



GENERAL ORDER

TWO RIVERS POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: All Sworn and CSO Personnel
DISTRIBUTION: General Orders Manual

REFERENCE: WI State Statutes: 66.0511(3), 939.45,
939.48, and Chapter 941; DAAT Incident
Response and Disturbance Resolution
Model

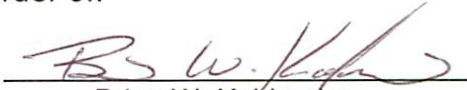
NUMBER: 5.01
ISSUED: 1/26/2021
EFFECTIVE: 1/26/2021
☐ RESCINDS
☐ AMENDS
WILEAG 5TH EDITION
STANDARDS: 5.1.1, 5.1.2, 5.1.3,
5.1.4, 5.2.1, 5.3.1, 5.3.2, 5.3.3,
5.3.4

Two Rivers City Manager provided a copy:

Date: 02-17-2021

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

By Order of:


Brian W. Kohlmeier
Chief of Police

INDEX AS: Control Devices
DAAT (Defensive and Arrest Tactics)
Deadly Force
De-escalation
Electronic Control Device (ECD)
Firearms
Foot Pursuits
Less Lethal Weapons
Ramming with Police Vehicles
Rendering Medical Aid, Use of Force
Use of Force
Use of Force Reporting
Use of Force Review
Warning Shots

PURPOSE: The purpose of this General Order is to establish policies and procedures for the Two Rivers Police Department regarding: the use of force and identifying the responsibilities of officers using force and follow through considerations; to provide guidance to officers when persons become injured due to the use of force by an officer;

and to provide guidelines for officers for the reporting and review of any officer-involved critical incident.

This General Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. DEFENSIVE AND ARREST TACTICS (DAAT)
- IV. USE OF FIREARMS
- V. USE OF FORCE WITH VEHICLES
- VI. USE OF FORCE CONSIDERATIONS
- VII. USE OF RESTRAINTS
- VIII. FOOT PURSUITS
- IX. RENDERING MEDICAL AID
- X. REPORTING THE USE OF FORCE

I. POLICY

A. It is the policy of the Two Rivers Police Department that:

- 1. **Officers shall only use force that is reasonable and necessary to effectively bring an incident under control and/ or make an arrest. This reasonable force shall only be used while protecting the lives of the officer and others in the performance of his or her law enforcement duties.**
- 2. Any person injured through the use of force by one of its officers, shall receive medical aid for such injuries as soon as it can be safely and practically applied.
- 3. It is the responsibility of any officer who uses physical force to complete an Incident Report on the incident involved and to specifically note the circumstances necessitating, and manner of, such use of force.
- 4. All cases where force is used shall be reviewed by the Chief of Police and documented.

II. DEFINITIONS

- A. **BODILY HARM:** Physical pain or injury, illness or any impairment of physical condition {WI Statute 939.22(4)}
- B. **DEADLY FORCE:** The intentional use of a firearm or other instrument, the use of which would result in 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 use of force situation in an attempt to stabilize the situation and reduce the immediacy of the threat without the use of force or with a reduction in the use of force necessary. It is a concept that involves an officer's use of time, distance and relative positioning in combination with professional communication.
- E. **GREAT BODILY HARM:** Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or any other serious bodily injury. {WI Statute 939.22 (14)}
- G. **REASONABLE FORCE:** That force which an ordinary, prudent, and intelligent officer with the same knowledge of the particular situation as the officer would deem necessary to gain compliance.

III. DEFENSE AND ARREST TACTICS

- A. The Two Rivers Police Department adopts the Defensive and Arrest Tactics System (DAAT) which is approved by the State of Wisconsin Training and Standards Bureau. This is a system designed for all police officers for the primary purpose of self-defense. This system includes the Incident Response and Disturbance Resolution Models which provide general guidelines that define the degree and type of force to be used in controlling suspects. All Officers shall be trained in the DAAT system per State of Wisconsin Training and Standard Bureau standards.
 - 1. Under no circumstances shall an officer continue to use force (except mere physical restraint) against an individual who has ceased to resist.
 - 2. When an individual only offers passive resistance to arrest, the officer shall remove and transport such an individual with as much regard to the individual's safety and welfare as reasonable, practical, and possible.
 - 3. When utilizing the Disturbance Resolution Model, the officer must use the minimum necessary force in reacting to other people's behavior by escalating or de-escalating through the Intervention Options.

4. 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 on 01-16-02, updated on 06-07-17 and as updated periodically.
- 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 on 04-19-05, updated on 06-07-17 and as updated periodically.

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 laws found in WI. Statutes: Chapter 941. Officers must also follow the requirements set forth in General Order 12.01: Weapons and Ammunition.
- B. Officers may display Department authorized firearms when they have reasonable suspicion to believe that the use of deadly force may be necessary. Officers need not be under attack, but only be reasonably apprehensive that the situation may lead to circumstances outlined in the Use of Deadly Force section of this Order. Department authorized firearms should not be displayed under any other circumstances.
 1. This section is intended to allow the officer to have the firearm ready in circumstances such as answering an alarm or confronting a suspect whom there is reasonable suspicions to believe may be armed and the officer believes that the suspect has or is intent upon causing death or great bodily harm to oneself or another person.
 2. Officers may fire their weapons to stop an assailant who has caused, or imminently threatens to cause death or great bodily harm to themselves or another person. Refer also to General Order 5.02: Deadly Force for further information.

V. USE OF FORCE WITH VEHICLES

- A. The Use of Force with vehicles may be utilized as an Induce to Stop or Deadly Force technique. Please refer to General Orders 5.02: Deadly Force and 6.02: Vehicle Pursuits

VI. USE OF FORCE CONSIDERATIONS

- A. An officer shall use only the minimum amount of force that is reasonably necessary to perform his/her duties. The amount of force which may be employed is determined by the circumstances of a situation, including, but not limited to:
 - 1. The nature of the offense.
 - 2. The behavior of the subject against whom force is to be used, actions by third parties who may be present.
 - 3. Physical conditions
 - 4. The feasibility or availability of alternative actions.
- B. The reasonableness of the force used will be judged in the light of the circumstances as they appeared to the officer at the time he/she acted, and not as they appear from a subsequent, more thorough knowledge of the circumstances.
- C. Under no circumstances may an officer continue to use force (except for physical restraint) against an individual who has ceased to resist, escape, or otherwise violate the law.
- D. Officers may use reasonable force to:
 - 1. Overcome an offender's resistance to, or threat to, resist a lawful arrest.
 - 2. Prevent the escape of an offender or arrested person.
 - 3. Protect others from bodily harm or death.
 - 4. Protect himself/herself from bodily harm or death.
- E. When an individual offers only passive resistance to arrest, an officer shall take such person into custody and transport such individual with as much regard to the individual's safety and welfare as is reasonable, practical and possible.
- F. Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with the law and Department General 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 up to and including termination and/ or criminal charges.
- G. An officer who witnesses another officer using force in excess of that permitted by law and this General Order, must act immediately to stop the excessive force as all officers have a duty to intervene. Officer override or intervention in this type of situation is **mandatory**. Furthermore, an officer witnessing an excessive use of force must be report such use of force to a supervisor immediately. If the offending officer is their supervisor then the reporting officer will report the

incident to the next supervisor in the chain of command. Subsequent written notification to the Chief of Police shall be made prior to the end of shift and include the date, time, and place of the occurrence, the identity if known, and description of the participants, and a description of the events and the force used. Refer also to General Order 1.04: Code of Conduct, 4.03: Citizen Complaints/ Internal Affairs.

H. Use of Less Lethal Weapons. Refer to Policy & Procedure 5.03: Use of Less Lethal Weapons.

I. Use of Force to Enter Private Property.

1. An officer may lawfully use force to make entry onto the land or structure of another to make a felony arrest, enforce a criminal warrant where the individual has standing, an ACT 79 arrest or other legal arrest in accordance with WI state law. An arrest in conjunction with a search warrant is however the preferred method of affecting an arrest.
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 force entry, 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.

Refer to General Orders 1:11 Search and Seizure and 1:12 Arrest Procedures.

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 and possible injury to the offender, the officer, or both.

- B. An officer may use restraining devices in order to:
1. Maintain control of a subject.
 2. Prevent escape.
 3. Protect him/her or others.
- C. An officer should never use restraining devices as punishment.
- D. It is a policy of this Department that all persons placed in protective custody or under arrest shall be properly restrained during transportation.
- E. Hand-Style Restraints. It is the policy 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 Department approved restraints in accordance with the Wisconsin Law Enforcement Training and Standards guidelines.
 2. Handcuffs shall be applied to the person's wrists behind his/her back unless not physically possible. 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. Handcuffs shall be double-locked upon placement on the person in order to negate any attempted tampering by the person and to assure that accidental tightening of the cuffs cannot occur.
 4. Handcuffs shall be closed to a firm contact with offender's skin, but not so tightly as to produce pain, although one may expect comments as to discomfort.
 5. Handcuffs shall not intentionally be closed so tightly as to cause physical injury to the person.
 6. Handcuffs (or any other restraining device) shall be removed from the person upon arrival at a secure area within the Department, or upon transfer of

custody to a responsible party. This procedure will not be affected should such removal be likely to result in physical harm to the offender, officers, or other person.

7. Handcuffs shall not be used when it appears likely that the person's wrists or hands are too small, or for some other reason which would negate the restraining effects of handcuffs. In such circumstances, flex cuffs or other restraints will be used.
8. The use of neck restraints by personnel of the Two Rivers Police Department is prohibited.
9. *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.
10. All officers shall receive defensive tactics training in handcuffing DAAT procedures in accordance with Wisconsin Training and Standards guidelines. Refer also to General Order 7.01 Search and Transport of Detainee(s).

VIII. FOOT PURSUITS

- A. An officer's decision to pursue on foot shall be made with an awareness and appreciation for the risk to the officer and others who may be exposed. In deciding whether to initiate or continue a foot pursuit, officers shall also consider the following risk factors:
 1. The severity of the incident and/or offense to which the officer is responding.
 2. Officer/suspect factors regarding skill level, age, size, and strength of the fleeing suspect.
 3. Availability of immediate assistance.
 4. Geography familiarization and orientation.
 5. The necessity of the pursuit based upon whether the identity of the suspect is known or can be determined permitting apprehension at a later time.
 6. Whether the person being pursued poses a threat or harm to the public beyond the act of fleeing the officer, if not immediately apprehended.
 7. When the foot pursuit enters a building, structure, confined spaces, wooded or otherwise isolated areas without sufficient backup; the officer should consider setting up a perimeter and waiting for additional officers.

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

1. The threat of harm to the officer or the fleeing suspect outweighs the necessity for immediate apprehension.
2. Inability to maintain radio contact with communications center.
3. Riotous or unsafe environment.
4. The location of the suspect is unknown.
5. Termination of pursuit is directed by a supervisor.

IX. RENDERING MEDICAL AID

A. Treatment of Persons Injured Through the Use of Force

1. Persons subject to the use of force shall be observed to detect obvious changes in their physical or mental condition and administered first aid if required.
2. Summon appropriate medical aid, if necessary.
3. If necessary, or requested by the injured subject and reasonably safe, the injured person(s) is/are to be transported by ambulance to the most quickly acceptable medical facility for proper treatment.
4. During the time awaiting treatment and during the treatment activities, the officer should maintain security.
5. The injured person is to remain handcuffed during treatment unless the handcuffs interfere with such treatment. Should medical treatment require removal of handcuffs, the officer should request that restraints be used by hospital personnel.

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

6. The officer is to remain with the injured person at all times during the hospital stay unless the injury is so serious that escape is not physically possible.
7. If it is determined that the injured person needs to be admitted to the hospital for additional treatment or a hospital stay, the officer will contact his/her

immediate supervisor and coordinate efforts with hospital personnel in order to determine what level of monitoring will be required.

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

X. REPORTING THE USE OF FORCE

- A. A report will be required when any an officer is forced to use any of the following:
 1. Firearms: Discharging or pointing of any firearm at any person. Refer also to General Order 5.02: Deadly Force
 2. Electronic Control Device (ECD): Discharging of an ECD or pointing of an ECD at any person.
 3. Baton or kinetic energy impact projectiles: When used in striking, blocking, or pushing of any person.
 4. Chemical agents: The use of any chemical agent against any person.
 5. Physical force: striking, punching, pushing or restraining any person.
 6. Oleoresin capsicum: The use of any pepper gas aerosol or pointing OC at any person.
- B. The officer involved shall orally advise his/her supervisor of the use of force, any injuries as the result of the use of force and the underling facts justifying his/her use of force as soon as possible.
- C. The officer involved shall make a written report/statement as to the underlying facts and the reasonableness, as perceived by the officer, justifying his/her use of force as soon as practical.
- D. If the discharge of the weapon or use of force causes injury, great bodily harm or death, the supervisor shall notify the Chief of Police or designee as soon as possible.
- E. The supervisor, as soon as possible following the investigation, shall forward all reports of the investigation to the Chief of Police. He or she shall also be updated with the status of any ongoing investigation.
- F. A Use of Force Report shall be completed regarding any incident involving the intentional or accidental discharge of a firearm, except on an approved firearms range for the purpose of firearms practice, training, competition, qualification, legal hunting purposes or dispatching a wounded animal.

- G. Whenever an officer uses force in the performance of his/her duty, he/she shall indicate in the report of the incident the use of the force and the circumstances and justification for its use.
- H. All use of force reports shall be forwarded to the lead DAAT instructor or Firearms Instructor and a copy will be filed with the Chief of Police or designee.
- I. Post use of force removal from duty.
 - 1. An officer(s) whose actions or use of force results in a death or serious physical injury shall be placed on administrative leave or light duty by the Chief of Police or his/her designee during the investigation of the incident and/or until such time as the incident investigation or administrative review is completed.
 - a) The officer shall be available for Departmental interviews and statements regarding the incident and may be subject to recall to duty.

Refer to General Order 6.15 Officer Involved Critical Incident and 5.02 Deadly Force for details concerning Officer Involved Shooting.

J. Post use of force review

- 1. At least once every year the Chief or designee shall conduct a documented review of the use of force reports to determine any policy issues, training or weapons/equipment deficiencies, or disciplinary matters that require attention or any type of future action.