



GENERAL ORDER

TOWN OF BELOIT POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: All Sworn Personnel
DISTRIBUTION: General Orders Manual

REFERENCE: Wisconsin Statutes 939.45, 939.47,
939.48

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RESCINDS

AMENDS

WILEAG STANDARDS: 5.1.1-
5.1.2-5.1.3-5.1.4-5.2.1-5.3.1-
6.1.4

INDEX AS: Deadly Force
Less Lethal Force
Less Lethal Weapons

PURPOSE: The purpose of this Order is to provide officers clear direction in use of force situations. Officers have the privilege to use force when it becomes necessary in the performance of their duties.

This Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURES
- IV. INTERVENTION OPTIONS
- V. USE OF DEADLY FORCE
- VI. DRAWING AND DISPLAY OF A FIREARM
- VII. AUTHORIZED POLICE IMPACT WEAPON
- VII. SPECIALTY IMPACT MUNITIONS
- IX. USE OF CHEMICAL AEROSOL RESTRAINT
- X. USE OF ELECTRONIC CONTROL DEVICES
- XI. USE OF HANDCUFFS
- XII. MEDICAL TREATMENT

- XIII. OFFICER REPORT OF USE OF FORCE
- XIV. INVESTIGATION INTO THE USE OF FORCE
- XV. USE OF FORCE REVIEW
- XVI. ANNUAL TRAINING

I. POLICY

A. It shall be the policy of the Town of Beloit Police Department:

1. To maintain a profound respect for the value of all human life and the personal safety of all citizens.
2. To avoid the use of force if reasonably possible.
3. To use de-escalation techniques and other alternatives to higher levels of force consistent with training whenever possible and appropriate before resorting to force and to reduce the need for force.
 - a) Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, and officer shall allow an individual time and opportunity to submit to verbal commands before force is used.
4. To utilize reasonable force when carrying out the command of the law in the protection of the public interest.
5. To utilize methods of force which are the most effective, humane, and safest under the particular circumstances.
6. The amount of reasonable force on the part of an officer making an arrest depends on the facts of a particular case. The reasonableness of the force used must be judged in light of the circumstances as they appeared to the officer at the time he or she acted, and the measure is generally considered to be that which an ordinarily prudent and intelligent police officer would have deemed necessary under the circumstances.

B. The use of force is the legal entitlement conferred by law upon a police officer. Specifically, Wisconsin Statutes 939.45(2) and (4), 939.47, and 939.48 address these legal entitlements. Force may be used only to the extent reasonably necessary.

C. Force should only be used to accomplish lawful objectives, and when all other appropriate alternatives are exhausted.

- D. Law enforcement officers are entitled to use force in the performance of their legal duties. This use of force by a law enforcement officer is governed by the general principle that the amount of force used by the officer must be reasonable and not excessive. However, in any given situation, whether in making an arrest, conducting a search, protecting other persons and property, preventing crime, or acting in self-defense, the law enforcement officer must substantiate his/her use of force as being reasonable.
- E. The use of a choke hold or vascular neck restraint is prohibited unless the use of deadly force is justified.
- F. All sworn personnel have a duty to intervene to prevent or stop the known and apparent use of excessive force by another officer when it is objectively reasonable to do so.

II. DEFINITIONS

- A. Active Countermeasures: A series of unarmed hand strikes, foot strikes, forearm strikes, knee strikes, or body stuns that an officer may choose from to gain control of a subject who is offering active physical resistance or attack. Active countermeasures are tactics whose purpose is to create dysfunction, and are located in the Protective Alternatives under Intervention Options.
- B. Baton: An intermediate defensive weapon authorized by the department. It is designed as an impact weapon, and that is its function. The department authorized baton is an ASP or comparable brand expandable baton of 16, 21, or 26 inches in length. The department also authorizes use of a wooden or polycarbonate straight baton of 24 or 26 inches in length. The department authorizes and issues a 36 inch wooden baton for crowd control use.
- C. Chemical Aerosol Restraint: A personal defense spray used to control subjects by causing momentary loss of orientation and/or temporary incapacitation. This is normally carried on the duty belt or person of the officer. The department currently authorizes Oleoresin Capsicum as its Chemical Aerosol Restraint. The department authorizes OC spray at 10% Oleoresin Capsicum with 2,000,000 Scoville Heat Units in the 1.8 ounce container. The department also authorizes the same product in the 16 ounce container in vehicles designated by the Chief for use with supervisor authorization.
- D. Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.
- E. Control: The purpose for any use of force is to gain control of a subject in pursuit of a legitimate law enforcement objective.
- F. Critical Incident: Any incident such as hostage situation, barricaded person, or other unique situation in which police officers are required to respond in a manner which requires skill, knowledge and training beyond that which is expected from employees working in primary line and support functions. Also see the separate General Order on Critical Incidents.

- G. Deadly Force: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- H. De-escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- I. Defense and Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives. It is a specific system, formulated, approved, and governed by the State of Wisconsin Training and Standards Bureau.
- J. Electronic Control Device: A department issued less lethal force weapon utilized by trained personnel that causes Neuro-Muscular Incapacitation (NMI) to a combative or potentially combative subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm. The department currently authorizes and issues the Taser brand ECD in the X26 and X26P models.
- K. Excessive Force: The use of more force than is reasonable will not affect the validity of the arrest. It will expose the officer to civil suit, discipline, or both, and in aggravated circumstances, possible criminal liability.
- L. Great Bodily Harm: Bodily injury which creates a substantial risk of death, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- M. Imminent Danger: The criteria for the use of deadly force. This would include self-defense, defense of another, or defense of the community at large, when an action of another would result in a high probability of death or great bodily harm. There are three components that comprise "imminent". These components must be present: intent, weapon, and delivery system.
- N. Impact Weapon: See baton.
- O. Intervention Options: Divided into five modes, each reflecting the need for an increasing level of control. The five modes are presence, dialog, control alternatives and protective alternatives, intermediate weapon, and deadly force. Each mode consists of one or more tactics to accomplish specific purposes.
- P. Non-Deadly Force: An amount of force which under normal circumstances might cause bodily harm but would not be expected to result in death or great bodily harm.

- Q. Passive Countermeasures: Decentralization techniques, which are used to direct subjects to the ground who cannot be controlled in a standing, seated, and/or kneeling position.
- R. Use of Force Review Supervisor: Supervisor or Chief's designee charged with ensuring that use of force reports are reviewed and tracked.
- S. Less Lethal Weapon: Devices approved for use by the department and intended to be used by police officers to stop, control, and restrain individuals while causing less harm than deadly force to the individual as well as the officer and nearby persons.
- T. Vascular Neck Restraint: A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

III. PROCEDURES

- A. The Town of Beloit Police Department hereby adopts the State of Wisconsin system of defensive tactics and arrest mechanics. This system includes Intervention Options, which provides the general guidelines that define the degree and type of force to be used in controlling suspects. In accordance with the theory of this system, the following guidelines shall be observed:
 - 1. Under no circumstances shall an officer continue to use force against an individual who has ceased to resist.
 - 2. Only sworn personnel who have successfully completed the State of Wisconsin system of defensive tactics and arrest mechanics training are authorized to carry and use department issued less lethal weapons (ECD, OC, and baton). Equivalent training from other states may be substituted with the approval of the Chief of Police.
 - 3. Sworn personnel may use only the amount of physical force necessary to consummate an arrest based on probable cause for a violation of a state law or municipal ordinance. Necessary force may also be used in the apprehension of a violent, emotionally or mentally disturbed person, or in the subduing and restraining of an unruly, combative, or abusive person.
 - 4. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers are permitted to use whatever force is reasonable and necessary to protect themselves or others from bodily harm. **The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and may subject the officer to disciplinary action, criminal, and civil liability.**

IV. INTERVENTION OPTIONS

- A. While primary target areas have been identified in Intervention Options, the department recognizes that sudden or dynamic movement on the part of the suspect may cause inadvertent strikes to non-target areas. Officers will be required to fully explain the circumstances of such a strike in their report.
- B. In utilizing Intervention Options, the officer uses force in reaction to other people's behavior and selects the appropriate response from the modes and tactics provided in the intervention options.
- C. Force is to be applied on an individual basis. Each officer, upon his/her evaluation of the conflict, must decide for themselves based on knowledge, training, experience, personal limitations, and/or subject factors what level of force will result in control.
- D. It is recognized that an officer may choose the appropriate tactic in the intervention options to gain control. It is not necessary for the officer to attempt each lesser level of force first before applying another level of force if it would be inappropriate to do so.
- E. It is recognized that an officer will want to evaluate the amount of force being displayed by a subject and choose an appropriate intervention option response to gain control. Taking into consideration officer/subject factors, environmental factors, and special circumstances, it is further recognized that an officer may need to respond with a force option that is higher than the force being displayed by the subject in order to gain control. However, once control is attained, the officer must de-escalate and select the appropriate intervention option to maintain control.
- F. Generally, strikes to the head are not acceptable. Because of the higher propensity of injury, strikes (punches) to the head (face) are reserved for special situations. The only force option trained to strike the head is the reaction hand strike to the chin. Its purpose is to stop forward momentum, set up follow-up strikes or to provide a momentary distraction to give an officer time to create distance to disengage and/or escalate. Face strikes (punches) may also be used as dynamic applications on highly aggressive and assaultive subjects and/or subjects that have a decided advantage over the officer and the officer does not have the time or the ability to access the trained force option. However, untrained strikes to the head are not to be used for the sole purpose of persuading resistive subjects to place their hands behind their backs. Nor are they to be employed on subjects in lieu of trained force options and the officer is not defending himself or herself and they have the time and ability to access other appropriate and trained force responses.

DISTURBANCE RESOLUTION

APPROACH CONSIDERATIONS

Decision-Making

- Justification
- Desirability

Tactical Deployment

- Control of Distance
- Relative Positioning
- Relative Positioning with Multiple Subjects
- Team Tactics

Tactical Evaluation

- Threat Assessment Opportunities
- Officer/Subject Factors
- Special Circumstances
- Level/Stage/Degree of Stabilization

INTERVENTION OPTIONS

MODE

A. Presence

B. Dialogue

C. Control Alternatives

D. Protective Alternatives

E. Deadly Force

PURPOSE

To present a visible display of authority

To verbally persuade

To overcome passive resistance, active resistance, or their threats

To overcome continued resistance, assaultive behavior, or their threats

To stop the threat

FOLLOW-THROUGH CONSIDERATIONS

A. Stabilize

Application of restraints, if necessary

B. Monitor/Debrief

C. Search

If appropriate

D. Escort

If necessary

E. Transport

If necessary

F. Turn-Over/Release

Removal of restraints, if necessary

V. USE OF DEADLY FORCE

- A. An officer may use deadly force only when he/she believes that:
1. Deadly force is necessary to prevent imminent death or great bodily harm to themselves or another person, or
 2. Deadly force is necessary to prevent escape of a suspect and the officer has exhausted all other reasonable means, and
 - a) The officer reasonably believes that the person to be arrested has used deadly force in the commission of a felony and,
 - b) The person to be arrested can reasonably be thought to be intent on endangering human life, or upon inflicting great bodily harm, unless arrested without delay, and the officer reasonably believes that the person to be arrested has the means to do so.
- B. Deadly force shall only be used as a last resort.
- C. A firearm shall not be discharged:
1. As a warning, such as by firing a warning shot.
 2. From a moving vehicle, unless the officer believes that either he/she or another person(s) is in danger of death or great bodily harm, and it can be accomplished with due regard for target isolation, target acquisition, and target identification.
 3. At a moving vehicle, unless the officer has reason to believe that he/she or another person(s) is in danger of death or great bodily harm, and it can be accomplished with due regard for target isolation, target acquisition, and target identification.
 4. In any misdemeanor cases, unless the officer has reason to believe that he/she or another person(s) is in danger of death or great bodily harm.
 5. Before using deadly force, the officer should, if reasonably possible, identify himself/herself, and give some warning of the imminent use of deadly force.
 6. Officers may also have a need to use their firearms in order to end the life of a dangerous, injured, sick, diseased, or similarly suffering animal. The officer will not do so unless it can be done with a maximum of safety, and with due regard for the people in the area, the terrain, and the site at which the animal is located.

VI. DRAWING AND DISPLAY OF A FIREARM

- A. An officer will draw and display a firearm in the low-ready position, only when there are reasonable grounds to believe that he/she or others are in possible danger.
- B. An officer will only point a firearm (target acquisition) at a subject when the officer has a reasonable belief that danger is imminent and that deadly force may be necessary.

VII. AUTHORIZED POLICE IMPACT WEAPON

- A. Officers are authorized to carry a 24" or 26" wooden or polycarbonate baton and/or an approved expandable baton.
- B. Officers will wear a baton when on duty, and assigned to a function whose primary responsibility is enforcement, or those directly responsible for supervising enforcement personnel.
 - 1. Those officers who are operating in covert or undercover assignments are exempt from this requirement.
 - 2. Officers who are trained and authorized to use the Town of Beloit Police Department's Electronic Control Device (ECD) are exempt from this requirement provided they are equipped with a functional ECD while on duty. However, ECD equipped officers, while on duty, must maintain their expandable baton.
- C. When not in use, the expandable baton shall be worn on the belt, opposite of the firearm, and carried in a department approved holder. Alternatively, the baton may be carried on the external vest carrier. The baton will be carried securely upon the officer's person, and should only be engaged and/or placed in the loaded position if the use of the baton appears necessary.
- D. The baton may be used only when the application of a lesser degree of force would be unreasonable or inadequate to control the subject.
- E. The Wisconsin System of Defensive and Arrest Tactics instruct baton techniques that are targeted at an area below a line from armpit to armpit. The department accepts these guidelines and directs its officers to limit their actions accordingly. Refresher training shall occur at least biennially.

VIII. SPECIALTY IMPACT MUNITIONS

- A. Trained personnel are authorized to use Specialty Impact Munitions.
- B. Specialty Impact Munitions (SIMS) are alternative munitions designed to de-escalate a potentially dangerous situation with a reduced probability of causing death or great bodily harm or serious injury to all parties involved without jeopardizing the officer(s)' safety. These munitions are designed to deliver energy to inflict blunt trauma to cause physical discomfort for mental distraction, pain compliance, and/or possible incapacitation.

- C. Only trained and authorized personnel who have been trained and are currently qualified, are authorized to use Specialty Impact Munitions in situations authorized in this policy and consistent with departmental training.
- D. Authorized personnel must meet qualification standards, as established by the Chief or his/her designee, biennially.
- E. Personnel who are authorized and qualified are eligible and responsible for the deployment of the department's designated shotguns for Specialty Impact Munitions. They will be stored in the trunk of each patrol squad in the department approved case.
- F. The approved munitions will be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious injury to all persons involved. When deploying approved SIMS munitions, the deploying officer must have lethal force cover. The approved munitions should be deployed to the target areas based on training and manufacturer's guidelines.
- G. Approved Specialty Impact Munitions should be deployed at ranges based on training and manufacturer's guidelines.
- H. Suspects who are impacted with SIMS munitions should be restrained and evaluated with respect to possible injury. All suspects who are impacted will receive medical treatment at an emergency medical care facility. Medical staff will receive full disclosure on impacted areas and other applied force so that an accurate medical assessment may be conducted.
- I. Officers who deploy SIMS munitions at a suspect (hit or miss) will notify a supervisor as soon as possible. If there is no on-duty supervisor, contact an off-duty supervisor. The supervisor will then determine what follow up investigation is necessary. The incident will be fully documented in an official police report. This type of shooting will be treated as a serious use of force incident and a force review will take place as soon as practical.
- J. The department currently authorizes and issues the Remington 870 12 gauge pump shotgun as its only SIMS deployment weapon. The Less Lethal shotguns are marked for Less Lethal use ONLY by having orange stocks and fore ends. These Less Lethal shotguns are maintained in the trunk or storage area of each squad vehicle in a similarly-colored orange storage case.
 - 1. The current department-authorized SIMS munitions are the CTS model 2581, Super Sock Bean Bag rounds.
 - 2. The less-lethal shotguns are to be stored unloaded with no ammunition in either the chamber or magazine tube. The less-lethal ammunition is only to be stored inside a pocket on the outside of the orange storage case.

3. Loading procedure: Any officer removing a less-lethal shotgun from storage, with the intention of going armed with it during an incident, is required to visually inspect each round prior to loading it in the less-lethal shotgun. The purpose of the visual inspection is to ensure the officer is only loading less-lethal bean bag rounds. If feasible, a second officer should also visually inspect each round prior to them being loaded into the less-lethal shotgun.
4. Unloading procedure: The less-lethal shotgun shall be unloaded in a safe manner following the conclusion of the incident for which it was deployed. The less-lethal shotgun and ammunition shall be returned to the original state of storage as previously described in this section.

IX. USE OF CHEMICAL AEROSOL RESTRAINT

- A. The chemical aerosol restraint authorized by the department contains the chemical agent Oleoresin Capsicum. No other chemical aerosol restraint is authorized or allowed.
- B. Officers will take into consideration the position of police officers before using chemical aerosol restraint.
- C. Officers shall be trained in the use of chemical aerosol restraint. Refresher training shall occur at least biennially.
- D. Chemical aerosol spray shall be placed in Control Alternatives Mode of the Intervention Options.
- E. After use of a chemical aerosol restraint on a subject, and after the subject is under control, the officer will assess the medical needs of the person. If a deactivation solution is not available, the officer should remove the subject to an area of fresh air, and flush the affected area with soap and water. If additional care is needed, the officer should request EMS and will promptly notify his/her supervisor.
- F. Officers will carry the issued chemical aerosol restraint when on duty and assigned to a function whose primary responsibility is enforcement, or those directly responsible for supervising enforcement personnel.
 1. Officers who are operating in covert or undercover assignments are exempt from this requirement.
- G. Use of chemical aerosol restraint will require a written incident report detailing the circumstances of its application.

X. USE OF ELECTRONIC CONTROL DEVICES

- A. Only Electronic Control Devices authorized and issued by the Town of Beloit Police Department may be deployed and used by sworn Town of Beloit police officers.

- B. Only authorized personnel may use an Electronic Control Device in accordance with training received through or approved by the Town of Beloit Police Department.
- C. The Electronic Control Device shall be placed in the Control Alternatives Mode of Intervention Options. The criteria for its use are as follows:
 - 1. A subject is actively resisting or is threatening to actively resist an officer, or
 - 2. A subject poses a threat of harm to himself or herself such as self-inflicted injury or a suicide attempt, or
 - 3. A subject poses an immediate threat of harm to the officer or another person(s).
 - a) Officers may also 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 assaultive behavior.
 - b) Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of an Electronic Control Device.
 - 4. Extreme caution should be used in the officer's decision to deploy an Electronic Control Device (ECD) on an operator of a moving vehicle. The officer should evaluate the seriousness of the crime compared to the results of the deployment. The officer must take into account that it is highly likely that the operator of the vehicle, after the deployment of the ECD, will lose control of the vehicle. An officer may deploy an ECD on an operator of a vehicle when:
 - a) The officer has probable cause to believe that the suspect has attempted, or has committed a felony involving the use of threatened use of deadly force.
 - b) The officer has probable cause to believe the suspect has committed a crime resulting in substantial bodily harm or hit and run involving injury or death.
- D. The Electronic Control Device shall be worn on the duty belt, on the side opposite the duty weapon in a department issued or approved holster. Alternatively, the ECD may be worn on the external vest carrier.
- E. An officer shall not brandish, display, or threaten the use of an Electronic Control Device unless he or she can reasonably conclude its use may become justified and is anticipated.

- F. In each instance when an Electronic Control Device is deployed on an incident, a determination will be made regarding the need for lethal cover.
 - 1. Lethal cover shall be required in all cases in which the subject possesses a firearm.
- G. Department personnel who use an Electronic Control Device against a person shall ensure the person is checked for injury and afforded proper medical care if needed or requested, as soon as practical after the person is under control.
- H. If an adverse reaction to the Electronic Control Device occurs, or if requested by the subject, transportation to a medical facility shall be arranged.
- I. If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or the breast of female subjects, officers shall arrange transportation to a medical care facility for removal. If the probes are imbedded in other non-sensitive tissue areas, a trained officer may remove them according to the trained procedures.
- J. After the probes have been removed, they shall be handled as a biohazard, and packaged, and disposed of according to the trained procedure.
- K. When an Electronic Control Device is used against a person or animal, the user shall notify an on-duty supervisor and shall complete an incident report detailing the circumstances of the incident. If a supervisor is not working, contact an off-duty supervisor. The user shall also complete a Town of Beloit Police Department Use of Force form. When completing the Use of Force form, the officer shall list the serial number of the deployed ECD so that the deployment information can be retrieved. The probes, wires, and expended cartridge shall be collected and entered into evidence after any ECD deployment against a person.
- L. Trained officers shall complete a refresher course and a written examination every two years concerning the use of the Electronic Control Device.

XI. USE OF HANDCUFFS

- A. In any circumstance where an officer takes a subject into custody, the handcuffs will be used. Exceptions to this are within the officer's discretion but limited to:
 - 1. Where arrest and control could still be obtained, but the use of the handcuffs would escalate a situation or a crowd to unacceptable and unsafe levels.
 - 2. In circumstances where the subject taken into custody is infirm because of age, handicap, or disability where it would cause injury or undue pain.
 - 3. When handling a young non-violent offender (12 years and younger).

- B. Whenever possible or feasible, handcuffs shall be placed on an individual with the arms to the rear and palms facing outward. Handcuffs should be secure, allowing the wrists to turn slightly inside the cuff and double-locked.
 - 1. After placing handcuffs on an individual, officers should exercise caution to prevent the person in custody from falling and shall provide physical escort to the person when walking.
 - 2. When removing handcuffs from a person, officers are to hold the unfastened handcuff securely to prevent it from being used as a weapon and also to maintain control of the individual should he/she become unruly.
- C. The practice of binding a detainee's feet up and behind to their arms (commonly referred to as hog-tying) is not authorized. This is in recognition of the dangers that this position may cause relating to positional asphyxia.
- D. It is understood that subjects who are properly handcuffed have a diminished capability of carrying out resistant and/or assaulting behavior and generally pose a lesser risk to officers and others than subjects who are not handcuffed or who are handcuffed improperly. This is not meant to imply that properly handcuffed subjects equate to controlled subjects and are forever and always exempt from proper and reasonable police use of force. However, there is a significant difference when applying force on handcuffed subjects opposed to those that are not handcuffed. There is a greater burden, given identical resistance levels, on the officer to justify the same force level response on a handcuffed subject compared to the same subject when he or she is not handcuffed. Therefore, it is expected that officers will consider the stage/level/degree of stabilization present upon the subject at the time of their resistance when selecting the proper and reasonable force response necessary to achieve control. Officers should anticipate, unless exigent circumstances exist, to use a lower force response to control a properly handcuffed subject than that which would be necessary to control the same subject who is not handcuffed or who is improperly handcuffed.
- E. Detainees who are violent and/or struggling resistors may have their legs/ankles bound together by use of ankle cuffs, Velcro restraints, flex-cuffs, and/or similar useful restraints.
 - 1. These additional restraining devices are not intended to be a replacement for the standard issue handcuffs. Instead, these are a supplement to the regular handcuffs when extra restraint is needed.
- F. Supplementary restraining devices should be carefully monitored to assure that proper circulation is allowed to occur in the affected extremities. These should be removed as soon as it is safe and practical to do so.
- G. When able to control the position in which a violent and/or struggling detainee is placed, they should be transported on their sides rather than their stomachs.

- H. Officer will carry the department approved handcuffs and carry a handcuff key when on duty and assigned to a function whose primary responsibility is enforcement, or those directly responsible for supervising enforcement personnel.
 - 1. Those officers who are operating in covert or undercover assignments are exempt from this requirement.

- I. The following guideline is meant to assist officers when they are confronted by lawfully detained or arrested individuals who are properly handcuffed and who refuse to obey lawful directives with passive and/or low level active resistance (resistive tension, pulling away, etc.)
 - 1. It is the policy of the Town of Beloit Police Department to avoid force if reasonably possible, and being such, force should only be used to accomplish lawful objectives after all other reasonable and appropriate alternatives have been exhausted or have been determined to be clearly ineffective.
 - 2. Properly handcuffed subjects have a diminished capability of carrying out resistant and/or combative behavior.
 - 3. Therefore, officers shall first attempt to control subjects who are properly handcuffed using the following options unless exigent circumstances require otherwise:
 - a) Attempt to further stabilize the subject, request additional units to assist, and advise on-duty supervisor.
 - b) Advise the subject of the possible options available to them along with the possible consequences for failing to comply with lawful orders (tactical communications).
 - c) Apply additional restraints if possible.
 - d) Use compliance holds (wrist compression and pressure points) to gain compliance through transitory discomfort.
 - e) Request a supervisor respond to the scene.
 - f) Use team tactics of carrying and/or moving the subject to the desired location.
 - 4. Use of force above wrist compression and pressure points on a handcuffed subject must have supervisory approval unless exigent circumstances exist.
 - 5. Officers must document matters of exigency that precluded these prescribed lesser response options in their report.

XII. MEDICAL TREATMENT

- A. Officers shall evaluate all cases where persons are physically subjected to countermeasures, any type of chemical agent, impact weapon, or deadly force injuries to that person.
- B. If the subject has sustained or complained of injury requiring medical attention, the officer shall arrange for the appropriate medical care. Transportation may be made by squad car, except in cases where the injuries require an ambulance. The officer shall indicate in the incident report any injuries and whether treatment was received or refused.

XIII. OFFICER REPORT OF USE OF FORCE

- A. An officer must submit a written report whenever:
 - 1. He/she takes an action that results in (or is alleged to have resulted in) injury or death of another person, and/or
 - 2. He/she applies force through the use of a lethal or less lethal weapon.
 - 3. When a firearm is discharged, either intentionally or accidentally, while engaging in subject control.
 - 4. When writing the use of force report, the officer must document that he/she used tactical communication preceding the force option used. The exception to this is when words have failed and the use of force was immediately necessary. In such cases, the officer(s) will document the circumstances that required immediate force application (such as, but not limited to, security, attack, flight, excessive repetition, or revise priorities).
- B. Any officer who has employed deadly force, or force that has caused serious physical injury (that injury that creates a substantial risk of death, permanent disfigurement, or results in long term loss or impairment of the functioning of any bodily member or organ) must immediately provide sufficient initial information to a supervisor and/or an investigator so that an investigation may be conducted.
- C. When officers use force against anyone for whatever purpose, they will advise a supervisor without unnecessary delay. For the intentions of this section, supervisory notification will be necessary for force choices at or higher than pressure point or compliance holds.
- D. In all use of force incidents, the officer will ensure that the recipient of the use of force receives first aid or medical attention as needed or requested. DAAT trained guidelines in after use of force care will be followed.
- E. The officer will photograph the injuries or lack of injuries as may be the case. The photos will be placed into evidence.

- F. The details of the use of force incident will be documented in the officer's incident report.
 - 1. Officers who have employed force choices at pressure point or compliance holds or higher will submit with their report the Town of Beloit Use of Force form. The form will be filled out relating to all force options employed by the officer. One form will be filled out for each force recipient. Additional information relating to force applications or any elaboration of items from the form will be included in the report narrative.
- G. Upon notification of the use of force, the supervisor will ensure proper documentation of the incident.

XIV. INVESTIGATION INTO THE USE OF FORCE

- A. Whenever an incident occurs where force resulting in death or serious injury is exercised, whether accidental or intentional, the Shift Supervisor shall notify the Chief of Police or his/her designee.
- B. The Shift Supervisor will have the following responsibilities:
 - 1. Notify the Chief or his/her designee.
 - 2. Protect and secure the scene.
 - 3. If firearms are involved, check all the weapons of the officers at the scene following the incident.
 - 4. If firearms are involved, provide a discreet weapon exchange as soon as possible after the incident and take into custody all ammunition and weapons used.
 - 5. Identify witnesses and make arrangements for their interviews.
 - 6. Coordinate all aspects of an operational response to the original incident and the use of deadly force by police personnel in the Town.
 - a) In the event that the situation is an on-going critical incident, General Order OP7500 dealing with critical incidents will be followed until the situation is resolved.
 - 7. Have the officer(s) who employed deadly force moved away from, but accessible to, the scene. The officer(s) shall not be left alone.
- C. The Chief's designee will have the following responsibilities:
 - 1. Coordinate all aspects of an administrative response to the use of deadly force by department personnel.
 - 2. Advise the Town Attorney and Town Administrator of the incident.

3. Advise the District Attorney of the incident.
 4. Make personal contact with the officer's family or arrange such through a designee. Arrangements for child care, transportation of the spouse or significant other to the officer, shall be facilitated whenever possible.
 5. The department will make every effort to provide or make available psychological services for the officer(s), when an officer(s) is involved in a shooting incident involving injury or death. Psychological services shall not be related to any departmental 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 department.
 6. Arrange a media conference and/or a media release on the incident.
- D. Any officer who has employed deadly force or force that has caused serious physical injury (that injury that creates a substantial risk of death, permanent disfigurement, or results in long term loss or impairment of the functioning of any bodily member or organ) may be immediately assigned to administrative leave pending the administrative review of the incident. Official notification to the officer of reassignment to a line function will come from the office of the Chief of Police or designee.
- E. Staff involved in this investigation will submit a report of findings to the Chief of Police. An initial report within 48 hours of the investigation's beginning is desired followed by subsequent report of findings as necessary or directed.
1. Any staff involved in an investigation as outlined above, that was a principal in the incident, will be excused from the investigatory role. That assignment will then be directed to the next person below this staff person in the chain of command. The Chief of Police would have the option of reassigning the functions or designating another person at his/her discretion.

XV. USE OF FORCE REVIEW

- A. Reports involving use of force will be completed on a priority basis.
- B. The approving supervisor will conduct a review of the use of force application to determine adherence to policy and statutes.
 1. On completion of a review by the approving supervisor the review will be forwarded to the Chief of Police for his/her review/approval.
- C. On receiving a use of force review from the approving supervisor, the Chief and/or Chief's designee will review the facts to determine the objective reasonableness of the use of force.

1. This review will focus on whether or not the force used was “objectively reasonable” using the criteria established by the U.S. Supreme Court in *Graham v. Connor*.
 - a) The severity of the alleged crime at issue.
 - b) Whether the suspect poses an imminent threat to the safety of officers and/or others.
 - c) Whether the suspect is actively resisting or attempting to evade arrest by flight.
- D. When the review by the Chief and/or Chief’s designee is completed, the Chief will see that the employee(s) receive the review and go over it with their supervisor or the Chief’s designee as needed. The supervisor will see that the recommendations of the review are implemented. If the review reveals possible violations of law or policy, the supervisor will make the appropriate recommendation to the Chief of Police.
- E. The timeline for a use of force incident is as follows:
 1. Upon receipt of a use of force report from the officer(s), the supervisor has ten days to conduct their review and submit it to the Chief or his/her designee.
 2. The Chief or his/her designee, upon receipt of a force review, has five days to complete their review.
 3. The Chief or designee may extend the time period for review when circumstances require an extension.
- F. The agency will submit data to the Wisconsin Department of Justice Use of Force and Arrest-Related Death Data Collection (UFAD) through TraCs.
- G. The Chief of Police or his/her designee will conduct a documented annual analysis of use-of-force incidents to identify trends that could reveal the need for training, equipment, or policy modifications.

XVI. ANNUAL TRAINING

- A. All sworn personnel will receive annual training on this Use of Force policy and related legal updates.



Ronald L. Northrop Jr.
Chief of Police

This Order cancels and supersedes any and all previous Orders and directives relative to the subject matter contained herein.

Reviewed: 06/26/2018
Revised: 01/29/2019
Reviewed: 02/05/2020
Revised: 02/26/2020
Revised: 12/01/2021