowledge of special circumstances – Inquiry or exhaustion, proximity of subject to officer's firearm, ground fighting, disability, etc.

D. Reports on Use of Deadly Force.

1. Officers involved in a use of deadly force incident shall immediately notify the communications center. The communication officer shall, as the highest priority, assign resources as needed to end the threat and provide for medical concerns. In all circumstances, when a firearm is discharged by an officer while on duty, the officer in question shall report such facts promptly to the Chief of Police, and/or his/her designee.
2. Officers involved in the use of deadly force shall not discuss the matter with anyone, including other officers. The officers will be debriefed by the Chief of Police and/or his/her designee.
3. The officer involved in the use of deadly force shall submit an initial verbal report to include the (Public Safety Questions), which fully outlines the incident, to the Chief of Police and/or his/her designee.

USE OF LESS LETHAL WEAPONS

PURPOSE:

The purpose of this Policy is to provide guidelines for the use of force involving less lethal weapons that are authorized for use by the Department.

I. POLICY

- A. The Barron Police Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

Therefore, it is the policy of this department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another.

II. DEFINITION

- A. CONDUCTED ENERGY WEAPON (CEW): A non-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.

III. USE OF POLICE BATONS

- A. A Department approved police baton may be used by an officer who is trained in its use only when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation.
 1. The baton may be used by an officer to subdue a violently resisting subject or in self-defense or in defense of a third person if lesser methods have failed, or if circumstances warrant the immediate use of the baton.
 2. All uniformed officers are required to carry a department-approved baton while on duty. Officers shall have the choice of carrying either department authorized baton; the expandable baton or the wooden baton. This rule shall not apply to administrative personnel and other officers assigned to plain clothes duties within the police department.
- B. Only those officers qualified in the Defensive and Arrest Tactics System (DAAT) shall be allowed to carry or use the impact weapon.
- C. The acceptable primary target areas for the impact weapon are the elbow, knee, and lower abdomen.
- D. The intentional striking of an individual above the shoulders is prohibited, unless deadly force is justified. However, it is recognized that because of a person's own resistance, the accidental, unintentional striking of a person above the shoulders may occur. If that happens, the officer must articulate this in detail in the report of the incident and will seek immediate medical attention for the subject if treatment is necessary.

IV. OLEORESIN CAPSICUM (O.C.)

- A. When an officer is threatened with physical force or dealing with a resistive or combative person and lesser control factors are ineffective, or the officer reasonably believes lesser control factors would be ineffective, consideration should be given to the use of control devices.
- B. The aerosol chemical control device authorized by the Barron Police Department contains oleoresin capsicum (O.C.). No other aerosol chemical restraint is authorized or allowed. All O.C. must be non-flammable.
- C. Officers will be trained and must successfully complete the departmentally approved OC training program prior to being issued OC.
 - 1. Training will include, but is not limited to the following:
 - a. Tactical use and applications of OC
 - b. Specific tactics
 - c. OC use on animals
 - d. OC safety considerations
 - e. OC civil liability
 - f. OC maintenance considerations
 - 2. OC training will be documented and include:
 - a. Names of trainers and participants
 - b. Date, hours of training, and training location
- D. All uniformed officers, trained in the use of O.C., will be issued and required to carry O.C. aerosol while on duty. This rule shall not apply to administrative personnel and other officers assigned to plain clothes duties within the police department.
- E. O.C. aerosol will be used in accordance to the training provided by the Barron Police Department and this Department's policy will be consistent with the Wisconsin Training and Standards Bureau.
- F. When using OC, officers shall consider the potential for cross-contamination to the user, other officers, and bystanders.
- G. OC shall not be used if it appears children less than two years of age are in the area that would be contaminated.
- H. Officers using OC will notify the Chief or his designee and will document the circumstances of the use in an incident report.
- I. After control has been established, the officer will make reasonable efforts to allow the OC-affected subject relief from the discomfort associated with the application of OC.
- J. If OC is used indoors and after control has been established, the officer will make reasonable efforts to decontaminate the building or area, as practical under the circumstances of exposure.
- K. Officers should arrange for professional medical attention if the subject requests it, or if the officer reasonably believes that the subject needs medical attention.
- L. Officers shall monitor the affected subject for about one-half hour after application. If incarcerated, notify confinement personnel of the use of OC.
- M. OC should not be stored in direct sunlight, in the trunk or on the dashboard of a vehicle, or in areas where the temperature can exceed 120 degrees Fahrenheit.
- N. Officers should routinely inspect their OC aerosol canister for signs of corrosion, leakage, dirt in the nozzle, and/or damage.
- O. The Chief or his designee will be responsible for inventory, storage areas, and maintaining a dispersal list for OC aerosol. OC will be accessible, but secure.

V. CONDUCTED ENERGY WEAPON (CEW)

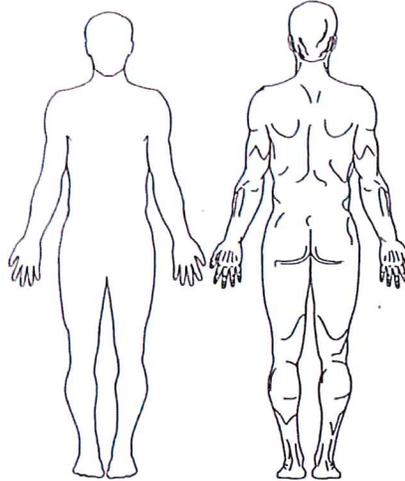
- A. A Conducted Energy Weapon may be used by trained officers when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person. It may also be used when a subject poses a threat of harm to themselves such as self-inflicted injury or a suicide attempt.
- B. All uniformed officers, who have been trained in the use of a CEW, will be required to carry a CEW while on duty. This rule shall not apply to administrative personnel and other officers assigned to plain clothes duties within the police department.
- C. The CEW is considered to be in the "Control Device" section of the Intervention Options on the Disturbance Resolution Model.
- D. The use of the CEW shall be consistent with the manufacturer's recommendation and precautions.
- E. Officers should include in the decision to use this force option, information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or violent behavior.
- F. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of a CEW.
- G. The following are three types of acceptable applications for the use of CEW's.
 - 1. Spark display: A non-contact demonstration of the CEW's ability to discharge electricity. This is conducted when the CEW's cartridge has been removed. The purpose of this display is to convince a subject to comply with lawful order to avoid CEW being deployed in the Drive Stun or Probe mode. The spark display is generally not recommended due to the delayed weapon readiness caused by removal of the cartridge.
 - 2. Contact Deployment: Contact is made by pressing the front of the CEW into the body, preferably with the cartridge still in place, of a subject resisting lawful orders. While the Contact Deployment causes significant localized pain in the area touched, it does not have a major effect on the central nervous system and generally does not incapacitate. The effect of a Contact Deployment may assist in taking a subject into custody.
 - 3. Distance Deployment: This is the most effective use of the CEW. In the Distance Deployment mode, the cartridge is discharged from a distance and the probes make direct contact with the subject. Proper application will result in temporary immobilization which allows a window of opportunity to safely take the subject into custody.
- H. CEW Deployment:
 - 1. Whenever practical or possible, officers discharging the CEW should attempt to give warning to the subject and other officers.
 - 2. Center of mass of the body should be the primary target area, particularly the center mass of the back.
 - 3. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered a target.
 - 4. Officers should attempt to avoid hitting the subject in sensitive areas such as the head, face, neck, groin, or female breast area.
 - 5. Use of the Contact Deployment is discouraged except in situations where the Distance Deployment is not possible and immediate application of the Contact Deployment will bring a subject safely under control.

6. Multiple Contact Deployments are discouraged and must be justified. If initial application is ineffective, officers will reassess the situation and consider other available options.
- I. An officer shall not brandish, display, or threaten the use of a CEW unless he or she can reasonably conclude its use may become justified and is anticipated.
- J. A CEW will not be used:
 1. When the officer knows the subject has come in contact with flammable liquids, or is in a flammable atmosphere.
 2. When the subject is in a position where a fall may cause substantial injury or death.
 3. Punitively, for the purpose of coercion, or in an unjustified manner.
 4. When the subject is handcuffed and offering no active resistance, or is offering resistance which may be overcome using lesser force.
 5. When the subject is visibly pregnant, unless deadly force is the only other option.
- K. The CEW should not be used in the following circumstances unless there are compelling reasons to do so and those reasons are clearly articulated:
 1. When the subject is operating a motor vehicle.
 2. When the subject is at the extremes of age (young or old) or physically disabled.
 3. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officer and/or others as necessary.
- L. In each instance that a CEW is deployed in an incident, consideration should be made regarding the need for lethal cover.
- M. Officers who deploy a CEW against a subject shall ensure the subject is monitored for injury as soon as practical after the subject is under control.
- N. If an adverse reaction to the CEW occurs, or if requested by the CEW-affected person, emergency medical services shall be provided to them.
- O. If the probes are imbedded in sensitive tissue areas (i.e. neck, face, groin, or the breasts of a female) or if officers have difficulty removing the probes, officers shall arrange transport to a medical facility for probe removal and medical evaluation.
- P. After securing the subject, the CEW deployment officer or his/her CEW trained designee will remove the probes according to trained procedure.
 1. After the probes have been removed, they shall be handled as a biohazard and packaged according to the trained procedure.
 2. Officers shall take photographs of the probe penetration sites and any secondary injuries caused by falling to the ground, when a subject is treated at a medical facility as a result of the exposure to a CEW.
 3. During incidents in which the groin or female breast area are the penetration sites, if possible, an officer of the same gender as the subject will take the photographs with a medical staff member being present to witness.
 4. Photographs will be submitted as evidence according to department guidelines.
 5. The cartridge, probes, and AFID's shall be retained and submitted as evidence in any case where the person(s) affected by the CEW require transportation to a medical facility due to their exposure to or secondary injuries caused as a result of CEW deployment. The retained items should be handled as a potential biohazard and packaged accordingly.
 6. Cartridges from CEW applications where medical transportation is not needed will be disposed of according to department procedures for biohazard disposal.

- Q. When a CEW is deployed against a subject, the officer shall notify the Chief or senior officer as soon as possible, and shall complete an incident report detailing the circumstances of the incident prior to the end of their tour of duty.
1. Officers deploying a CEW will articulate the facts involved in the use of the CEW on the police incident report. Officers will clearly state the justification for use, whether multiple deployments were necessary, probe impact area, signs or complaints of injury, and aftercare.
 2. Following deployment of the CEW, data will be downloaded from the device, printed, and submitted into records according to department procedure. Once the data has been successfully downloaded, the CEW may be placed back in service.
 3. Senior Officer will provide Chief of Police with reports as soon as reasonable, who will in turn provide CEW Report to CEW Instructor.
 4. If the CEW is used on an animal, the senior officer will be notified and will decide on the proper paperwork and documentation of the incident to include firing record of the CEW.
- R. If the subject is to be placed in a detention facility, officers will notify confinement personnel of such CEW use and any other details that may be appropriate (such as injury complaint).
- S. CEW trained officers shall complete a refresher course every two years concerning the use of this weapon.
- T. The CEW shall be holstered on the opposite side of where the officer has their firearm. Officers may choose to use a cross draw or straight draw to access their CEW.
1. The CEW will be carried fully armed with the safety on.
 2. A CEW will be available for use by trained officers.
- U. A locker will be the repository for CEW's available for use by trained officers.
1. At the beginning of their tour of duty, Patrol Officers shall:
 - a. Officers shall check out a CEW from the locker repository.
 - b. Full-time officers shall conduct a spark test at least every rotation and Part-time officers shall conduct a spark test before each patrol shift and sign documented form on locker.
 - c. Check the CEW battery display, readings of 20% or less will require a battery pack change.
 2. CEW's will be returned to the locker at the conclusion of the officer's tour of duty.
 3. CEW spare cartridges and replacement CEW battery packs will be kept in the locker.
 4. Officers shall report any missing, lost, or damaged CEW's to the Chief of Police as soon as possible.
- V. The Chief of Police or his designee will:
1. Receive, inspect, and insure the maintenance and replacement of the CEW's.
 2. Establish and maintain a CEW and cartridge inventory system.
 3. Maintain an adequate supply of batteries and cartridges for replacement.
 4. Provide retraining to certified users.
 5. Coordinate training for certification as requested by need of field services or other units within the department.
 6. Review CEW deployment police reports for conformance to policy, procedure, and training.
 7. Maintain a log of all CEW use to include those on animals.

**BARRON POLICE DEPARTMENT
SUPERVISORY TASER® USE REPORT**

APPLICATION AREAS
(Place "X's" where probes hit Subject AND "O's" where stunned)



SYNOPSIS:

Need for additional applications? Yes No

Did the device respond satisfactorily? Yes No

Describe the subject's demeanor after the device was used or displayed?

Chemical Spray: Yes No Baton or Blunt Instrument: Yes No

Authorized control holds: Yes No If yes, what types:

Describe other means attempted to control the subject:

Photographs Taken: Yes No Report Completed by:

ADDITIONAL INFORMATION

CITY OF BARRON POLICE DEPARTMENT
SUPERVISORS USE OF FORCE REVIEW

- I. CASE #: _____ DATE: _____ TIME: _____
- a. Reporting Officer Name/Badge#: _____
- b. Other Involved
Officer(s)Name/Badge#: _____
- c. Subject's Name/Address/Date of Birth/Telephone#: _____
- d. Senior Officer Name/Badge#: _____
- e. Reviewing Supervisor Name/Badge# (if different from d.): _____

II. PRESENCE:

- a. Was the Officer on duty? Yes No
In Uniform? Yes No
- b. What was the Officer's status immediately prior to incident? _____
- c. Did subject display assertive body language/stance? Yes No
- d. Did subject display, threaten, or imply use of a weapon? Yes No

III. DIALOG:

- a. Did Officer attempt to establish dialog with subject? Yes No

IV. CONTROL ALTERNATIVES:

- a. Escort Holds? Yes No
- b. Compliance Holds? Yes No
- c. Oleoresin Capsicum Spray? Yes No
- d. Conducted Energy Device? Yes No
- e. Passive Countermeasures? Yes No

V. PROTECTIVE ALTERNATIVES:

- a. Active Countermeasures? Yes No
- b. Incapacitating Techniques? Yes No
- c. Intermediate Weapons? Yes No

VI. DEADLY FORCE:

- a. Was deadly force used? Yes No

VII. FOLLOW THROUGH:

- | | | |
|---|-----|----|
| a. Was subject handcuffed and searched? | Yes | No |
| b. If CEW used, was Supervisory TASER X26 Use Report completed?
(If yes, attach Supervisory TASER X26 Use Report to this report) | Yes | No |
| c. Did Officer treat/address injuries or claim of injuries? | Yes | No |
| d. Did Officer follow proper monitoring/debriefing? | Yes | No |

VIII. SUBJECT INFORMATION:

- | | | |
|--|-----|----|
| a. Was subject arrested after force? | Yes | No |
| b. Was subject in custody when force was used? | Yes | No |
| c. Was subject armed when force was used? | Yes | No |
| d. Was subject injured before arrest? | Yes | No |
| e. Was subject injured during arrest? | Yes | No |
| f. Was subject injured after arrest? | Yes | No |
| g. Was subject under the influence of alcohol/drugs? | Yes | No |
| h. Was subject an emotionally disturbed person? | Yes | No |
| i. Did subject complain of injury? | Yes | No |
| j. Did subject have any apparent injury? | Yes | No |

IX. CHAIN OF COMMAND REVIEW/RESOLUTION:

- | | | |
|--|-----|-------------|
| a. Actions of Officers involved were appropriate? | Yes | No |
| b. Actions of Officers involved were appropriate? | Yes | No |
| c. Actions/Decision of Senior Officer appropriate? | Yes | No |
| Resolution: | Yes | Date: _____ |
| Closed following review: | Yes | Date: _____ |
| Routed to IA for investigation: | Yes | Date: _____ |

Chief Signature/Badge#: _____ Date: _____

X. Field Training Officer's REVIEW:

FTO Signature/Badge#: _____ Date: _____

RENDERING MEDICAL AID

PURPOSE:

The purpose of this policy is to provide guidance to officers when persons become injured due to the use of force by an officer.

I. POLICY

- A. It is the policy of the Barron Police Department that any person injured through the use of force by one of its officers, shall receive medical aid for such injuries.

II. PROCEDURE

- 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 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 The Chief of Police or his designee 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.

REPORTING AND REVIEW

PURPOSE:

The purpose of this Policy is to provide guidelines for the reporting and the review of those reports of officer-involved shooting incidents, other incidents where death or serious injury has resulted from an officer's actions, and other uses of force.

I. POLICY

- A. It is the policy of the Barron Police Department that any person injured through the use of force by one of its officers, shall receive medical aid for such injuries.

II. PROCEDURE

- A. All reports of the investigation shall be forwarded to the Chief of Police, as soon as practical.
- B. An incident report shall be completed regarding any incident involving the intentional or accidental discharge of a firearm, except on an approved firearms range for the purpose of firearms practice, training, competition, qualification or legal hunting purposes.
- C. 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.
- D. The Chief of Police shall forward all use of force reports to the Field Training Officer, they shall be responsible for reviewing each report.
- E. The Administrative Assistant will be responsible for maintaining the use of force reports.

III. POST USE OF FORCE REMOVAL FROM DUTY

- A. An officer 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 the Chief's designee during the investigation of the incident and/or until such time as the incident investigation or administrative review is completed.
 1. The officer shall be available for departmental interviews and statements regarding the incident and subject to recall to duty.

IV. POST USE OF FORCE REVIEW

- A. Officers involved in a deadly force confrontation are entitled to, subject to, and expected to fully cooperate with a shooting review as an administrative investigation. Any officer or witness subject to a use of force review panel is entitled to have a representative accompany them, as directed in Garrity v. New Jersey, 385 U.S. 493 (1967). Any fees for the officer's representation may be paid by the Barron Police Department, ref. WI Stat. 895.35
- B. The use of force review panel shall work independently of any criminal investigation. The use of force review panel shall convene no more than seven days after the incident, except under extraordinary circumstances. If practical and available, the deadly force (shooting) review panel will consist of:
 1. Chief
 2. Assistant Chief
 3. Department Firearms Instructors
 4. Three Executive/Law Enforcement Officers from other jurisdictions
 5. Firearms Instructor from another jurisdiction

- C. At no time shall the review panel consist of less than five people. The review panel shall consider the following elements:
 - 1. disturbance resolution
 - 2. department policy
 - 3. facts and evidence
 - 4. statements of involved officers
 - 5. statements of witnesses
 - 6. individual panel members' knowledge and personal experiences
 - 7. At the conclusion of the review panel hearing, the panel shall by a majority vote, deem the use of deadly force, as it relates to each involved officer, justified or unjustified.
- D. At the conclusion of the review panel hearing, the panel shall by a majority vote, deem the use of deadly force, as it relates to each involved officer, justified or unjustified.
- E. Under the direction of the Chief, a written decision will be created stating the panel's conclusion, recommendations, commendations, and policy violations, if any. A copy of the decision shall be provided to each affected officer and will become a permanent part of their personnel file.
- F. The Chief or designee, at his discretion, may consider a coroner's inquest in lieu of a deadly force review panel.
- G. All officer's appearing before the review panel shall wear their department dress uniform.

At least once every year, the Chief of Police and Field Training Officer shall review 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.



DUTY TO INTERVENE

PURPOSE:

It is the purpose of this policy to explain the legal and moral obligation members have regarding their duty to intervene. This duty is embodied in the law enforcement officer's code of ethics, and in the law. Agency members shall have a clear understanding of this agency's expectations pertaining to conduct and activities while on and off-duty. A law enforcement officer has an affirmative duty to intervene on behalf of a citizen whose constitutional rights are being violated in his or her presence by other officers. Officers of the Barron Police Department also have a duty to intervene when they observe or hear conduct by a fellow member of this agency that is unethical, clearly violates the law, or violates agency policy.

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

I. PROTECTION:

- A. This agency is committed to protecting officers who act on their duty to intervene to prevent or minimize misconduct by another agency member.

II. DEFINITIONS:

- A. Intervene — To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

III. DUTY TO INTERVENE

- A. Use of Force: Officers of this agency have an affirmative duty to intervene if they witness a use of force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.
- B. Officers of this agency must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or that violates the law or an agency policy (e.g., excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this agency to disciplinary and or legal action.

IV. REQUIRED ACTION – Barron Police Officer

- A. Officers should take a preventive approach toward misconduct. When an officer observes behavior that suggests another officer is about to conduct illegal, unethical or inappropriate behavior the officer should intervene verbally or physically, depending on the circumstances.
1. **EXAMPLE:** While conducting a motor vehicle stop for a minor traffic violation, you notice the primary officer raising his/her voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In an attempt to deescalate the situation, you could get the officer's attention to break his/her agitation, walk up next to the officer and ask a follow up question of the driver to slow down the interaction and give the primary officer a chance to collect him/herself, or ask the officer to come speak to you away from the car in order to diffuse the situation.
- B. If verbal interventions are not sufficient to stop the act, come between the offending officer and the other individual involved.
1. **EXAMPLE:** You observe an officer using a prohibited chokehold while restraining a subject during an arrest. Based on your training and department policy this use of force is unreasonable. You tell the officer to "get off his neck," but the officer continues to apply the hold. When it is safe to do so you should intervene by pulling the officers arm away from the neck area and assisting in the handcuffing. The arrestee should then be placed in a recovery position that facilitates breathing I.e. sitting, standing or on the side.
 2. Notify a supervisor after conducting any type of intervention, when safe to do so.
 3. When a physical intervention was performed, document the incident in writing.
- C. **Render Aid:** If any person is injured and requires medical attention, officers of this agency will render aid in accordance with their training and request medical assistance when necessary.
- D. **Supervisor Responsibilities:**
1. Once learning of an incident involving an officer intervening with another officer, separate all officers involved in the incident.
 2. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, BWC footage, videos, area canvass, etc.).
 3. Ensure all parties involved in the incident complete a report detailing the circumstances that led to the Intervention and what, if anything, occurred once the member intervened.
 4. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create report.
 5. If appropriate, consider making a recommendation that the member who intervened receive recognition for his/her actions.



OFFICER INVOLVED DEATHS

PURPOSE:

The purpose of this Policy is to provide guidelines to the sworn members of the Barron Police Department for the investigation of all officer involved deaths and other incidents where serious injury that may cause death has resulted from an officer's actions.

I. POLICY

- A. It is the policy of the Barron Police Department to require that an investigation of any Officer-Involved Death or serious injury that may cause death be conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by the Barron Police Department. The Barron Police Department will utilize other law enforcement agencies to investigate these incidents under mutual aid requests and will respond to assist other agencies by conducting these types of investigations for their agencies upon request.
- B. If the officer-involved death or serious injury that may cause death being investigated is traffic-related, it is the policy of the Barron Police Department to utilize a crash reconstruction unit from an outside law enforcement agency that does not employ the law enforcement officer involved in the officer-involved death being investigated.
- C. The Barron Police Department reserves the right to conduct an internal investigation into the officer-involved death. However, any such internal investigation will not interfere with the investigation being conducted by the outside investigating personnel/agency.

II. DEFINITIONS:

- A. **LAW ENFORCEMENT AGENCY:** Is a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority. (165.83) (1)(b).
- B. **LAW ENFORCEMENT OFFICER:** Is any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce. (165.85) (2)(C).

- C. OFFICER-INVOLVED DEATH: Is a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties. (174.47)(1)(c).
- D. LEAD INVESTIGATOR: Is a person or agency in charge of the investigations which plays a principal, guiding role. The lead investigator must be responsible for the investigations and have hands-on leadership of the investigation duties. The lead investigator should without limit:
1. Direct the overall investigation and activities of others involved in the officer involved death.
 2. Coordinate with the lead officer/agency conducting any underlying criminal investigation of the event or events that lead to the officer involved death.
 3. Take possession of, or direct the collection of all evidence.
 4. Take or direct the taking of statements of witnesses or interviews of law enforcement officers.
 5. Act as the primary (but not exclusive) contact with the prosecutor's office.

III. INCIDENT PROCEDURES

- A. The following procedures shall be followed when an officer is involved in an "officer involved death incident that either causes death or serious bodily injury that may lead to death either to the officer or another person.
- The procedures shall also be followed when an officer is responsible for the accidental or intentional discharge of any firearm (other than on an approved firearms range or for legal hunting purposes), or the accidental or intentional use of deadly force by any means.
- B. The officer shall:
1. Determine if the scene/incident is now safe – no threat(s) still present.
 2. Check self for injuries.
 3. Check the subject for injuries and administer first aid if required.
 4. Summons EMS personnel if necessary.
 5. Maintain close personal observation and physical contact with the subject while continuing to provide first aid until relieved by appropriate medical personnel.
- C. The Chief or designee shall be notified and summoned to the scene of the incident, and shall assume primary responsibility in caring for involved personnel.
1. If the Chief or designee is not on duty, one will be called in to take command of the incident.
 2. If the Chief or designee is involved in the incident, the Barron County Sheriff or their designee will be called in to take command of the incident.
- D. Responding officers/Chief or designee shall:
1. Confirm the scene is safe to approach.
 2. Relieve the officer involved in the incident from first aid responsibilities of tending to the injured subject(s) as soon as practical.
 3. Establish a perimeter to protect the scene.

4. The supervisor will ask “public safety questions” on scene of the officer involved (due to the immediate need to take action, officers do not have a right to wait for legal or labor representation before answering these limited questions):
 - a. Are you injured?
 - b. Do you know if anyone else is injured? Where are they?
 - c. In what direction did you fire your weapon?
 - d. Are any suspects still at large? What are their descriptions?
 - e. What direction did they leave?
 - f. How long ago did they leave?
 - g. What crime(s) are they wanted for?
 - h. With what weapon(s) are they armed?
 - i. Does any evidence need to be preserved?
 - j. Where is it located?
 - k. Did you observe any witnesses?
 - l. Where are they?
5. Determine if the suspect(s) is still at large. Obtain a description and request personnel to initiate the search.
6. Establish a Command Post location and staging area for EMS and support units.
7. Identify and control evidence that could be lost.
8. Identify, isolate and control witnesses.
9. Remove the officer involved in the incident as soon as possible.
10. Contact an investigator, request mutual aid, request additional resources as needed, etc.
11. The Chief of Police or designee will arrange for an outside agency to conduct the investigation.

E. Removing the officer from the scene shall follow the following guidelines:

1. The primary investigators from another agency shall be in charge of the investigation and determine if the following is appropriate and the level of cooperation between them and this agency.
2. The officer involved shall be transported as soon as feasible to the hospital for evaluation. A supportive peer officer will be assigned to accompany and remain with the officer and provide assistance.
3. The Chief of Police or designee will assign a support officer. The support officer will secure all equipment of the officer involved. The support officer will photograph the officer involved as he is before taking clothing for evidence purposes. The equipment shall be left in the identical condition as when it was secured. No weapon will be unloaded or changed in condition. The officer's weapon will be replaced with another when it is retained for evidence. The Chief of Police or designee will be consulted as to whether the weapon is needed for evidence.
4. Arrange to have the officer involved contact family, clergy and/or legal counsel.

Under no circumstances will an officer be placed in the rear seat of a squad car. No officer will be held or isolated in any area without a peer support officer.

5. The Chief of Police or designee shall if feasible, personally go to the home of the officer involved making notification to family members and providing transportation to the hospital or other location as required.

If the officer involved is deceased or injured, every attempt will be made to make personal notification. Every effort will be made to assist family members and support persons with transportation.

6. Officer(s) involved should normally not be questioned at the hospital; they are there for medical evaluation.
 7. Officer(s) involved may be medicated or provided a sedative to bring down blood pressure, relax and sleep.
 8. Officer(s) statements will be better taken 48 hours later after a full nights rest and they are advised of their legal right to seek counsel.
 9. Under no circumstances will officer's home or family information be given to the hospital. They will get the officer's name and the Barron Police Department address.
 10. After medical evaluation and treatment (if required), the assigned support officer shall transport the officer to his/her home. Under no circumstances will the officer be permitted to drive him/herself home.
 11. The officer involved shall be placed on administrative leave or desk duty by the Chief of Police or designee during the investigation of the incident and or until such time as the incident investigation is completed.
 - a. The officer shall be available for interviews and statements regarding the incident and subject to recall to duty.
 12. Barron Police Department members are encouraged to show the involved officer(s) their concern. They are not permitted to speak with the media about the incident or the officer.
 13. The officer should be advised to have phone calls answered by another person for several days after the incident if the officer's name is released to the public.
 14. The officer who discharges his/her firearm during a deadly force incident shall be required to re-qualify as soon as practical.
 15. The officer should be advised not to discuss the incident with anyone except a personal or department attorney, labor representative, medical professional, clergy, or assigned investigator, until the conclusion of the preliminary investigation. This does not prohibit the officer from discussing the incident with their spouse.
- F. At all times, when at the scene of the incident, the Chief of Police or designee should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
- G. Any investigation of the incident shall be conducted as soon and as practical.
- H. The Chief of Police or designee should brief other Barron Police Department members as soon as possible concerning the incident so that rumors are kept to a minimum. Barron Police Department members are encouraged to show the involved officers their concern.
- I. Any officer directly involved in the deadly force incident shall be required to contact a Barron Police Department designated specialist for counseling and evaluation as soon as practical after the incident at the cost of the Department. Involved support personnel should also be encouraged to contact such specialists after a deadly force incident. After the counseling sessions, the specialist shall discuss with the Chief:
1. Whether it would be in the officer's best interest to be placed on administrative leave or desk duty, and for how long;
 2. What, if any will be the best continued course of counseling.

- J. The Barron Police Department strongly encourages the family of the involved officer to take advantage of available counseling services.

IV. OUTSIDE AGENCY INVESTIGATOR RESPONSIBILITIES

- A. Notify the District Attorney's Office of the incident.
- B. Perform the following activities (according to mutual agency Memorandum of Understanding):
1. Investigators shall conduct a systematic, thorough and complete investigation.
 2. Receive a general "walk-through" by the Chief of Police or designee regarding the circumstances of the incident.
 3. If a death scene, contact the Medical Examiner and conduct a full death investigation, including attending any autopsies associated with the incident.
 4. Officer-Involved Interview(s): Unless evidence of a crime exists, an officer is not considered a suspect and shall be treated as a victim or witness.
 - a. The officer is not in custody and will not be given Miranda warnings.
 - b. The officer will be interviewed by investigators and will not be required to submit a written report.
 5. Request assistance in obtaining any needed search warrants for properties, residences, vehicles or containers from the District Attorney.
 6. Ensure the entire scene is documented via photographs, videotape and a crime scene diagram.
 7. Ensure the proper collection of all items and substances of evidentiary value.
 - a. Check the weapons and ammunition of all officers present to determine if discharged.
 - b. Locate and secure into evidence any involved officer's weapons.
 - c. Weapons confiscated from officers shall be replaced as soon as practical.
 8. Process all collected evidence, including weapons, and transport to the Crime Lab if appropriate.
 - a. Ensure officers' toxicological testing is completed in a timely manner.
 - b. Locate, identify and interview all witnesses to the incident, including involved medical personnel.
 - c. Locate, identify and interview all suspects related to the incident.
 9. Locate, identify and conduct separate interviews of all officers related to the incident.
 - a. Interviews may be conducted at the Barron Police Department.
 - b. Officers shall be reminded not to discuss the incident with anyone except their attorney, union representative, or department investigator until the conclusion of the preliminary investigation.
- C. Ensure that the case is to be presented to the District Attorney's Office at the earliest possible date.
- D. Prepare all reports regarding the investigation of the event.
1. Release the report upon the decision of the District Attorney's Office.

V. POST-TRAUMATIC STRESS DISORDER

- A. As post-traumatic stress disorders may not arise immediately, or the officer may attempt to hide the problem, the Chief of Police or designee is responsible for monitoring the behavior of Barron Police Department members for symptoms of the disorder.
- B. The Chief of Police or designee may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance.
- C. The Barron Police Department shall provide employees with training pertaining to post traumatic stress disorders and the uniform procedures contained in this Policy.
- D. The Chief of Police or designee is responsible for making information about mental health services available to Barron Police Department members.
- E. The Barron Police Department will make every effort to provide or make available secondary psychological services for the officer, and/or the officer's family, when an officer is involved in a deadly force incident involving injury or death.
 - 1. The purpose of this service will be to allow the officer to express his/her feelings and to deal with the moral/ethical and/or psychological after effects of the incident.
 - 2. The purpose of attempting to provide or make available this service to the family or the officer is to provide the officer and family with a source of professional consultation to aid them in dealing with the potential moral, ethical, and/or psychological after effects of the incident.
 - 3. Psychological service shall not be related to any Barron Police Department investigation of the incident. The counseling sessions will remain protected by the privileged physician-patient relationship and no reports of the sessions or information discussed will be filed with the Barron Police Department.

VI. LEGAL SERVICES

- A. The Barron Police Department will make every effort to provide an attorney-at-law for any officer involved in a deadly force incident involving injury or death.
- B. The attorney, if provided, shall establish a lawyer-client relationship with the officer involved and interview the officer.
- C. The attorney may assist the officer in drafting the officer's personal statement or report as to the underlying facts and the reasonableness, as perceived by the officer, justifying the use of deadly force.
- D. Should the initial lawyer-client interview indicate that the officer has not acted lawfully, in good faith, or within the scope of his/her duties, the officer will be responsible from that point on for any attorney fees charged.

VII. ADMINISTRATIVE REVIEW

- A. An administrative review of the incident will be conducted by the Chief of Police or designee, with the exception that the on-scene supervisor will not be responsible for conducting the review.
- B. The purpose of the review will be twofold: to determine whether the officer followed established policies and training, and to determine if any future policy or training recommendations are necessary.
- C. The administrative review will begin once the criminal investigation has been completed, unless directed otherwise by the Chief of Police or designee.
- D. If the District Attorney determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation shall release the report.