



# POLICY & PROCEDURE

DELAFIELD POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: All Sworn Personnel

DISTRIBUTION: Policy & Procedures Manual

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

NUMBER: 5.01

ISSUED: 01/15/2021

EFFECTIVE: 01/15/2021

RESCINDS

AMENDS

WILEAG 5<sup>TH</sup> EDITION

STANDARDS: 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.1, 5.3.1, 5.3.2, 5.3.3, 5.3.4

---

INDEX AS: Control Devices  
DAAT (Defense and Arrest Tactics)  
Deadly Force  
De-escalation  
Firearms  
Foot Pursuits  
Less Lethal Weapons  
Non-Deadly Force  
Ramming with Police Vehicles  
Use of Force  
Warning Shots

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

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. DEFENSIVE AND ARREST TACTICS (DAAT)
- IV. USE OF FIREARMSUSE OF VEHICLES - BLOCKADES, BARRIERS, AND RAMMING
- V. USE OF NON-DEADLY FORCE
- VI. USE OF RESTRAINTS

## I. POLICY

A. It is the policy of the Delafield Police Department that its duty is to value and preserve human life therefore; officers shall use only the force, including less lethal force that is objectively reasonable to gain control, while protecting the lives of the officer or others. Officers may include in their decision to use this force option, information known to the officer(s) at the time of the incident or conduct or statements by the subject or a prior history of resistive or assaultive behavior. Deadly force shall never be resorted to until the officer reasonably believes every other reasonable means of apprehension or defense has been exhausted, or would be ineffective, and SHOULD only be used as a last resort.

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

2. Officers shall use only force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. Any person injured through the use of force by one of its officers, shall be offered and receive medical aid for such injuries, if requested or medically necessary. This includes aid from officers on scene, up to the level of their training.

3. It is the responsibility of any officer who uses physical force or any of the enumerated weapons, items or devices indicated below to complete an Incident Report on the incident involved and to specifically note the circumstances necessitating, and manner of, such use of force. Officers must also follow the policy and procedures set in 5.05 Use of Force Reporting and Review

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

Independent review of policy and certification: Pursuant to Section 2 of Executive Order No. 13929, this agency shall verify, through an independent credentialing body, that The Agency's use-of-force policies adhere to all applicable federal, state, and local laws; and the Agency maintains use-of-force policies that prohibit the use of choke holds, except in those situations where the use of deadly force is allowed by law.

## II. DEFINITIONS

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

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

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

D. DE-ESCALATION: Taking action or communicating verbally or non-verbally during a potential force situation in an attempt to stabilize the situation and reduce

the threat without the use of force or with a reduction in the force 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. GREAT BODILY HARM: "Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury." WI State Statute 939.22(14)
- G. NON-DEADLY FORCE: That amount of force which does not meet the definition of deadly force, but which is an amount of force which, in normal circumstances, can cause bodily harm.
- H. POST TRAUMATIC STRESS DISORDER: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- I. REASONABLE FORCE: That force which an ordinary, prudent, and intelligent person with the same knowledge of the particular situation as the officer would deem necessary.

### III. DEFENSE AND ARREST TACTICS

- A. The Delafield Police Department adopts the Defensive and Arrest Tactics System. This is a system designed for all police officers for the primary purpose of control. 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 Delafield Police Officers shall be trained in the DAAT system per State Training and Standard Bureau standards.
  - 1. An officer shall 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 only that force which is reasonably necessary in reacting to other people's behavior by escalating or de-escalating through the Intervention Options. Intervention options are not necessarily a sequential progression.
  - 5. Use of Force Training will be conducted annually and will include various control techniques.
- B. Incident Response Model: all officers shall follow the most current version of the Incident Response Model adopted by the State of Wisconsin DAAT Advisory Committee 06-07-17.

- C. Disturbance Resolution Model: all officers shall follow the most current version of the Disturbance Resolution Model adopted by the State of Wisconsin DAAT Advisory Committee 06-07-17.

#### IV. USE OF FIREARMS

- A. Sworn personnel are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes and exemptions granted under various statutes found in WI. Statutes: Chapter 941. Officers must also follow the requirements set forth in Policy & Procedure 12.01: Firearms and Ammunition and 5.03 Deadly Force.
- B. Prior to being authorized to carry a firearm on duty for the Delafield 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 Policy & Procedures and state laws pertaining to deadly weapons and the use thereof.
  - 2. Officers must be certified by the State of Wisconsin in the use of firearms.
  - 3. Officers must qualify with a Delafield Police Department Range Officer.

#### 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 Policy & Procedure 6.02: Vehicle Pursuits.

#### VI. USE OF NON-DEADLY FORCE

- A. An officer shall use only the amount of force that is reasonably necessary to perform his/her duties. The amount of force which may be employed is determined by the circumstances of a situation, including, but not limited to:
  - 1. The nature of the incident of offense.
  - 2. The behavior of the subject against whom force is to be used, actions by third parties who may be present.

3. Physical conditions.
  4. The feasibility or availability of alternative actions.
- B. The reasonableness of the force used will be judged in the light of the circumstances as they appeared to the officer at the time he/she acted, and not as they appear from a subsequent, more thorough knowledge of the circumstances.
- 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.
- C. 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 him/herself from bodily harm or death.
- D. 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.
- E. 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.
- F. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. If the offending officer is their supervisor then the reporting officer will report the incident to the next supervisor in the chain of command. Subsequent written notification to the Chief of Police shall be made prior to the end of shift and include the date, time, and place of the occurrence, the identity if known, and description of the participants, and a description of the events and the force used.
- G. Use of Less Lethal Weapons: Refer to Policy & Procedure 5.02: Use of Less Lethal Weapons.
- H. The intentional punching, striking, or grabbing the throat (trachea), blocking or restricting the carotid neck arteries, or the use of "choke holds" if prohibited, except in situations where the use of deadly force is allowed by law.

## VII. USE OF RESTRAINTS

- A. It should be understood that for the protection of both the person being restrained and the officer, use of restraints, such as handcuffs, reduces the likelihood of a struggle with the attendant possible injury to the offender, the officer, or both.
- B. An officer may use restraining devices in order to:
  - 1. Maintain control of subject.
  - 2. Prevent escape.
  - 3. Protect him/herself or others.
- C. An officer should never use restraining devices as punishment.
- D. It is a policy and procedure of this Department that all persons placed in protective custody or under arrest shall be properly handcuffed during transportation, except in the case of cooperative, non-threatening persons, where such decision shall be at the officer's discretion.
- E. Hand-Style Restraints. It is the policy and procedure of this Department to use handcuffs or restraining devices during all transportation, except in the case of cooperative, non-threatening persons, where such decision shall be at the officer's discretion. The following use procedures are provided:
  - 1. The officer shall use Departmentally approved restraints. Handcuffs should be applied to the person's wrists behind his/her back unless not physically possible.
  - 2. Handcuffs should be double locked upon placement on the person in order to negate any attempted tampering by the person and to assure that accidental tightening of the cuffs cannot occur.
  - 3. Handcuffs should be closed to a firm contact with offender's skin, but not so tightly as to produce pain, although one may expect comments as to discomfort.
  - 4. Handcuffs should not intentionally be closed so tightly as to cause physical injury to the person.
  - 5. Handcuffs (or any other restraining device) should be removed from the person upon arrival at a secure area within the Department, or upon transfer of custody to a responsible party. This procedure will not be affected should such removal be likely to result in physical harm to the offender, officers, or other person.
  - 6. Handcuffs should not be used when it appears likely that the person's wrists or hands are too small, or for some other reason which would negate the restraining effects of handcuffs. In such circumstances, flex cuffs or other restraints will be used.

7. Plastic disposable style hand restraints or “flex cuffs” shall only be used by officers trained in their use and safe removal. Officers utilizing these restraints shall carry a removal tool designed for safe removal of the restraints. Use of a knife or other similar tool to remove restraints is prohibited.

#### F. Handcuffing Prisoners Being Transported.

1. *Prior* to any transportation of persons in custody, they should be searched for weapons.
2. Subjects should be handcuffed behind the back. The following factors, among others, may be taken into consideration in choosing alternate means of restraints:
  - a) Other restraining equipment is in use, i.e., belly chains. Handcuffs may be used in front of the body when the prisoner is wearing a garment with a belt through which the handcuffs may be laced to securely pin the hands to prevent flailing about.
  - b) Conditions exist that make it unreasonable or impossible to place handcuffs behind the subjects back. In all such cases the officer should detail in his/her written report the unusual circumstances that existed and what alternative restraining device or techniques was used.
3. Prisoners should be placed in the police vehicle that seat belts may be secured about the prisoner in order to enhance their safety during transportation. Refer to Policy and Procedure 7.01: Search/Transport of Detainees.
4. *The use of handcuffs should not be viewed as an absolute provision of safety.* Officers should continue to exercise all due care as to the safety and custody of prisoners.

#### G. Exceptions to Handcuff Requirements.

1. Officers should always handcuff unless the officer can articulate exceptional circumstances. Officer discretion may be used in the following circumstances when deciding not to handcuff.
2. Persons who are temporarily incapacitated, such as by a serious wound to the lower arms, hands, etc. or a woman in an advanced stage of pregnancy, etc.
3. Juveniles who are either very young, or whom the officer has personal knowledge of, and as such, determines that the use of handcuffs is not an appropriate action.
4. All officers shall receive defensive tactics training in accordance with Wisconsin Training and Standards guidelines.

#### H. Use of Force to Enter Private Property.

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

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

He/she should announce that he/she is there to make an arrest and demand that the person inside open the door. Only after a reasonable period of time should the officer enter the door without it being opened from the inside.

If an officer does break in, he/she should try to do as little damage as possible.

3. There are exceptions to the above policies where police officers may enter without announcement and demand to make a lawful arrest. This occurs when an officer has good reason to believe that an announcement may:
  - a) Help the suspect to escape.
  - b) Endanger persons.
  - c) Result in the destruction of evidence.
4. When executing a search warrant, officers should first secure the area, and then enter the property.

Erik Kehl  
Chief of Police

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

EPK 01/15/2021