

## SECTION 10

### **The Trenton Police Department Use Of Force**

#### **Purpose**

The purpose of this Order is to establish policies and procedures regarding the investigation of the Use of Force incidents and Deadly force incidents involving officers of this Department.

This Order consists of the following sections:

1. Policy
2. Definitions
3. Non-Deadly Use of Force Review
4. Deadly Force Incident Investigation and Review

#### **Policy**

Any time an officer is involved in a use of force incident, the Department will investigate the incident and review the report with the utmost thoroughness, professionalism and impartiality to determine if the officer's actions conform to Wisconsin State Statutes, Training and Standards, and Department policy. The Department will also take measure to minimize the negative psychological trauma resulting from the officer's involvement in deadly force incidents.

#### **Definitions**

- A. Deadly Force Incident – Any incident in which an officer used a firearm or other instrument that did or could have resulted in a high probability of death.
- B. Involved Officer – Officer(s) who utilized deadly force on/at a suspect and is the focus of the investigation.
- C. Support Officer – Officer assigned to the involved Officer utilized to assist involved Officer during the stressful aftermath of a use of force incident.
- D. Use of Force Review Team – Internal panel charged to review an incident and report their findings in a recommendation of action directed to the Chief.
- E. Victim Officer – Officer who had deadly force used against them.
- F. Witness Officer – Officer(s) also present at the incident, but not directly involved in the use of force.

## **Non-Deadly Use of Force Review**

Anytime an officer uses force under this policy that does not involved the use of deadly force, the Department DAAT instructors will review the incident prior to submission to the Chief of Police or his/her designee.

Review is intended to be a debriefing and/or investigation of the Use of Force and to determine any policy issues, training or weapons/equipment deficiencies, or disciplinary matters that require attention or any type of future action.

## **Deadly Force Incident Investigation and Review**

### **A. Initial Response Phase**

#### **1. Officer Responsibilities**

- a. Advise Dispatch and activate EMS.
- b. Advise supervisor of deadly force incident.
- c. Stabilize suspect when adequate backup is on the scene and provide medical attention when safe to do so.
- d. Turn scene over to supervisor.
- e. Provide brief information to supervisor in order to begin investigation.

#### **2. Supervisor Responsibilities**

##### **a. Involved Officer**

- 1) Respond to scene and ensure safety of officers and public.
- 2) Stabilize the scene, identify and segregate witnesses.
- 3) A Support Officer shall be provided to the Involved Officer as soon as practical and feasible.
- 4) If the Involved Officer must remain at the scene, move him/her to a quiet area, away from the scene of the incident with the Support Officer.
- 5) Notify the following personnel:
  - a) Operations Captain
  - b) Chief of Police

- c) Police Department Chaplain, if requested by Involved Officer.
- d) Investigative services by an outside agency
  - (1) Only upon order of Chief of Police or his/her designee
- e) Washington County Coroner
  - (1) If death has resulted or is apparently imminent.
- f) Washington County District Attorney
- g) Town's Attorney
- h) Involved Officer's personal attorney
  - (1) If there is a high degree of probability that injury or death caused by an officer's use of deadly force will result in civil action. If a civil suit is threatened or initiated, it is strongly recommended that the Involved Officer be represented by an attorney of the officer's choice at Town expense.
  - (2) Illinois v. Terry Seibert, 525 N.E. 2d 1130 (Ill. App., 4 Dist 1992)
- i) Make **PERSONAL CONTACT** with the Involved Officer's family advising of the circumstances
  - (1) If requested, wife, husband, or other family member or friend of the officer may be permitted to be with the officer.
  - (2) Assign an officer to Involved Officer's family for security, support, transportation and any other related matters.

B. Investigation Phase

1. Officer Responsibilities

- a. Complete all reports after 72-hour administrative leave has expired:
  - 1) All required reports
- b. A Department Unified Tactics Instructor may be assigned to the Involved Officer to assist in the report writing process.
- c. The Involved Officer's personal attorney shall be allowed to assist in the report writing process.

## 2. Supervisor Responsibilities

- a. Debrief Involved Officer and/or Victim Officer.
- b. Take possession of Involved Officer's weapon, discreetly, out of view of other officers and the public.
  - 1) Immediately provide the officer a replacement weapon.
  - 2) The officer's involved weapon shall be handled as evidence.
  - 3) Ensure the Support Officer is present prior to recovering the Involved Officer's weapon.

## 3. Administrative Responsibilities

- a. Contact Department of Justice Bureau of Investigative Services.
- b. Place Involved Officer(s) in a deadly force incident or other traumatic incident on 72-hour administrative leave.
  - 1) This shall be offered to Victim Officers, Witness Officers and involved dispatchers.
  - 2) If more time is necessary, this leave may be extended.
  - 3) This leave shall not, in any manner or form, be misconstrued as an assumption of a wrongful act on the part of any officer or an application of punishment or discipline.
- c. Require Involved Officer(s) to undergo an evaluation by the agency's preferred mental health professional.
  - 1) The mental health professional will advise the Chief of Police of his/her findings.
  - 2) Based on the findings, the Chief of Police shall make a duty status determination.
  - 3) A Witness of Victim Officer may also request a referral to the mental health professional.
    - a) Officer shall be placed on administrative leave until Chief of Police makes a duty status determination after mental health professional's findings.
  - 4) Involved Officer(s) shall be required to re-qualify with his/her newly assigned duty weapon prior to returning to full duty.

c. Deadly Force Incident Review Board

- 1) After investigation is completed, reviewed by the District Attorney's Office and adjudication of any criminal charges, the Chief of Police, or his/her designee, shall convene a "Deadly Force Incident Review Board" with the purpose of determining any necessary changes in policy.
  - a) The board will consist of:
    - (1) Operations Captain
    - (2) Department Training Coordinator
    - (3) Department Unified Tactics Instructor
- 2) The Review Board's responsibility is to review the Deadly Force Incident and report their findings to the Chief of Police. The report will answer the following questions:
  - a) How did the deadly use of force occur?
  - b) Was the use of deadly force within Policy?
  - c) Was the use of deadly force:
    - (1) Accidental?
    - (2) Intentional?
    - (3) Negligence?
  - d) Did the Involved Officer(s) employ procedures consistent with training?
  - e) Is additional information needed to make a finding?
- 3) A report of the Board shall be forwarded to the Chief of Police making one of the following findings:
  - a) That the use of force was in compliance with policy and training and no further action is required.
  - b) That the use of force was not in compliance with policy and training.
- 4) If it found that the use of force was not in compliance with policy, training or state law, the Chief of Police shall determine if disciplinary action is warranted.

#### 4. Long Term Follow Up

- a. As Post Traumatic Stress Disorder (PTSD) may not arise immediately, each supervisor is responsible for monitoring the behavior of Involved, Victim or Witness Officer(s) following a deadly force incident for symptoms of PTSD.

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

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

## SECTION 10A

### **The Trenton Police Department Use Of Force**

#### **Purpose**

The purpose of this Order is to establish policies and procedures regarding the use of less lethal, non-deadly force, and deadly force, and to identify the responsibilities of officers when using force of after it has been used.

This Order consists of the following sections:

1. Policy
2. Definitions
3. Defensive and Arrest Tactics (DAAT)
4. Use of Deadly Force
5. Use of Firearms
6. Use of Police Batons/less Lethal Extended Range Impact Devices (Impact Projectile Weapons)
7. Chemical Restraint
8. Electronic Control Device
9. Medical Assistance
10. Reporting the Use of Force
11. Use of Force Review and Investigation

#### **Policy**

The Trenton Police Department recognizes and respects the value and special integrity of each human life. Investing police offices with the lawful authority to use force to protect welfare, a careful balancing of all human interests is required. Therefore, it is the police of this Department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another. Deadly force shall never be resorted to until every other reasonable means of apprehension or defense has been exhausted, or would be ineffective.

## **Definitions**

- A. Deadly Force – The intentional use of a firearm or other instrument. The use of which would result in a high probability of death.
- B. 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.
- C. 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.
- D. Electronic Control Device (ECD) – A less lethal force weapon that causes neuromuscular incapacitation to overcome active resistance or its threat. (Also known as a Controlled Electronic Weapon or CEW).
- E. Defensive and Arrest Tactics (DAAT) – A system of verbalizations skills coupled with physical alternatives.
- F. Witness Officer – Officer(s) also present at the incident, but not directly involved in the use of force.

## **Defensive and Arrest Tactics (DAAT)**

- A. The Trenton Police Department adopts the Defensive and Arrest Tactics System. This is a system designed for all police offices 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 Trenton 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. An officer may use force:
    - a. To achieve and maintain control of resistive subjects.
    - b. To detain persons reasonably suspect of criminal behavior.
    - c. To make lawful arrests.
    - d. In defense of self or others.
    - e. To prevent escapes.
  - 3. Under no circumstances shall an officer continue to use force (except mere physical restraint) against an individual who has ceased to resist.



4. 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.
  5. Use of Force Training will be conducted annually and will include weaponless control techniques that have the potential for serious injury.
- B. Incident Response Model: The following is the Incident Response Model adopted by the State of Wisconsin DAAT Advisory Committee.

#### INCIDENT RESPONSE

- R** Report
- Become aware
  - Plan response
  - Arrive/Assess
  - Alarm/Inform
- E** Evaluate
- Look for dangers
  - Determine backup needs
  - Enter when appropriate/tactically sound
- S** Stabilize
- Subject(s)
  - Scene
- P** Preserve
- Life
    - Conduct an initial medical assessment (as trained)
    - Treat to level of training
    - Continue to monitor the subject(s)
  - Evidence
- O** Organize
- Coordinate additional responding units (if necessary)
  - Communicate with dispatch and others
  - Organize the collection of evidence (if appropriate)
- N** Normalize
- Provide long-term monitoring (as appropriate)
  - Restore scene to normal
  - Return radio communications to normal
- D** Document/Debrief
- Debrief self, other responding personnel, subject(s), other persons
  - Document incident appropriately

- C. Disturbance Resolution Model: The following is the Disturbance Resolution Model adopted by the State of Wisconsin DAAT Advisory Committee.

#### APPROACH CONSIDERATIONS

- |    |                     |  |
|----|---------------------|--|
| 1. | Decision-making     | Justification<br>Desirability  |
| 2. | Tactical Deployment | Control of distance<br>Positioning<br>Team Tactics   |
| 3. | Tactical Evaluation | Threat assessment opportunities<br>Officer/subject factors<br>Special circumstances<br>Level/stage/degree of stabilization |

#### INTERVENTION OPTIONS

Which mode you chose in a given situation depends on our tactical evaluation and threat assessment. Note that the same tactic may, depending on the circumstances and the purpose for which it is used, fall into more than one mode. The criterion is whether the level and degree of force is objectively reasonable. Five fundamental principles apply:

1. The purpose for use of force is **to gain control** in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to physical force.
2. You may initially use the level and degree of force that is reasonable through the Intervention Options. As the situation dictates, you may move from any mode to any other if you reasonably believe that a lower level of force would be ineffective.
3. At any time, if the level of force you are using is not effective to gain control, you may **disengage** and/or **escalate** to a higher level of force.
4. Once you have gained control of a subject, you must **reduce** the level of force to that needed to maintain control.
5. You must always maintain a position of advantage.

The five modes each serve a different purpose and include different tactics and techniques.

<b>Mode</b>	<b>Purpose</b>
A. Presence	To present a visible display of authority
B. Dialog	To verbally persuade
C. Control Alternatives	To overcome passive resistance, active resistance, or their threats
D. Protective Alternatives	To overcome continued resistance, assaultive behavior, or their threats
E. Deadly Force	To stop the threat

6. **Presence:** The first mode, Presence, reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is to “present a visible display of authority.” Much as drivers are careful not to exceed the speed limit when they share the road with a marked squad, the simple presence of an officer in uniform or otherwise identified is enough to prevent people from starting or continuing to behave aggressively or otherwise create a disturbance.
  
7. **Dialog:** The second mode, Dialog, covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialog is to persuade subjects to comply with an officer’s lawful directives. The specific techniques used are covered extensively in Professional Communication Skills.
  
8. **Control Alternatives:** The third mode, Control Alternatives, includes a wide range of tactics and tools for controlling subjects. These are divided into four groups: escort holds, compliance holds, control devices, and passive countermeasures. This mode includes both empty-hand techniques such as applying an escort hold or directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called “pepper spray,” and electronic control devices (ECDs). The common thread is that all these tactics and tools are used to control subjects who are resisting or threatening to resist.

The mode of Control Alternatives includes four tactics/tools:

- Escort Holds
- Compliance Holds
- Control Devices (OC spray, ECDs)
- Passive Countermeasures

The goal of control devices (OC spray and ECDs) is to overcome active resistance or its threat. Active resistance, unlike passive resistance, involves a subject who is physically counteracting an officer’s control efforts under circumstances in which the behavior itself, the environment in which the behavior occurs, or officer/subject factors create a risk of bodily harm.

The criterion of active resistance or its threat means that in general, control devices would not be appropriate to use against verbal aggression, against people who are running away, against children and older persons, and against persons engaged in peaceful civil disobedience – unless reasonably justified by the circumstances covered in Approach Considerations.

**Verbal Aggression** – Verbal aggression occurs when a suspect is being argumentative, and/or confrontational with an officer. While this behavior alone can be difficult for an officer to deal with, Professional Communication skills are the preferred method. However, if arbitration is unsuccessful (REACT), and an officer/subject factor comparison dictates lesser levels of force would be ineffective, then a control device could be a viable alternative.

**People who are running away** – Before deploying a control device (in this case, an ECD would be a better choice than OC spray) during a foot pursuit, ask yourself, “what will the suspect force me to do when I catch him?” If the subject would force you to decentralize him or her during initial physical contact, using an ECD might be a better choice, as the risk of injury to the officer and subject would be less with an ECD as opposed to a passive countermeasure. On the other hand, if you don’t think the subject would require you to immediately take him or her to the ground, then an ECD would probably not be the best choice. In that case, you could safely respond with a lower level of force. (See number 8. Of this GO.)

- The severity of the alleged crime at issue: Is it a retail theft or a substantial battery?
- Whether the suspect poses an immediate threat to the safety of officers and/or others: What is the suspect doing when you decide to use force?
- Whether the suspect is actively resisting or attempting to evade arrest by flight. Is the suspect able to offer active resistance and/or flee?

9. **Protective Alternatives:** Protective Alternatives is the fourth mode in Intervention Options. As the name implies, these interventions are designed to protect officers in situations when they face subjects continuing to resist or threatening to assault. The overall purpose is to overcome continued resistance, assaultive behavior or their threats. Continued resistance means that an individual is maintaining a level of counteractive behavior that is not controlled with the officer’s current level of force. Assaultive behavior occurs when an individual’s direct action generates bodily harm to the officer(s) and/or another person(s).

- Active Countermeasures
- Incapacitation Techniques
- Intermediate Weapon

Note that these tactics may also be used as control alternative, depending on the situation. For example, a jab with a baton (an intermediate weapon) may be used to prevent a person from pushing into a room while officers are interviewing a victim of domestic violence. In that situation, the baton would be used as a Control Alternative rather than a Protective Alternative. Remember that Intervention Options are just that – options. You will choose the appropriate option depending on the totality of the circumstances.

Active Countermeasures – The purpose of active countermeasures is to create a temporary dysfunction of an actively resistive or assaultive subject. The goal is to interrupt the subject to the ground for stabilization, handcuffing, and other follow-through procedures.

Active countermeasures include two categories of techniques:

- Vertical stuns
- Focused strikes

Incapacitating Techniques – The goal of incapacitating techniques is to cause the immediate, temporary cessation of violent behavior. One such technique is taught in the DAAT system: the Diffused Strike. Like the Vertical Stun, the Diffused Strike disrupts nerve impulses to the brain. Unlike the Vertical Stun, however, the effect is usually greater, rendering the subject temporarily unconscious.

Intermediate Weapon – The goal of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior.

Intermediate weapons include a variety of impact and other weapons designed to impede subjects. The intermediate weapon included in the DAAT program is the straight baton. The baton – either a wood or plastic fixed-length baton or a metal expandable baton – is an impact weapon.

While Wisconsin law (939.45 Wis. Stats.) affords officers the protection of privilege “when the actor’s conduct is a reasonable accomplishment of a lawful arrest,” the conduct must be reasonable—using deadly force in the absence of significant threat would not be reasonable. Further, Wisconsin law specifically limits the use of deadly force in self-defense (939.48 Wis. Stats.) as follows:

*“the actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.”* (939.48(1) Wis. Stats.)

The same limitation is extended to use force to defend a third person, in 939.48(4) Wis. Stats.

The statutes and this General Order specifically prohibit use of deadly force to prevent suicide and solely to protect property.

10. **Deadly Force:** The fifth mode, Deadly Force, represents the highest level of force available to law enforcement officers. The power to use deadly force is the most awesome responsibility given to law enforcement officers.

### **Use of Deadly Force**

- A. Parameters for use of deadly force:
1. Any behavior which has caused or imminently threatens to cause the death of or great bodily harm to oneself or another.
  2. All other viable use of force options shall be eliminated prior to the use of deadly force (preclusion).
  3. Deadly force may be used to affect the arrest or prevent the escape of a suspect whom the officer reasonably believes has committed, or has attempted to commit, a felony involving the use or threatened use of deadly force. The officer shall also have probable cause to believe the suspected felon poses a significant threat of death or great bodily harm to officers or the community at large if not immediately apprehended.
- B. An officer shall never threaten to use deadly force unless the use of such force would be justified under this Order.
- C. Before using deadly force, the officer shall, if possible, identify himself/herself as a police officer, order the suspect to desist from the unlawful activity and threaten to use deadly force if the order is not obeyed.
- D. The reasonableness of the force used in any incident will be judged in the knowledge of the circumstances as they were known or appeared to the officer at the time he/she acted, and not as they appear from a subsequent, more thorough knowledge of the circumstances.
- E. While it is recognized that the death of a suspect is a logical and probable consequence of the use of deadly force, the intent of the use of such force is only to terminate the actions of the suspect and not necessarily to take his or her life.

### **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 Wis. Stats. Chapter 941.

- B. Officers may display department-authorized firearms when they have reasonable suspicions to believe that the use of deadly force may be necessary. Offices 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 a silent alarm or confronting a suspect whom there is reasonable suspicions to believe may be armed, or any other situation which may cause the officer to have reasonable fear for his/her life.
- C. Whenever safety permits and time allows, officers shall identify themselves and state their intent to shoot prior to using a firearm. Officers are to fire their weapons to stop an assailant from completing a potentially deadly act. The primary target is the central nervous system, to stop the threat and to minimize danger to innocent bystanders.
- D. Firearms shall not be discharged when it appears likely that an innocent person may be injured unless failure to discharge will result in the greater danger exception. The greater danger exception allows you to shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.
- E. A warning shot shall not be fired under any circumstances.
- F. Officers should not discharge a firearm at or from a motor vehicle except as the last measure of self-defense of oneself or another and only then if the officer believes that the suspect has or is intent upon causing death or great bodily harm to oneself or another person. If this decision is made, consideration must be given to the safety of innocent bystanders and possible innocent passengers in the vehicle.
- G. An officer may also discharge a firearm under the following circumstances:
1. During range practice or competitive sporting events.
  2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
- H. Prior to being authorized to carry a firearm on duty for the Trenton 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 General Orders 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 Trenton Police Department Range Officer.

## **Use of Police Batons/Less Lethal Extended Range Impact Devices (Impact Projectile Weapons)**

### **A. Impact Projectile Weapons**

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with departmental training.
2. Impact projectiles are not a substitute for deadly force -- an officer may not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver force.
3. It is the responsibility of the officer arming him or herself with an impact projectile to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Like any use of force, deployment of impact projectiles must be evaluated using the criteria in this policy. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
  - a. To overcome assaultive behavior or its threat; if the officer reasonably believes that the subject poses an articulable threat of harm to an officer or another person.
  - b. To control persons in order to prevent them from harming themselves or others. Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the suspect/subject. The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.
5. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
6. The investigative requirements of the Use of Force Review and Investigation policy will be followed only if deployment of an impact projectile results in death or great bodily harm.
7. Absent an imminent risk of harm to officer or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.



8. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.
9. The impact projectile weapon is considered to be in the "PROTECTIVE ALTERNATIVES" section of the Intervention Options on the Disturbance Resolution Model.

B. The Police Baton

1. The police baton may be used by an officer only when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation. The baton may be used by an officer to subdue a violently resisting subject or in self-defense or in defense of a third person if lesser methods have failed, or if circumstances warrant the immediate use of the baton.
2. Only those officers qualified in the Defensive and Arrest Tactics System shall be allowed to carry or use the impact weapon.
3. The acceptable primary target areas for the impact weapon are the elbow, knee, and abdomen.
4. An officer shall not intentionally strike an individual outside the primary target areas unless such action would be justified under the use of deadly force guidelines.
5. The intentional striking of an individual above the shoulders is prohibited. However, it is recognized that because of a person's own resistance, the accidental, unintentional striking of a person above the shoulders may occur. If that happens, the officer must articulate this in detail in the report of the incident and will seek immediate medical attention for the subject if treatment is necessary.
6. The police baton was never intended to replace the officer's gun, but it is an alternative to be used at less than deadly force.

**Chemical Control Device**

- A. The aerosol chemical control device authorized by the Trenton Police Department contains oleoresin capsicum (O.C.). No other aerosol chemical restraint is authorized or allowed without prior approval from the Chief of Police or the Chief's designee. All O.C. must be non-flammable.
- B. When an officer is threatened with physical force or dealing with a resistive or combative person and lesser control factors are ineffective, consideration should be given to the use of control devices.

- C. All uniformed officers must carry O.C. and an ECD while on duty. This rule shall not apply to administrative personnel and other officers assigned to plain clothes duties within the police department.
- D. O.C. aerosol will be used consistent with the training provided by the Trenton Police Department and/or the Wisconsin Training and Standards Bureau.
- E. The O.C. is considered to be in the "CONTROL ALTERNATIVES" section of the Intervention Options on the Disturbance Resolution Model.

### **Electronic Control Device (ECD)**

- A. An electronic control device may be used by trained officers when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person. It may also be used when a subject poses a threat of harm to themselves such as self-inflicted injury or a suicide attempt.
  - 1. The ECD is considered to be in the "CONTROL ALTERNATIVES" section of the Intervention Options on the Disturbance Resolution Model.
  - 2. The use of the ECD shall be consistent with the manufacturer's recommendation and precautions.
  - 3. Officers may include in the decision to use this force option information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or violent behavior.
  - 4. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of an ECD.
- B. An officer shall not brandish, display, or threaten the use of an ECD unless he or she can reasonably conclude its use may become justified and is anticipated.
- C. In each instance that an ECD is deployed in an incident, consideration should be made regarding the need for lethal cover.
- D. Officers who deploy an ECD against a subject shall ensure the subject is monitored for injury as soon as practical after the subject is under control.
- E. Officers who deploy an ECD against a subject will have the subject medically cleared.
- F. If the probes are imbedded in sensitive tissue areas, i.e., neck, face, groin, or the breasts of a female, officers shall arrange transport to a medical facility for removal. If the probes are imbedded in other non-sensitive tissue areas, an ECD-trained officer may remove them according to the trained procedures.

- G. After the probes have been removed, they shall be handled as a biohazard and packaged according to the trained procedure. Photographs of the wound site shall be taken if practical. Probes and wires will be retained as evidence.
- H. When an ECD is deployed against a subject, the officer shall notify the shift supervisor, and shall complete an incident report detailing the circumstances of the incident.
- I. Trained officers shall complete a refresher course and a written examination every two years concerning the use of this weapon.

### **Medical Assistance**

- A. All sworn department personnel who engage in the use of force shall after the subject has been brought under the officer's control:
  - 1. Check the subject for injuries and administer first aid if required.
  - 2. Summon appropriate medical aide if necessary.
  - 3. Maintain close personal observation and physical contact with the subject while continuing to provide first aid until relieved by appropriate medical personnel.

### **Reporting the Use of Force**

- A. The officer involved shall orally advise his/her supervisor of the use of force and the underlying facts justifying his/her use of force as soon as possible.
- B. The officer involved shall make a written report as to the underlying facts and the reasonableness, as perceived by the officer, justifying his/her use of force. Written reports will include:
  - 1. Use of Force Report
  - 2. Incident Report
- C. A Use of Force Report is not required for levels of force below Compliance Holds.
- D. A DAAT Instructor will be made available to any officer to assist in the report writing process, if the officer requests.
- E. All Use of Force Reports, including a copy of the incident report, shall be forwarded to the lead DAAT Instructor.
- F. If the discharge of the weapon or use of force causes injury or death, the supervisor shall notify the Chief of Police or the Chief's designee as soon as possible.

- G. A "Matter Of" 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 or destruction of sick or injured animals.

### **Use of Force Review & Investigation (Act 348)**

- A. "Officer-involved death" means a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.
- B. The Trenton Police Department must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death.
- C. If the officer-involved death being investigated is traffic-related, the police under sub. (2) must require the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officer-involved death being investigated, except that a policy for a state law enforcement agency may allow an investigation involving a law enforcement officer employed at that state law enforcement agency to use a crash reconstruction unit from the same state law enforcement agency.
- D. The Trenton Police Department may allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation conducted under par. (a).
- E. Compensation for participation in an investigation under sub. (3)(a) may be determined in a manner consistent with mutual aid agreements.
- F. The investigators conducting the investigation under sub. (3)(a) shall, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred.
- G. If the district attorney determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation under sub. (3)(a) shall release the report.