

Policy # 001

Date: May 1, 2011

USE OF FORCE

PURPOSE:

The purpose of this section is to establish a policy for the use of force by sworn officers to affect an arrest or control a person. Proper use of force decisions, based on reasonableness, ensure due process for citizens as well as provide protection for the officer and the department.

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 – Law Enforcement Standards Board).

POLICY:

It is the policy of the Lauderdale Lakes Water Patrol that officers shall use only that amount of force that is reasonably necessary to achieve a lawful objective. The force used by an officer should only be the amount reasonably required to overcome the resistance being offered by an offender or the person the officer is trying to control.

DEFINITIONS:

- A. Defense and Arrest Tactics (DAAT): This is a system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the State of Wisconsin Training and Standards Board.
- B. Intervention Options: Trained techniques recognized in the DAAT system. These techniques may include additional techniques trained and authorized by the Lauderdale Lakes Water Patrol. A list of these techniques shall be attached in the appendix of this policy.
- C. Reasonable Force: A physical act by an 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 known to the officer at the time of the incident.

- D. Objectively Reasonable Standard: This standard establishes 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. Three elements of the standard are:
1. The severity of the alleged crime at issue.
 2. Whether the suspect poses an imminent threat to the safety of officer(s) and/or others.
 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.
- E. Reasonable Beliefs: Means that an ordinary, prudent and reasonably intelligent officer believes that a certain fact situation exists and such belief is reasonable under the circumstances known to the officer at the time the officer acted.
- F. Great Bodily Harm: Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or any other serious bodily injury.
- G. Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to reasonably control or restrain another, or to overcome the resistance of another.
- H. Conducted Energy Weapon: A less lethal force weapon utilized by trained personnel that causes Electro-Muscular Disruption (EMD) to a combative or potentially combative subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.
- I. Less-Lethal Force Philosophy: A concept of planning and force application, which meets operational objectives, with less potential for causing death or great bodily harm than conventional police tactics.
- J. Deadly Force: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

PROCEDURE

A. General Guidelines

1. Officers shall use only that amount of force that is objectively reasonable to control a situation, effect an arrest, control a person, or to protect the officer or others from physical harm. The officer's decisions shall be based on the Disturbance Resolution Model.
2. Officers shall only use that amount of force that is reasonably necessary to maintain control once the subject has stopped resisting and control of the subject has been established.
3. Once control has been established the officer(s) shall be responsible for monitoring the subject's condition and welfare. Unless circumstances dictate otherwise, all persons arrested will be handcuffed, searched, and then transported in a police vehicle. Follow-Through Considerations found in the Disturbance Resolution model shall be followed.
4. If an officer uses force listed in the Intervention Options as "Oleoresin Capsicum (O.C.) Aerosol Spray" or greater, the officer shall complete a narrative report documenting the incident and complete a Use of Force Report Form. The narrative report documenting the Use of Force may be part of the overall incident and/or criminal report. The officer is responsible for attaching a copy of the Use of Force Report Form to the narrative report and to the distribution list of persons on that form.

B. Oleoresin Capsicum (O.C.) Spray

1. O.C. may be used by trained personnel when a subject is threatening to actively resist or is actively resisting an officer or other officer and the subject poses an articulable threat of harm to an officer or another person.
 - a. Officers may also 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 assaultive behavior.
 - b. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of O.C.
2. Generally, O.C. should not be sprayed at a person from a distance of less than 3 feet.
3. Officers who use O.C. against a person shall ensure the person is decontaminated as soon as practical after he or she is under control. If circumstances permit, and it can be done without endangering department personnel, reasonable efforts to decontaminate animals should be made or the decontamination information conveyed to the animal's owner.
4. Officers shall carry department approved O.C. while on duty.
5. An officer shall not brandish, display, or threaten the use of O.C. unless he or she can reasonably conclude its use may become justified and anticipated.

C. Intermediate Weapons/Impact Weapon

1. Uniformed officers shall be required to have a Lauderdale Lakes Water Patrol approved impact weapon available to them while on duty.
2. The use of authorized batons is permitted against an actively aggressive person when the officer reasonably believes that lesser force options would be ineffective or would subject the officer to bodily harm.
 - a. Officers may also 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 assaultive behavior.
3. An officer shall not brandish, display or threaten the use of an impact weapon as a threat unless he or she can reasonably conclude its use may become justified and is anticipated

D. Use Deadly Force

1. The use of deadly force is permissible under the following circumstances:
 - a. As a last resort, in the defense of one's self when the officer reasonably believes he or she is in imminent danger of death or great bodily harm.
 - b. As a last resort, in the defense of another person who the officer reasonably believes is in imminent danger of death or great bodily harm and whom the officer believes is entitled to self-defense.
 - c. As the final alternative, to affect an arrest or prevent the escape of a fleeing felon whom the officer reasonably believes has committed a felony involving the actual 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 the officer, or others, if not immediately apprehended.

d. As the last resort, to euthanize an animal that represents an imminent threat to public safety or one that is so seriously injured that humanity dictates its removal from suffering, but only after careful consideration is given to the public's safety and whether other dispositions may be feasible.

2. An officer shall not brandish, display or threaten the use of a firearm unless he or she can reasonably conclude its use may become justified and anticipated.

3. Before using a firearm and when feasible, officers shall identify themselves and issue a verbal challenge.

4. Warning shots are prohibited by this agency.

5. Officers shall not fire any weapon from or at a moving boat except as a last resort to prevent imminent death or great bodily harm to the officer or another person and where **deadly force** would otherwise be justified.

E. First Aid and Medical Assistance

1. Whenever a person is injured as a result of force applied by an officer, the officer or other officers on the scene will immediately provide first aid and request medical assistance, if necessary, for the injured person as soon as the scene is secure.

F. Training

1. Officers shall receive use of force training as needed to maintain competency. The current Wisconsin Law Enforcement Standards Board Guidelines will be used to determine competency.

Appendix (Use of Force Policy) DISTURBANCE RESOLUTION

1) APPROACH CONSIDERATIONS

A. Decision-making	Justification Desirability
B. Tactical Deployment	Control of distance Positioning Team Tactics
C. Tactical Evaluation	Threat assessment opportunities Officer/subject factors Special circumstances

2) INTERVENTION OPTIONS

<u>Mode</u>	<u>Tactic</u>	<u>Purpose</u>
A. Presence	Professional Presence	To present a visible display of authority
B. Dialog	Tactical Communication	To verbally persuade
C. Control Alternatives	Escort Holds	To safely initiate physical contact
	Compliance Holds	To overcome passive resistance
	Oleoresin Capsicum	To overcome active resistance or its threat
	Conducted Energy Weapon	To overcome active resistance or its threat
	Passive Countermeasures	To decentralize
	Active Countermeasures	To create dysfunction
	Incapacitating Techniques	To cause the immediate, temporary cessation of violent behavior
D. Protective Alternatives	Intermediate Weapons	To overcome continued resistance, assaultive behavior, or threats
E. Deadly Force	Firearm	To stop the threat

3) FOLLOW-THROUGH CONSIDERATIONS

A. Stabilize	Application of restraints, if necessary
B. Monitor/Debrief	Application of restraints, if necessary
C. Search	If appropriate
D. Escort	If necessary
E. Transport	If necessary
F. Turn-over/release	Removal of restraints, if necessary

APPROVED BY THE DAAT ADVISORY COMMITTEE JANUARY 2007

Policy # 002

Date: May 1, 2011

REQUIRED NOTIFICATION AND REPORTS UPON USE OF FORCE

- A. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on duty (other than during firearms training) or the accidental or intentional use of deadly force by any means, the following notifications shall be made:
 - 1. **Used on or directed against a person** – The officer shall orally inform the Chief or designee as soon as possible. The officer unless incapacitated, shall complete a written report of the incident prior to going off duty that day and complete a Use of Force Report form to accompany the written report.
 - 2. **Used against an animal** – if a firearm is used against an animal, the officer shall complete a written report and Use of Force Report of the incident prior to going off duty that day.
 - 3. **Accidental discharge without injury** – The officer shall immediately notify the Chief or designee regarding the circumstances of the incident. The officer shall complete a written report and Use of Force Report of the incident prior to going off duty that day.

Policy # 003

Date: May 1, 2011

Amended:

AUTHORIZATION AND PROFICIENCY IN THE USE OF FIREARMS

- A. Officers employed by the Lauderdale Lakes Water Patrol are only authorized to carry department-approved firearms.
- B. Each officer is required to qualify with his/her authorized sidearm once each year in accordance with the standards set by the Chief. If an officer is assigned to duties which dictate that he/she carry a weapon other than his/her assigned duty weapon, he/she must qualify with the weapon he/she carries in the normal course of duty.
- C. A notation of each such qualification on the particular officer is to be made. This notation is to include the date of qualification, the serial number of the weapon used, type of weapon used, course of fire and the Range Officer.
- D. Only firearms approved by the Chief may be authorized for carry.

Policy # 004

Date: May 1, 2011

HANDCUFFS

- A. Each officer on patrol, in uniform shall carry handcuffs authorized by the Lauderdale Lakes Water Patrol.
 - 1. All prisoners who are potentially dangerous placed in our patrol boats for transport to the enforcement patrol facility or a place of confinement shall be handcuffed. If the officer has a security/safety concern, the subject may be cuffed behind their back.
 - 2. The handcuffs will have the double lock feature secured for safety. The person in custody shall be fitted with a personal floatation device (PFD) and will not be tethered in any manner to any part of the patrol boat. The secondary officer will monitor the person(s) in custody at all times.

Policy # 005

Date: May 1, 2011

Amended:

PURSUIT

- A. It shall be the policy of the Lauderdale Lakes Water Patrol that pursuits at high speeds are only justified when the officer knows or has reasonable grounds to believe that the violator has committed or attempted to commit a felony that has or is likely to cause great bodily harm or death.
- B. Officers are permitted to pursue violators at moderate speeds if necessary to apprehend motorboat operators who have committed boating violations, other misdemeanors, or minor felonies that did not involve actual or threatened physical harm to the officer(s) or others person(s).
 - 1. No officer at any time shall operate a patrol boat at such a rate of speed that may cause him/her to lose control over the operation and/or direction of the patrol boat. The officer must operate the boat with due regard at all times.
 - 2. Every patrol boat has a maximum speed at which it may be operated safely.
 - 3. Every driver has a limit to his/her ability to safely operate a patrol boat at high speeds on a given waterway. Some of the limiting factors include but are not limited to:
 - (a) Experience and training in high-speed operation
 - (b) Degree of familiarity with the water being traveled

- (c) Degree of understanding of the handling characteristics of the boat being operated
 - (d) Visibility and illumination available to the operator in the area being traveled
 - (e) The obstacles, both present and potential, that must be avoided
4. Every body of water has a maximum speed on which a particular boat may be operated safely. Some of the limiting factors include but are not limited to:
- (a) Visibility – such as time of day
 - (b) Boating Density
 - (c) Weather conditions
 - (d) Particular area of the lake known for heavy traffic
5. When the speed of the patrol boat nears 100% of the maximum of any one of the above limits or conditions, that the speed is defined as high speed regardless of the actual indicated miles-per-hour.
- (a) The decision, responsibility, and method of a pursuit rest solely with the pursuing officer(s). In deciding he/she must exercise sound judgment and carefully consider the facts, seriousness of the offense, possible consequences, and safety of the citizens whose protection is his/her responsibility as well as the Lauderdale Lakes Water Patrol policies and procedures.
 - (b) The law permits officers who are engaged in pursuit to exceed the speed limit and to violate other boating regulations as necessary in order to apprehend a violator, but only permitted when:
 - 1) The emergency lighting and audible siren are employed, and;
 - 2) The utmost safety is ensured for self and others
6. Even though the officer is legally engaged by complying with subparagraphs 5b1 and 5b2 above, he/she is not relieved of his/her duty to operate with “due regard” for the safety of all persons, nor is he/she protected from the consequences of any reckless disregard for the safety of others. He/she must exercise that degree of care, which a reasonable and prudent officer in the discharge of similar duties and under like circumstances would use. It is understood that the officer’s ability to supervise or control other boaters by the nature of existing circumstances is limited, but it is his/her duty to avoid contributing to the danger already created by the violating boater.

7. When attempting to stop a violator who has not yet begun to flee, the pursuing officer should keep in mind personal safety, trying everything within his/her authority to apprehend the suspect without resorting to a high or moderate speed pursuit.
8. As soon as an operator of a boat increases his/her speed or drives in such a manner to endanger the safety of others, the pursuing officer(s) shall immediately activate the emergency lighting and audible siren, and shall continuously use both throughout the entire pursuit. In the event either the emergency lighting or siren malfunctions, the pursuit shall be terminated.
9. The secondary officer shall maintain radio communications with the Walworth County Communication Center relaying information such as patrol boat number, location of pursuit, reason for pursuit, violator's boat and occupant descriptions, direction of travel and any other pertinent information, which will enable other officers in the area to assist with the incident.
 - (a) Patrol boats that are carrying prisoners, witnesses, suspects, complainants, or any other civilians are strictly prohibited from engaging in any pursuit.
10. During the course of a pursuit, officers will maintain a safe distance between the violator's boat and the patrol boat. Due to the potential danger, involved officers are forbidden from pulling along side of the violator's boat in an attempt to force the operator of the violator's boat into shore, pier, or any other obstacle.
11. The use of firearms during the course of a pursuit is strictly governed by the **Use of Force** policy.

PURSUIT TERMINATION

- A. Officers from the Lauderdale Lakes Water Patrol will terminate any pursuit under the following circumstances:
 - 1. The hazards of exposing the officer and the public to unnecessary dangers are high, or;
 - 2. The environmental conditions indicate the futility of continued pursuit, or;
 - 3. The offense is a misdemeanor, or minor felony, and the identity of the violator is known, or;
 - 4. The pursuing officer(s) knows or is almost certain that the fleeing boat is being operated by a juvenile and the offense constitutes a misdemeanor or minor felony, and the safety factors involved are obviously greater than a juvenile is capable of handling.
 - 5. The emergency lighting or siren malfunction. Both must be working and on.
 - 6. A pursuit shall be terminated when a supervisor so directs.

- B. It is difficult to describe exactly how the operator of a fleeing boat could or should be apprehended, except that it must be done legally and safely. It is also difficult to list all particular boating laws that pursuing officers could and should disregard. One cannot set a safe maximum speed, or designate the limit of the number of other police boats involved. The pursuing officer(s) in a short period of time will have to use his/her own judgment, resources, training and experience, policy and procedures, and apply them collectively to the existing circumstances. If the officer(s) feel that the pursuit is justified according to the established criteria and it can be performed safely, officers should continue with the intent of apprehending the suspect, but only while exercising the maximum safety to all concerned.