



# CITY OF SUN PRAIRIE POLICE DEPARTMENT POLICY AND PROCEDURE



## *Use of Force*

Field Operations Policy No. F-01

Eff. Date: 11/01/18

### **Policy**

The City of Sun Prairie recognizes and respects the value and integrity of each human life. Vesting officers with the lawful authority to use force to protect the public welfare requires a careful balancing of all human interests. Therefore, it is the policy of this department that officers shall exert no more force than is reasonably necessary in the discharge of their sworn duties.

### **Objective**

The objective of this policy is to establish procedures for Law Enforcement Officers to follow when a use of force situation exists.

1. Approach considerations
2. Intervention Options
3. Follow-Through Considerations
4. Investigation of Event
5. Reporting procedures
6. Off Duty Considerations

### **Definitions**

#### Active Resistance:

Active resistance occurs when an officer encounters behavior which physically counteracts his or her attempt to control and which creates risk of bodily harm to the officer or another person. The approved definition of active resistance generally prohibits, for examples, use of control devices against verbal aggression; people who are running away; children and older persons; and/or persons engaged in peaceful civil disobedience, unless there is justification of reasonableness from Approach Considerations.

#### Bodily Harm:

939.22 (4) of the Wisconsin Statutes defines Bodily Harm as: “physical pain or injury, illness, or any impairment of physical condition.”

#### Deadly Force:

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

#### Deadly Force Justification:

Any behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.

#### De-Escalation:

Tactics and techniques used by officers, when safe and without compromising law enforcement priorities that seek to reduce the likelihood of the need to use force during an incident, and increase the likelihood of a positive resolution.

Electronic Control Device (ECD):

A conducted energy weapon which utilizes compressed nitrogen to deploy two small probes. These probes are connected to the weapon by high-voltage insulated wire. When the probes make contact with the target, it transmits powerful electrical pulses along the wires and into the body of the target. This produces involuntary contraction of skeletal muscle tissue, overriding the motor nervous system, blocking command & control of the human body, directly stimulating motor nerve and muscle tissue, causing incapacitation.

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 any other serious bodily injury.

Greater Danger Exception:

An officer may shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.

Impact Weapon:

Any item used to gain control of a subject by striking.

Lawful Force:

A physical act by a police officer in the performance of duty when it is used to accomplish a legitimate law enforcement goal and the level of force used is reasonable considering all the facts and circumstances of the incident.

Non-Deadly/Non-Lethal Force:

Any use of force other than that which is considered deadly force.

Oleoresin Capsicum (OC or Pepper Spray):

A powerful inflammatory agent which occurs naturally in cayenne peppers. OC has a low likelihood of causing injury, but a high potential for control. OC is biodegradable and all symptoms should disappear within 15 to 45 minutes with no after effects.

Passive resistance:

Passive resistance occurs when a subject refuses to comply with a directive from a law enforcement officer but does not attempt to engage in physical action likely to cause bodily harm to the officer or to another person.

Physical Restraint:

Holding, restraining, pushing, pulling or other physical manipulation without the use of any weapon by one or more officers acting alone or in concert to control a person or to effect an arrest.

Reasonably Believes:

When facts or circumstances the officer knows or should know, at the time the officer acted, are such as to cause an ordinary, prudent, and reasonably intelligent police officer to act or think in a similar way under similar circumstances.

Target-Specific Directed Fire:

Target-specific directed fire is an application of deadly force that may be appropriate in certain limited situations. It is purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe. The purpose of target-specific directed fire is to stop the threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm.

**Procedure**

**A. DISTURBANCE RESOLUTION MODEL**

1. This policy is based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin as developed by the Training and Standards Board (Department of Justice – Bureau of Training & Standards).
2. The concept of escalating/de-escalating degrees of force is based on an officer’s reaction to a specific action of the person (s) he is attempting to control. Officers are not required to begin a confrontation at the verbal command level and escalate step-by-step until control is gained. Which mode an officer chooses in a given situation depends on the officer’s tactical evaluation and threat assessment. The criteria, as articulated in the landmark case of Graham vs. Connor, are whether the level and degree of force is objectively reasonable. The below factors are to be considered when determining the objective reasonableness of a use of force incident:
  - 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 arrest by flight.
1. Once a person has stopped resisting or attempting to escape, or is under control, the amount of force used should be reduced to the minimum necessary to maintain control of the subject.

**APPROACH CONSIDERATIONS**

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

**INTERVENTION OPTIONS**

MODE	TACTIC	PURPOSE
<i>Presence</i>	Professional Presence	To present a visible display of authority
<i>Dialog</i>	Tactical Communication	To verbally persuade
<i>Control Alternatives</i>	Passive Countermeasures	To overcome passive resistance, active resistance or their threats
"	Escort Holds	"
"	Compliance Holds	"
"	Pressure Points	"
"	Passive Countermeasures (Decentralizations)	"
"	Control Devices:	"
"	1. Oleoresin Capsicum Spray (OC)	*** Active Resistance or their threats, per SNPD Policy
"	2. Electronic Control Device (ECD)	*** Active Resistance or their threats, per SNPD Policy
<i>Protective Alternatives</i>	Active Countermeasures (Vertical Stuns, Strikes)	To overcome continued resistance, assaultive behavior or their threats
"	Incapacitating Techniques (Diffused Strikes)	"
"	Intermediate Weapons (Baton, LLIM)	"
<i>Deadly Force</i>	Firearm	To stop the threat

<b><u>FOLLOW-THROUGH CONSIDERATIONS</u></b>	
Stabilize	Application of restraints, if necessary
Monitor/Debrief	
Search	If appropriate
Escort	If necessary
Transport	If necessary
Turn Over/Release	Removal of restraints, if necessary

**B. USE OF ONLY NECESSARY FORCE**

Police officers shall exert no more force than is reasonably necessary in the discharge of their sworn duty. Officers shall exercise extreme care in the use of deadly force and that the use of deadly force is consistent with law and this Policy. Should any portion of the Use of Force Policy be less restrictive than State Statute, the more restrictive shall have precedence.

1. When Necessary Force May Be Used

- Sworn officers of this agency are authorized to use "Necessary Force" towards another person without their consent when one or more of the following circumstances exist or an officer REASONABLY BELIEVES they exist:
  - Detaining a person reasonably suspected of unlawful behavior
  - Effecting an arrest
  - Overcoming resistance
  - Preventing escape, or to retake following an escape
  - Protecting oneself or another from physical harm
  - Maintaining order
  - Taking into protective custody a subject who poses either a threat to him/herself or others
- 2. Degree of Force That May Be Used
  - Officers shall use only the degree of force they reasonably believe is necessary to control the situation and/or perform their duty. In determining the degree of force that is reasonably necessary, an officer shall consider the following factors:
    - The existence of alternative methods of control.
    - Officer-subject factors, including physical size, relative strength, age, pregnant women, physical and mental disabilities, limited English proficiency, and skill level of the subject
    - The nature of the encounter
    - The actions of the subject
    - Subject's ability to escalate force rapidly, i.e., proximity to weapons
    - Exigent conditions such as availability of backup, number of persons involved, etc.
- 3. Verbal Commands
  - Control of a person through presence and verbal commands shall always be the preferred method of control.
  - Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force based on the actions of the person they are attempting to control or make an affirmative decision to disengage.
  - Whenever possible, an officer should continue to give verbal directions and commands while using higher levels of force.
- 4. Duty to Intercede
  - Any officer present and observing another using excessive force, or engaged in unlawful conduct, or in violation of the Sun Prairie Police Department's Code of Conduct has an affirmative obligation to intercede and report.

### C. De-Escalation

When safe and feasible under the totality of circumstances, officers should attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

Examples of De-escalation could include, but are not limited to:

- Placing barriers between an uncooperative subject and an officer
- Containing a threat
- Moving from a position that exposes officers to potential threats to a safer position
- Decreasing the exposure to a potential threat by using:

- Back-up
- Distance/time
- Cover/concealment
- Communication from a safe position intended to gain the subject's compliance, using dialogue
- Any other tactics and approaches that attempt to achieve law enforcement objectives

An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Mitigating the immediacy of the threat gives officers time to utilize extra resources and increases time available to call more officers or specialty units.

The numbers of officers on scene may increase the available force options and may increase the ability to reduce the overall force used. When feasible, officers should approach an individual whom they anticipate may be taken into custody (criminal suspects, potential protective custody/emergency detention, etc.) with back-up present or immediately available.

#### **D. USE OF RESTRAINING DEVICES**

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional department-approved restraining devices (leg restraints, zip ties, spit hoods, protective helmet, etc.).
3. In an emergency situation when a department approved restraining device is not available, the department recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
4. Individuals who are placed in a maximum restraint position should be continuously monitored for breathing and circulation.
  - Maximum restraint positions include:
    - a. the prone position with hands restrained behind the back
    - b. the prone position with officers controlling subject's appendages, e.g. the STAR tactic
5. Individuals shall not be transported in a prone position.

#### **E. RESPONSIBILITY TO MONITOR SUBJECTS FOR SIGNS OF INJURY**

1. Whenever physical force is used to control a subject it is the officer's responsibility to monitor the subject for signs of injury. If an injury is such that it requires medical treatment, every effort will be made to provide such treatment. If the subject requests medical attention, it shall be provided.
2. If the subject refuses medical treatment for his/her injury this fact shall be documented in the officer's report. Officers may arrange for medical attention if they feel it is necessary even if the subject refuses.

#### **F. EXCITED DELIRIUM**

1. Officers must recognize the potentially life threatening phenomenon known as Excited Delirium. Excited Delirium is a medical condition that is usually brought on by stimulant drug abuse or non-compliance with psychiatric medications. Any person who is delirious requires prompt medical evaluation and treatment. The delirious person is likely to manifest acute behavioral disturbance. These individuals can appear normal until they are questioned, challenged or confronted.
2. When confronted or frightened these individuals can become oppositional, defiant, angry, paranoid and aggressive. Further, confrontation, threats, and use of force will almost certainly result in further aggression and even violence. Attempting to restrain and control these individuals can be difficult because they frequently possess unusual strength, pain insensitivity and instinctive resistance to any use of force. The failure of officers to recognize this life-threatening condition may delay the urgent help that is needed to save the affected person.
3. If a person is experiencing Excited Delirium or some other medical problem that is contributing to violent behavior, your response tactics should be geared to accomplish the following:
  - Avoid increasing the subject's agitation.
  - Minimize physical struggles with the subject.
  - Minimize the use of restraints.
  - Get medical care for the subject as quickly as possible.
4. The first priority is always safety; your safety, the public's safety and the subject's safety. If circumstances allow, the following is recommended:
  - Attempt to calm the subject using verbal techniques.
  - Request back-up and Advanced Life Support.
  - Once ALS is on scene, use an ECD to make it possible to approach the subject.
  - Have paramedics administer a tranquilizer per their protocol.
  - Contain the subject without restraints until he or she is calm.
  - Transport the subject to a hospital in an ambulance using minimal restraints.

## **G. USE OF DEADLY FORCE**

1. Sworn officers of this agency have the authority to discharge firearms or use other deadly force options in connection with the performance of official police duties under, and only under, the following circumstances:
  - To protect the officer or another person(s) from apparent death or great bodily harm.
  - After exhausting or ruling out all other reasonable means to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force and the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.
  - To destroy a dangerous animal or one so badly injured that humanity requires its relief from further suffering. The latter case requires, when practical, an owner authorization. Officers who destroy an injured animal must be especially sensitive to the presence of bystanders and witnesses that may be emotionally attached to the animal.
  - Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or unintentional discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use

of deadly force is not necessary, the officer shall, as soon as practical, secure or holster the firearm.

- If chemical or electric weapons are employed (or threatened) against an officer, if reasonably possible, (s)he should attempt to protect their eye area, control breathing, disengage, and maintain weapon control. The fact that a subject is armed with or uses chemical or electric weapons does not in and of itself justify the use of deadly force. In determining the appropriate response, an officer shall consider the situational factors described in "Use of Only Necessary Force". It is recognized that an officer will likely be completely vulnerable if successfully attacked with these weapons and that deadly force may be necessary to protect the officer from death or great bodily harm.
  - Before using deadly force, officers shall identify themselves and state their intent, where feasible. The use of deadly force shall not be threatened unless such force would be justified under this policy.
2. Deadly Force Against a "Fleeing Felon"
- Use of deadly force against a fleeing felon will be limited to the force allowed, as stated in standard "Use of Deadly Force".

## **H. UNAUTHORIZED DISCHARGE OF FIREARMS**

1. Firearms are not to be discharged:
- As warning shots.
  - When its use unreasonably risks the lives of innocent bystanders, unless the Greater Danger Exception applies.
  - At unseen subjects, (for example, through a door or into a building) unless such subjects are in close proximity to the officer and present a deadly force threat or when utilizing Target-Specific Directed Fire as defined in this policy.
  - From a moving vehicle, unless an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm.
  - At a moving vehicle unless:
    - A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    - The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.

## **I. PROHIBITED TACTICS AND WEAPONS**

1. "Strangle holds" and other similar holds, which choke or restrict the ability to breathe are prohibited, except when the officer reasonably believes there exists a threat of serious bodily injury or death for the officer or a third person if the officer does not do so.
2. Officers are prohibited from carrying any unauthorized weapons. Authorized weapons included: firearm, LLIM, baton, ECD, OC, and a knife. (Ref. Policy A-25: Uniforms and Appearance)

## **J. IMPACT WEAPONS**

1. The use by an officer of an impact weapon to strike a blow above the shoulders is prohibited except when the officer reasonably believes there is a threat of apparent death or great bodily harm. This section is not intended to apply to accidental strikes to the head due to resistance.
2. Baton
  - Department approved batons are the only authorized impact weapons.
  - Other devices, flashlights, radios, firearms, etc., are not recommended to be used as impact weapons. However, the department recognizes that emergency self-defense situations involving other objects and instruments may occur.

## K. OLEORESIN CAPSICUM (PEPPER SPRAY)

1. On-Duty Use
  - All officers in a uniformed patrol capacity are required to carry department issued OC on their duty belt in department approved holders. Officers in non-uniform assignments are required to have OC promptly accessible, if not on their person. Sworn administrative personnel may carry OC on an as needed basis. Before using OC, officers should identify themselves, and state their intent to use OC, where feasible.
  - Officers are permitted to use OC when necessary to overcome active resistance or its threat. Mere passive resistance or verbal arguments against being arrested do not justify the use of OC without words and actions showing intent to physically resist or to harm the officer. OC may be used on animals only if they demonstrate a threat to the officer or other persons.
  - Officers shall exercise sound judgment when using OC and shall consider the potential for cross-contamination to the user, other officers and bystanders.
  - Absent extraordinary circumstances, officers should not utilize OC if it appears children less than two years of age are in the area that would be contaminated.
  - OC shall not be utilized by departmental personnel once the individual is subdued and under control.
  - Blood should be the primary test for persons arrested for an alcohol related driving offense, if they have been sprayed with OC.
  - Decontamination procedures. Departmental personnel who use OC against a person shall ensure the person is decontaminated as soon as practical after the person has been subdued. At a minimum, officers should:
    - Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as practical.
    - Remove contact lenses and contaminated clothing. Inform the person that clothing should be washed thoroughly and soft contact lenses may have to be discarded.
    - Inform the subject additional relief may be gained by showering and washing affected areas with soap and water. Do not apply salves, creams, or lotions.
    - Monitor the subject for 45 minutes after application and, if incarcerated, notify confinement personnel of the use of OC. Transport to a medical facility shall be arranged if there is no recovery within 45 minutes, an adverse reaction occurs, there are contact lens related complications, or if requested by the subject.
    - Ventilate any enclosed areas where OC was used for at least 45 minutes.
    - If circumstances permit, and it can be done without endangering departmental personnel, reasonable efforts to decontaminate animals should be made or the information conveyed to the animal's owner.
2. Carrying of OC Off Duty

- Off-duty officers may, at their discretion, carry OC. Off-duty officers carrying OC by virtue of their status as police officers shall possess department issued police credentials and, if practical, identify themselves as police officers before taking any police action. Off-duty officers acting under color of law will comply with department policies.
- An off-duty officer will not consume or be under the influence of alcoholic beverages or any other drug when carrying Department issued OC.

## L. ELECTRONIC CONTROL DEVICE (ECD)

1. The Sun Prairie Police Department utilizes Taser X26 and X26P models as the only approved ECD devices. An approved ECD device may only be utilized by officers that have successfully completed training and certification in its use. Deployment and use of the ECD will be in accordance with departmental training and procedure.
2. Continued training on the ECD will be conducted annually.
3. All authorized officers in a uniformed patrol capacity are to carry an ECD. Other officers may carry an ECD on an as needed basis. The ECD shall be carried on the officer's reaction side in a department approved holster.
4. The ECD is not a substitute for deadly force – in cases where a subject is believed to be armed with a firearm, an officer may not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with a ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
5. An officer may only display, present, or threaten to use the ECD if the officer reasonably believes that the potential for its authorized use exists.
6. Deployment of the ECD will be evaluated using the criteria in this policy and within the framework of the State of Wisconsin Use of Force Intervention Options. The ECD may only be used under the following circumstances.
  - To overcome active resistance or its threat.
  - To control persons in order to prevent them from harming themselves or others.
7. Use of the ECD under the following circumstances is prohibited, unless exigent circumstances are present:
  - Against a handcuffed subject.
  - Against subjects fleeing on foot.
  - Against subjects operating a motor vehicle.
8. The ECD will not be used under the following circumstances:
  - For coercion or intimidation.
  - To escort or prod subjects.
  - To awaken unconscious or intoxicated subjects.
  - From a moving vehicle.
  - Against subjects who are offering only passive resistance.
9. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
10. Officers shall evaluate all subjects against whom the ECD has been deployed as soon as practical after the person is under control, and should request emergency medical personnel to respond to the scene.
11. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breasts of a female) the subjects will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.

12. After the probes have been removed they shall be handled as a bio-hazard and packaged according to the trained procedures, by placing them within the spent cartridge. The cartridge shall be put in a hazardous materials bag and placed into the property system.
13. All trigger activations other than spark tests and authorized training shall be reported to the shift supervisor as soon as practicable (i.e., by end of shift).
14. The ECDs and cartridges will be secured in a locked cabinet in the Squad Bag Room.
  - Trained personnel shall obtain an ECD. After spark testing, one cartridge will be attached to the ECD. The officer shall also have immediately available one (1) extra cartridge. ECD identification numbers shall be recorded on the daily electronic log. If an officer is assigned to a call before (s)he is able to checkout an ECD, the officer shall return as soon as practical after the assignment and complete the checkout procedure.
  - Spark tests shall be conducted at the beginning of each officer's shift.

## M. LESS LETHAL IMPACT PROJECTILES

1. *Less Lethal Impact Munitions* provides officers with an additional use of force option, increasing the possibility of a positive outcome (usually subject/suspect control) while decreasing the potential of death or serious injury. The use of Less Lethal Impact Munitions is an intermediate force option and not a substitute for deadly force.
2. *Training*
  - Only officers who have successfully completed training in their use may utilize Less Lethal Impact Munitions. Deployment of Less Lethal Impact Munitions will be in accordance with the departmental training and policy.
  - If an officer fails to qualify with Less Lethal Impact Munitions that officer will not be authorized to deploy Less Lethal Impact Munitions.
  - Officers will be trained and qualified on an annual basis for Less Lethal Impact Munitions.
3. *Less Lethal Impact Munitions System and Storage*
  - The Less Lethal Impact Munitions system consists of dedicated shotguns and approved impact projectiles. The shotgun will be marked with an orange stock and forearm.
  - Shotguns will be secured in each assigned department vehicle. The shotgun will be stored unloaded. Only approved less lethal impact projectiles will be stored with the shotgun.
4. *Deployment*
  - Less Lethal Impact Munitions are not a substitute for deadly force. An officer may not deploy Less Lethal Impact Munitions unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with Less Lethal Impact Munitions must continuously monitor and evaluate the ability of other officers present to deliver deadly force.
  - The deploying officer must ensure the weapon is loaded with less lethal impact rounds.
  - The Less Lethal Impact Munitions system should be deployed from a position of cover and concealment when possible.
  - Like any use of force, deployment of less lethal impact projectiles must be evaluated using the criteria in this policy and the State of Wisconsin Use of Force Intervention Options. Deployment of less lethal impact projectiles at non-vital areas is considered non-deadly force, but is considered to fall just above baton strikes, at the upper range of the “intermediate weapon” mode in the Intervention Options. The intentional deployment of less lethal projectiles at the head, neck, chest, spine, groin, and lower back is considered deadly force.
  - Prior to deployment, an apprehension plan should be coordinated and communicated to all on-scene officers, if practical.

- After deployment, officers should re-evaluate the threat and take appropriate steps to stabilize and control the subject and the scene.
  - Absent an imminent threat of harm to officers or citizens, Less Lethal Impact Munitions will not be used in crowd control situations. Less Lethal Impact Munitions will not be used to move or disperse crowds.
  - The officer in charge shall be notified as soon as practical of the deployment of Less Lethal Impact Munitions.
5. Follow-Through Considerations
- Officers shall evaluate all subjects against whom the LLIM has been deployed as soon as practical after the person is under control, and should request emergency medical personnel to respond to the scene. A medical clearance will also be required.
  - Photographs should be taken of impact sites and any other related injuries.
  - Once the scene has been secured, fired munitions are to be recovered and secured as evidence.
  - Deployment of Less Lethal Impact Munitions is not considered an “officer involved shooting”, and the investigative requirements of policy A-11: Critical Incident Reaction need only apply if death or great bodily harm results.

## N. REPORTING USE OF FORCE

1. It is the responsibility of any officer who uses physical force, or any of the following enumerated weapons, items or devices, to complete an original or supplementary report on the incident involved and to specifically note the circumstances necessitating and manner of such use:
  - Firearms (e.g., discharging, striking with or as show of force).
  - Less lethal impact munitions (discharging, striking with or as show of force).
  - Baton (e.g., the striking, blocking or pushing of any person or show of force).
  - OC Spray (spraying or show of force against a person).
    - When OC is used as a show of force, with no other actions against an animal, a Use of Force Form only need be completed.
  - Electronic Control Device (discharging or show of force against a person).
    - The ECD identifying number must be listed on the form. The OIC shall download the internal data recorded by the ECD and provide a copy to the officer as soon as practical. The officer will attach that copy to the police report. When an officer uses an ECD as a show of force only, with no other actions against an animal, a Use of Force form only need be completed.
  - Handcuffs or other restraining devices.
  - Physical force (e.g., striking, punching, pushing or restraining any person).
  - The only exception is officers engaged in a group action (i.e. search warrant, high risk stop) involving firearms or less lethal impact munitions deployed as a show of force only. In these situations, the incident may be summarized in a single reporting document.
2. In addition to the above, each officer who uses force under control alternatives or greater, excluding escort holds, shall make a verbal report to the on-duty Shift Supervisor as soon as circumstances permit, but no case later than the end of his/her tour of duty. He/She shall also complete a Use of Force Form as soon as practical thereafter. This includes show of force for firearms, OC, baton, ECD and less lethal impact munitions.
  - The reports will also be used to assist in evaluating the incident, policy, training, and equipment.

3. Off-duty officers who, under color of law, are involved in a use of force situation are subject to the same reporting requirements and procedures as on-duty officers.
4. Uses of force that meet the requirements above shall be reviewed by the department use of force coordinator and the Assistant Chief of Police.
  - The initial review by the use of force coordinator shall be completed within 30 days, and the entire review completed within 60 days.
5. Use of Force Tracking and Analysis
  - The Assistant Chief's office will maintain records related to use of force.
  
  - The Assistant Chief will provide the Chief of Police with an annual summary of use of force, to include risk assessments and recommendations for changes in policy, training, supervision or other resources.

## **O. POLICY DISTRIBUTION AND TRAINING**

1. A copy of the Use of Force policy, including all future amendments or revisions, shall be available to all sworn personnel.
2. All sworn personnel will be instructed in this policy and Policy A-05: Firearms prior to being authorized to carry a firearm and perform official duties.
3. The department shall conduct training pursuant to the terms of this policy on at least an annual basis.