APPLETON POLICE DEPARTMENT	TITLE:	Use of Force	men e
ISSUE DATE:	REVIEW DATE:	REVISED DATE:	SECTION:
06-01-91	11-26-19	11-26-19	Operational
POLICY SOURCE:			TOTAL PAGES:
	Assistant Chief		18
SPECIAL INSTRUCT		W1022 11 101 12 16	
A	ddendum C (APD Form	#103) added 01-12-18	5
OTHER POLICIES RE	FERENCED: •Officer	Involved Critical Incid	lent •Command
Staff Notification • Car	nine Policy Body Wor	rn Cameras (BWC) • U	Jse of Force -
Equipment			

I. PURPOSE

The purpose of this document is to establish a policy for the use of force by sworn personnel to effect the detention, seizure, or arrest of a person. The policy also establishes guidelines for using force in self-defense or defense of another, to prevent or intercede in an attempt at self-injury, in defense of property, and in fulfilling the community caretaker function. The guidelines on proper use of force established in this policy will ensure due process for persons as well as provide protection for officers and the Department.

APD Officers use of force decisions and options shall be based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin and other advanced standing techniques as authorized by this policy.

II. POLICY

It is the policy of the Appleton Police Department that officers shall use only that amount of force that is reasonably necessary to achieve a lawful objective. The force used shall be in accordance with the Constitution of the United States and the Constitution of the State of Wisconsin, APD policy, and the officer's training.

III. DISCUSSION

IV. DEFINITIONS

- A. Bodily Harm: Physical pain or injury, or impairment of physical condition, but less severe than great bodily harm.
- B. Defense and Arrest Tactics (DAAT): A system of verbal skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the State of Wisconsin Training and Standards Board.

- C. Excited Delirium Syndrome: A state of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, and exceptional strength and endurance without apparent fatigue.
- D. Great Bodily Harm: Bodily injury which creates a substantial risk of death, serious permanent disfigurement, or a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily injury.
- E. Imminent or Imminent Threat: Means an act is about to happen.
- F. Intervention Options: Techniques recognized in the DAAT system. These options may include additional techniques trained and authorized by the Appleton Police Department. A list of the trained options shall be attached in the Addendum of this policy.
- G. Non-Deadly Force: An application of force that is not intended or likely to cause death.
- H. Objective Reasonableness Standard: The standard established by the U.S. Supreme Court in *Graham v. Connor* and its progeny, which says that reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. Elements of the standard include:
 - 1. The severity of the alleged crime at issue.
 - 2. Whether the person poses an imminent threat to the safety of officers and/or others.
 - 3. Whether the person is actively resisting seizure or attempting to evade seizure by flight.
- I. Reasonable Force: An act by a police officer in the performance of duty used to accomplish a legitimate law enforcement goal and objectively reasonable under the totality of circumstances as perceived by the officer at the time the officer acted. The totality of circumstances perceived by the officer can include statements made by the person and/or a prior history of resistive or assaultive behavior.
- J. Untrained Techniques: An option not covered under the DAAT system or by APD policy, but may be justifiable under the circumstances.

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V. PROCEDURE

A. General Guidelines

- 1. Officers shall not continue to use force beyond that which is objectively reasonable to maintain control once the person has stopped resisting and control of the person has been established.
- 2. An officer shall not threaten the use of any control device, impact weapon, canine or firearm unless its use would be objectively reasonable.
- B. Approach and Intervention Decision Making
 - 1. DAAT Disturbance Resolution Model
 - a. Decision Making: Should you make contact or intervene in the situation?
 - (1) Justification: Is it legal to do what you are considering?
 - (2) Desirability: Is it wise for you to do it now?
 - b. Tactical Deployment: Can you control or contain the situation?
 - (1) Control of Distance
 - (2) Relative Positioning
 - (3) Team Tactics
 - c. Tactical Evaluation: How dangerous is the situation or person?
 - (1) Threat Assessment
 - (2) Officer/Subject Factors
 - (3) Special Circumstances
 - (4) Level/Degree of containment or control

C. Subject Behavior

- 1. Excited Delirium (medically significant behavior)
 - a. Bizarre aggressive behavior
 - b. Profuse sweating
 - c. Unclothed
 - d. Extreme paranoia

- e. Incoherent shouting
- 2. Passive Resistance
 - a. Refusal to comply with a directive or command from an officer, but without behaviors likely to cause bodily harm to an officer or another.
- 3. Active Resistance/Continued Active Resistance
 - a. Behavior that physically counteracts an officer's control efforts and creates a risk of bodily harm to the officer or another person.
- 4. Assaultive Behavior
 - a. Conduct that creates an imminent risk of bodily harm to the officer or another person.
- 5. Deadly Force Behavior
 - a. A person is causing an imminent threat of great bodily harm or death to another person. The imminent threat criteria are:
 - (1) Intent: expressed through words and/or actions
 - (2) Weapon: an object or means capable of causing great bodily harm or death
 - (3) Delivery System: the ability to utilize the means or weapon
 - b. A person has caused or attempted to cause great bodily harm or death to another person and is still an uncontrolled threat. The "fleeing and dangerous person" principles established in the US Supreme Court Decision of *Tennessee vs. Garner* are to be applied.
 - (1) An uncontrolled or fleeing person that the officer has probable cause to believe has caused or attempted to cause great bodily harm or death to another person and the officer has probable cause to believe that the person will continue to cause or attempt to cause great bodily harm or death to another person if not immediately stopped by whatever means necessary including deadly force.
 - (2) The imminent threat criteria outlined above does not apply in these situations.

- D. Officer Response to Subject Behaviors
 - 1. Excited Delirium (medically significant behavior)
 - a. Treat as a medical emergency
 - b. Get EMS dispatched prior to confrontation and have them stage in area
 - c. Avoid confrontation (if possible)
 - d. Request multiple backup officers
 - e. If confrontation is unavoidable, end confrontation quickly
 - (1) Electronic Control Device (ECD)
 - (2) Swarm technique
 - f. EMS transport to hospital
 - 2. Presence
 - a. Use of Professional Communication Skills (PCS)
 - 3. Passive and/or Active Resistance
 - a. Use of Professional Communication Skills (PCS)
 - b. Control Alternatives
 - (1) Escort holds
 - (2) Compliance Holds
 - (3) OC spray
 - (4) Decentralization
 - (5) ECD
 - 4. Continued Active Resistance
 - a. Use of Professional Communication Skills (PCS)
 - b. Protective Alternatives
 - (1) SPEAR
 - (2) Active Countermeasures

- (3) Intermediate Weapon
- c. K-9 Apprehension
- 5. Assaultive Behavior
 - a. Use of Professional Communication Skills (PCS)
 - b. Ground Stun
 - c. Advanced Striking Techniques
 - d. Advanced Control Techniques
 - e. Kinetic Energy Impact Projectile

E. Deadly Force Decision

- 1. When an officer has determined that a person has met the criteria for deadly force behavior the officer may respond with the use of deadly force to stop the threat after considering:
 - a. The use of deadly force is the only option reasonably available to the officer that is capable of immediately stopping the deadly threat.
 - b. The use of a verbal challenge or warning to the person prior to using deadly force, if feasible.
 - c. "Target Requirements"
 - (1) Target Identification: The officer has identified the source of the deadly threat.
 - (2) Target Isolation: The officer has reasonably isolated the source of the deadly threat so the use of deadly force does not unreasonably place other person at significant risk of death.
 - (a) "Greater Danger" exception to target isolation: This exception allows an officer to shoot without target isolation if the consequences of not immediately stopping the threat would be worse than the possibility of causing death to an unintended person.

- 2. Deadly Force Application: A firearm is the only APD trained deadly force option.
 - a. The intentional discharge of a firearm directed at a person.
 - b. Exceptional Circumstances discharge of a firearm.
 - (1) Controlled and directed fire toward the location of the deadly threat with the purpose of preventing the threat from shooting at an officer or another person. Examples include, but not limited to:
 - (a) Officer(s) or uninvolved citizens are receiving fire with no reasonable means of cover or retreat.
 - (b) Officer(s) or uninvolved citizens are "pinned down" or wounded and in a vulnerable location in need of immediate evacuation to a safer location.
 - (c) Bounding over-watch: This technique is used to move officers across a vulnerable area to a position of tactical advantage.
 - c. The intentional use of an object or technique on a person, the use of which would likely cause death.
 - d. An officer shall not discharge a firearm as a warning. "Warning shots are prohibited."

3. Pointing of a Firearm

- a. If an officer intentionally points a firearm at a person in the course of duty, the officer shall complete a report detailing the circumstances of the incident. If multiple officers are involved, only the assigned officer is required to complete a report unless otherwise directed by a supervisor.
 - (1) A Use of Force Supervisory Summary (<u>APD Form #103</u>) is not required.

F. First Aid and Medical Assistance

- 1. Officers who use force against a person shall ensure the subject is monitored for injury as soon as the scene is secured.
- 2. If an injury is observed or reported by the person, officers shall provide first aid and/or request medical assistance as needed.

G. Required Notifications and Reports upon Use of Force

Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on or off duty (other than during firearms training, hunting or participation in sporting or recreational events), the accidental or intentional use of deadly force by any means, or any of the actions in 4 a-i, the following notifications and reports shall be made:

1. Intentionally discharged at a person

- a. The officer shall notify an on-duty supervisor as soon as possible.
- b. The supervisor shall make further notifications in accordance with Command Staff Procedures.
- c. The officer, unless incapacitated, shall complete a report describing the incident as directed by the policy entitled, Officer Involved Critical Incident. If the incident occurred while the officer was off duty, these reports will be completed at the direction of the on duty supervisor.
- d. The supervisor shall complete a Use of Force Supervisor Summary (APD Form #103).
- 2. Accidental discharge not resulting in injury.
 - a. The officer shall immediately notify an on duty supervisor. The officer shall complete a report to submit to the Assistant Chief documenting the details of the incident.
 - b. The supervisor may notify the Investigative Services Unit Coordinator to initiate an investigation into the accident.
- 3. Accidental discharge resulting in injury.
 - a. The officer shall immediately notify an on duty supervisor. The officer shall render first aid or activate EMS as necessary.
 - b. The officer shall complete a report to submit to the Assistant Chief documenting the details of the incident.
 - c. The supervisor shall notify Command Staff personnel. The Supervisor shall also notify the ISU Lieutenant to initiate an investigation into the incident.
- 4. When an officer uses any of the following Intervention Options listed below, he or she shall contact an on duty supervisor as soon as practical

after the use of force. The officer shall complete a report documenting the incident. The Intervention Options necessitating this response include:

- a. OC Spray
- b. Decentralization Techniques
- c. Electronic Control Devices
- d. Active Countermeasures
- e. Incapacitating Techniques
- f. Impact Weapons
- g. Kinetic Energy Impact Weapons
- h. Canine Bites
- i. Firearms/Deadly Force
- 5. The supervisor should respond to the scene. The supervisor shall monitor the situation and take any immediate action as deemed necessary. The supervisor shall complete the Use of Force Supervisor Summary (APD Form #103).
- 6. In addition to any other reporting requirements in this policy, whenever an officer intentionally uses force against a person that results in, or is alleged to have resulted in, injury to a person, the officer shall prepare a report describing the circumstances surrounding the use of force. The "Use of Force" circumstance shall also be selected in Spillman when completing the report.
- 7. In addition to any other reporting requirements in this policy, whenever an officer intentionally uses force against a person that results in death or great bodily harm, the officer shall prepare a report describing the circumstances surrounding the use of force. In the event there are any audio or video recordings of the event, the officer(s) involved shall not review them prior to giving a statement or completing a report as outlined in the policy entitled, Body Worn Cameras (BWC).
- 8. Annually, the Assistant Chief or designee shall complete a written analysis of all incidents involving the use of physical force by officers.

H. Use of Force Review Team

- 1. The Use of Force Review Team shall consist of the following personnel:
 - a. Assistant Chief (Chairperson)
 - b. Investigative Services Unit Coordinator
 - c. The Assistant City Attorney assigned to the APD

- d. One member selected by the Chief of Police
- e. One officer selected by the involved officer(s)
- 2. If the involved officer is incapacitated and cannot designate an officer to serve on the review team, the Chief of Police will direct the officer's supervisor to select an officer to represent the involved officer. The selectee is subject to the approval of the involved officer(s) should the officer(s) cease to be incapacitated prior to the completion of the investigation.
- 3. If the officer involved in a use of force incident is the Assistant Chief, the Chief of Police will chair the Use of Force Review Team. If the Chief of Police is the officer involved, the Assistant Chief will coordinate with the Police and Fire Commission as to who will chair the review team. This may require the assistance of an outside agency.
- 4. The Use of Force Review Team shall conduct an administrative review of the following uses of force:
 - a. All incidents involving the accidental or intentional discharge of a firearm, excluding the intentional use to dispatch an animal or the use of kinetic energy impact projectiles, unless their use causes great bodily harm or death to a person. This section does not apply to non-injury discharges during firearms training, hunting, or participation in sporting or recreational events.
 - b. The intentional use of an object or technique on a person, the use of which would likely cause death. This is an untrained use of deadly force but may be justifiable under the circumstances.
 - c. All incidents resulting in great bodily harm to a person by an officer's use of force.
 - d. Any additional situations as directed by the Assistant Chief.
- 5. This administrative review shall be separate from any criminal investigation conducted by the Investigative Services Unit, or any other investigative agency selected by the Chief of Police.
- 6. The purpose of this review is to determine whether the use of force was consistent with the policies and <u>Rules and Regulations</u> of the department.
- 7. Upon conclusion of the review, the Use of Force Review Team shall submit to the Chief of Police a written report of their findings and conclusions. The report shall include a description of how the review was conducted, a listing of all facts established by the review, any disagreement between members, and a recommended disposition.

- 8. The Use of Force Review Team report shall include a finding that the officer's use of force was:
 - a. Justified as trained
 - b. Dynamic application of a trained technique
 - c. Not trained but justified under the circumstances
 - d. Not justified
- 9. Any officer who uses force which results in death or great bodily harm to another person shall be assigned to administrative duties, or may be placed on paid administrative leave at the discretion of the Chief of Police pending the completion of the use of force review and final action by the Chief of Police.

I. Policy Distribution and Training

- 1. All sworn officers and community service officers (CSOs) shall be issued copies of, and instructed in, the Use of Force Policy before being authorized to carry a weapon (lethal and/or less lethal). The issuance and instruction shall be documented in the employee's field training checklist.
- 2. A copy of all future amendments or revisions to the Use of Force Policy shall be distributed electronically to all sworn personnel and community services officers.
- 3. All officers shall receive annual refresher training on the Use of Force policy.
- 4. The Operations Coordinator or designee shall coordinate training for all CSOs authorized to carry OC.

Addendum A APPROVED INTERVENTION OPTIONS

A. Presence

- 1. Use of Professional Communication Skills
- B. Passive and/or Active Resistance
 - 1. Control Alternatives
 - a. Escort Holds
 - (1) Blanket the Arm
 - (2) Escort Hold
 - (3) Alternative Escort Hold
 - (4) SPEAR Escort
 - b. Compliance Holds
 - (1) Come Along
 - (2) Pressure Points
 - (a) Mandibular Angle
 - (b) Hypoglossal
 - (3) Knee on Stomach/Back
 - c. OC Spray
 - d. Decentralization
 - (1) Hug Yourself
 - (2) Secure the Head
 - (3) Lower Your Center
 - (4) Push In/Pull Down
 - (5) Leg Wheel
 - (6) Seatbelt
 - e. Electronic Control Device (ECD)
- C. Active Resistance/Continued Active Resistance
 - 1. Protective Alternatives
 - a. SPEAR
 - (1) Primal
 - (2) Protective
 - (3) Tactical

- b. Active Countermeasures
 - (1) Focus Strikes
 - (a) Fist/Palm Strikes
 - (b) Kicks
 - (i) Front Kick
 - (ii) Angle Kick
 - (c) Knee Strikes
 - (d) Elbow Strikes
 - (2) Vertical Stuns
 - (a) Wall Stun
 - (3) Incapacitating Techniques
 - (a) Brachial Stun
- c. Intermediate Weapon

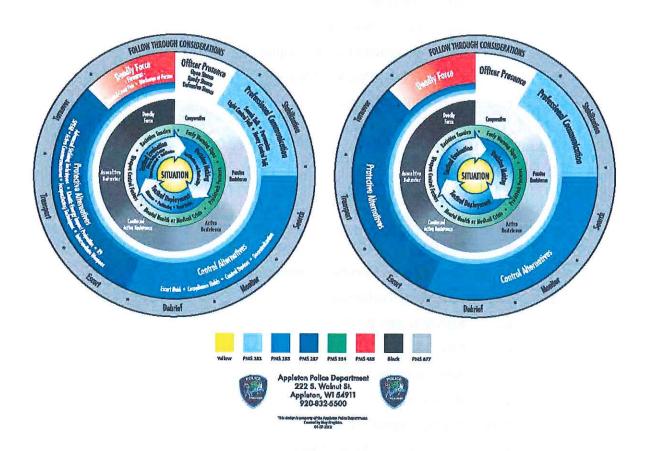
D. Assaultive Behavior

- 1. Ground Stun
- 2. Advanced Striking Techniques
 - a. Palm Strikes
 - b. Eye Rake
 - c. Close Quarter Combat Elbow Strikes
- 3. Advanced Control Techniques
 - a. Mandible Jaw Push
 - b. Elbow Roll
 - c. Arm Sweep and Strike
 - d. Wrist Lock
- 4. Kinetic Energy Impact Projectile
 - a. 12 Gauge Less-Lethal Munitions
 - b. 40 MM Less-Lethal Munitions
- 5. K-9 Apprehension

E. Deadly Force Behavior

- 1. Firearm
 - a. Intentional Discharge Directed at Person
 - b. Controlled and Directed Cover Fire

Addendum B USE OF FORCE WHEEL



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Addendum C APD FORM #103

	APD FORM #103
General Information	
Officer Involved:	Supervisor Reviewed:
Incident Number:	District:
Date and Time:	Day of Week:
Full Uniform Partial Uniform	Plain Clothes (Officers not in full uniform, describe means of visual police identification e.g., raid vest or jacket, displayed badge/ID, etc)
Offender Gender: Male Female	Offender Age: Adult Juvenile
☐ To Defend Self ☐ Prev	eck all that apply): cective Custody / Subject Safety vent Escape er (explain):
Subject's Most Serious Behavior/Officer Pe	prophign of Throat
Passive Resistance: Refusal to comply werbal direction) Active / Continued Active Resistance of efforts and creates a risk of bodily harm to a ram movement, flailing, flight, muscle tension Assaultive (High Risk) Behavior: Conduction another person. (Agitated, combative state, injury to another by punching, kicking, clent Deadly Force Criteria Reached A person was causing an imminimental person at the time force was to	with a directive or command from officer, but without behaviors likely er. (Examples being dead weight or non-compliance to officer's lawful or Escape: Behavior that physically counteracts an officer's control the officer or another person. (Examples being pushing, pulling, evasive on, ect to avoid control) oct that creates an imminent risk of bodily harm to the officer or physically assaultive actions and/or behaviors that poses threat of ching of fists, etc) ment threat of great bodily harm or death to the officer or another used. pted to cause great bodily harm or death to an officer or another rolled threat. It, the subject was: uence of alcohol or drugs
Pre-Assault Indicators (Check all boxes tha	t apply)
Body size disparity 1000 yard stare Target glancing Scanning the area Verbalization of harm Repetitive phrases Sudden attack	Chown/perceived fighting ability Clenching (hands, teeth) Hands above waistline Bladed/boxer stance Hands in pockets Weight shifting Personal grooming behaviors Removing hat, watch, etc Other: Clenching Hands above waistline Bladed/boxer stance Hands in pockets Ignoring the officer Tattoos (gangs) Shoulder roll/stretching Other: Other: Crossing the arms Hands above waistline Bladed/boxer stance Hands in pockets Ignoring the officer Tattoos (gangs) Other: Other: Other:

Situational Factors (Check all boxes	s that apply)	
Unstable Ground Nighttime Winter/snow/ice Steep or dangerous terrain Involvement of heights Evading arrest by stealth Evading arrest by hiding Presence of bystanders Residential area Commercial area Other	☐ Urban area ☐ Rural/remote area ☐ Water environment ☐ Evading arrest by flight ☐ Involvement of speed/vehicles ☐ Riot/mob ☐ Engaged in protest activity ☐ Physical exhaustion of officer ☐ Inability to disengage ☐ Officer injured ☐ Other	Lack of backup available Officer on the ground Rapidly evolving situation Subject pulling away Bloodborne pathogens Close proximity to weapon Multiple subjects Inability to call for assistance Armed subject(s) High crime area Other
Event Description Describe what the offender or pers	on in crisis did to require a use of force	e?
Approximate Distance from Time between application a ECD Effective Yes / Probe Impact Location(Number of Cycles: Number of additional p Drive Stun Follow-up Re		
Decentralization ☐ Hug Yourself ☐ Secure the Head ☐ Seatbelt	Alternative Hug Yourself Push In / Pull Down Other:	Lower Your Center Leg Wheel
Active Countermeasures Vertical Stun (Tactical SPEAR) Ground Stun Focused Strikes Hand Strike(s) Kick(s) Knee Strike(s) Diffused Strike (Brachial Stun) Baton Strikes Impact Location(s):		
Advanced Control/Counter Technique Palm Strike(s) Eye Rake(s) Close Quarter Elbow Strike(s) Mandible Jaw Push Deadly Force Behavior	ues Elbow Roll Arm Sweep & Strike Wrist Lock Knee on Stomach/Back	☐ K9 Apprehension ☐ Kinetic Energy Impact Weapon ☐ Other:

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Firearm Intentional Discharge Controlled and Direct Other: Restraint Method Used (check all Handcuffs Hobble (Leg Restraints)	ed Cover Fire that apply): Flex Cuffs	Transport Belt Other:
Initial Supervisor Assessment and Is option authorized for subject be Yes No Is tool or tactic used an agency tra	ehavior or a lessor level?	
Yes (see above)	nd skip to next shaded area:	-
Option Not Reasonab The arrest or detention was lawfu Yes No Was the incident recorded? Yes	iven Circumstances: Untrained but justification le Given Circumstances: Further examinately le Given Circumstances: Further examinately le Given Circumstances: Further examinately le Given Scott le Given Circumstance le	ition required
Officer's Known Injuries Resulting	from Use of Force Incident	
Officer's injuries at the time of the None Select all that apply: Abrasion Laceration Fatal Level of Treatment: None/Refused EMS Waiver Photos Taken? Yes (List Officer):		
Offender's Known Injuries Resulti		

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			1
None	Claimed	Visible	
Select all that apply:			
Abrasion	Sore/Strain	Bite	
Laceration	Puncture (Includs ECD Probes)	Broken Bone	
Fatal	Concussion	Other:	
Level of Treatment:			
None/Refused	First Aid	☐ Transport/Admitted	
EMS Waiver	Transport/Release	Other:	
Photos Taken?			
Yes (List Officer):			
No (If not, why?):			
Additional Notes (If Necessary)			CAR THE COURT
Additional Notes (II Necessary)			
Command Staff Review of Incident			
District/Unit Commander Signature:	Mary and produced the second of the	Date:	
Assistant Chief Signature:		Date:	
Copies To: Original with Report	☐ DAAT Coordinator ☐ District/Un	nit Commander 🔲 Assistar	nt Chief