

# **Augusta Police Department**

## **Use of Force Policy**

**(Satisfaction of 2021 Wisconsin Act 49 Requirement)**

### **POLICY 3.01.00**

#### **USE OF FORCE**

##### **3.01.01 PURPOSE**

To provide Officers with guidelines on the use of non-deadly, less lethal and deadly force. This Department has adopted the Incident Response and Disturbance Resolution Model of force as instructed to all Wisconsin police and jail recruits.

##### **3.01.02 POLICY**

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and to preserve the integrity of the police agency and the jurisdiction that provides this authority. As such, use of force, as designated herein, shall be reported in a timely, complete, and accurate manner by involved Officers and as prescribed by this policy.

##### **3.01.03 PROCEDURE**

Officers have been granted the responsibility to use force while carrying out their duties protecting the public welfare. This Department also recognizes that combative, non-compliant, armed and/or violent subjects cause handling and controlling problems that may require a higher degree of control than simple presence and dialog. Therefore, only force that is reasonably necessary to effectively bring an incident under control will be used. Devices or equipment will only be utilized after officers have been trained and qualified in their use. Use of force will only be used as a method of control and not for retaliation.

##### **3.01.04 AUTHORIZATION FOR USE**

Principles of Subject Control (POSC) and Defensive and Arrest Tactics (DAAT)  
The basis for proper use of force by this agency is the POSC and DAAT standard approved by the State of Wisconsin Training and Standards Board. The key premises are:

To achieve and maintain control of resistive subjects.

To detain persons reasonably suspected of criminal behavior.

- To make lawful arrests.
- To defend themselves or others.
- To prevent escape.
- To prevent destruction of property.
- To move or transport a non-compliant subject from one location to another.
- To prevent a subject from harming him/herself.

Wisconsin’s system of Defensive and Arrest Tactics is defined as *a system of verbalization skills coupled with physical alternatives*. This definition reflects the goal of gaining voluntary compliance.

**INCIDENT RESPONSE**

Considering the various types of responses law enforcement Officers are required to manage, the RESPOND model as outlined by the state is recommended

**INTERVENTION OPTIONS:**

<b>Mode</b>	<b>Tactic(s)</b>	<b>Purpose</b>
<b>Presence-</b>	Tactical Stance	To present a visible display of authority
<b>Dialog-</b>	Tactical Communication	To verbally persuade
<b>Control Alternatives-</b>	Escort Holds	To safely initiate physical contact
	Compliance Holds	To overcome resistance, active resistance, or their threats
	Oleoresin Capsicum (O.C.), Aerosol Sprays	
	Electronic Control Devices (ECD)	
	Passive Countermeasures	
<b>Protective Alternatives</b>	Active Countermeasures	To overcome continued resistance, assaultive behavior, or their threats
	Incapacitating techniques	
	Intermediate Weapons	

**Deadly Force**

Firearm

To stop the threat

## FOLLOW-THROUGH CONSIDERATIONS

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

### **3.01.05 REPORTING USE OF FORCE**

An incident report articulating all of the circumstances will be completed when use of force escalates beyond the escort hold in the disturbance resolution model. After force has been used in controlling a subject, and if any injuries were suffered, appropriate medical attention shall be given to both staff and subject and proper documentation shall be provided, including the taking of photographs, if appropriate.

If a firearm is discharged in response to a use of force incident or if use of force results in a serious injury or death a supervisor will be immediately notified and will initiate Office procedures for investigating the incident.

### **3.01.06 OFFICIAL RESPONSE TO A DEADLY FORCE INCIDENT**

When deadly force is used, the Officer shall be placed on administrative leave while the investigation is being conducted. The Officer will remain available to the Office at all times during the investigation. For the mental health and wellbeing of the Officer, an evaluation may be recommended from a qualified mental health official prior to allowing the officer to be released back to work. Further policy and procedures pertaining to Officer Involved Shootings and Deaths shall be followed.

#### Administrative review of critical incidents

The Officer involved in the deadly force incident will be assigned to a supervisor for questions and a debriefing process.

Any device/weapon used in the incident may be taken for evaluation.

Officers should not speak to the media without approval of the Chief.

### **3.01.07 USE OF HANDCUFFS OR OTHER RESTRAINTS**

Only members who have successfully completed Augusta Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

### **RESTRAINT OF DETAINEES**

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### **RESTRAINT OF PREGNANT PERSONS**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

## NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to, the jail.

## APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

## APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person

is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood if possible.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

#### APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

#### APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

### GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) A supervisor should be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and attempt to not allow him/her to lay on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be monitored by an officer while in the leg restraint. The officer should attempt to ensure that the person does not roll onto and remain on his/ her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle,

extreme agitation, impaired respiration).

### EXCITED DELIRIUM (DRUG INDUCED PSYCHOSIS)

Excited Delirium is a medical condition that is usually brought on by stimulant drug abuse or non-compliance with psychiatric medications. A person experiencing Excited Delirium is in a life threatening state and urgently requires medical attention. Excited Delirium is a state of extremely agitated behavior recognized by some of the following:

- Extreme paranoia, delusions of persecution and hallucination
- Incoherent yelling and screaming
- Aggression toward objects, especially glass, and other people
- Disrobing, running and hiding
- Extreme physical strength and violent resistance
- Hyperthermia, causing profuse sweating

These behaviors can be caused by large amounts of adrenalin and other chemicals having been released into the body. The effect of these chemicals on the human body is to constrict the blood vessels in the heart and brain, during a time of high oxygen demand. The risk of sudden death (restraint asphyxiation) increases, especially when the subject is restrained in a prone position.

Officers should differentiate between someone exhibiting purely criminal behavior and those having a behavioral illness with criminal features. The following procedures are for control of individuals displaying behavior consistent with drug-induced psychosis/excited delirium.

- Call for medical assistance immediately.
- Then gain control quickly with reasonable force. Be aware that prolonged physical confrontations increase the risk of sudden death.
- Once controlled and restrained, place the individual in a seated position that will allow them to breathe freely. **AVOID PLACING THEM IN A PRONE POSITION.** Closely monitor for medical needs, repeating efforts



to calm the subject with conversation. A sign of medical emergency may exist if the subject becomes quiet.

- Feet may be secured together for safety reasons. Feet will NOT be secured to the hands, a position commonly referred to as hog-tying.
- A subject that appears to be suffering from drug-induced psychosis/excited delirium should be transported to the closest emergency room by fire ambulance. Ambulance personnel should be advised of the nature of the case and reminded of the need for transport in a seated position. An officer will ride in the ambulance to assist if requested.
- A complete report detailing use of force and all other relevant information will be completed.

#### REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints **other than handcuffs** shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

#### **3.01.08 USE OF OLEORESIN CAPSICUM (OC)**

OC may be utilized on any person who is actively resisting or threatening to actively resist. A verbal warning should be communicated when possible.

The chemical should be deployed in the manner trained. Not all subjects may react to the chemical and should be approached with caution after an exposure.

Following an incident in which an Officer has used OC, it is important to initiate

follow-through procedures to ensure proper care of the subject. Water decontamination should be conducted as soon as feasible. If further complaints are made by the exposed subject, medical treatment will be offered.

### **3.01.09 USE OF ELECTRONIC CONTROL DEVICE**

An electronic control device (Taser) may be used when a subject is threatening to actively resist or is actively resisting an Officer and the risk associated with closing on the subject to take control makes other alternatives unsafe. This option may also be used when a person poses a threat of harm to self or others and unarmed tactics have been exhausted or would not be effective or safe given the circumstances known to the Officer at the time.

Officers may include in the decision to use an electronic control device information known to the Officer at the time of the incident, including conduct or statements of the subject or prior history of the resistive or assaultive behavior.

Passive resistance such as a peaceful refusal does not permit the use of an electronic control device.

Tasers may only be carried by officers certified in its use.

An Officer will not display or threaten the use of the electronic control device unless he or she can reasonably conclude its use is, or may become, justified.

In most instances, outside of the jail, lethal cover is recommended before deploying any less-lethal device.

The trained target area for an electronic control device is the lower center of mass (below chest or area of the heart) or legs for front shots or below the neck area for back shots. At no time will an Officer intentionally discharge an electronic control device at the subject's head.

A five second spark test should be conducted prior to your shift, at least once per week.

Once an Officer deploys an electronic control device they will attempt to control and handcuff the subject. If the subject will not or does not comply with commands, additional discharges of the electronic control device may be made until the subject complies or is secured.

If probes are imbedded in the neck, face, groin, or breast, Officers will arrange transport to a medical facility for removal. If the probes are imbedded in other non-sensitive tissue areas, a trained Officer may remove them according to the trained procedure. The jail may utilize on duty jail medical staff for removal of imbedded probes.

Following the probe removal, it should be determined if the subject requires additional medical treatment, beyond probe deployment site treatment at the scene of the Taser deployment. Every subject shall be asked if they desire additional medical treatment. If subject requests medical treatment, advise EMT staff of the puncture sites as needed.

After the probes have been removed, they will be handled as a biohazard and packaged accordingly. When possible, the wound and probes should be photographed.

Handling of discharged Taser cartridges as evidence:

1. Collect discharged cartridge, probes, wires and several AFID's (Anti-Felony Identification Device.) Place probes in cartridge, with the dart inwards, then wrap wire around cartridge.
2. Place cartridge, probes, wire and AFID's into a manila envelope.
3. Seal envelope with evidence tape, initials and date.
4. Affix property tag on front of envelope.
5. Place "Biohazard" stickers on envelope if the probes went into a subject.

When an electronic control device is used against a person or animal, the user will notify an on-duty supervisor and will complete a Taser Tracking Report form.

After deployment of the Taser, it is recommended that you notify a Taser technician so the Taser may be downloaded and data saved as evidence.

When a police canine is engaged with a suspect, the electronic control device should not be deployed until the canine is recalled to its handler.

### **3.01.10 USE OF BATON**

Officers may carry the collapsible baton after receiving training in its use.

At no time shall an Officer intentionally strike a subject above the shoulders with a baton unless such action would be justified under the use of deadly force. This

prohibition is not intended to apply to an accidental striking of the head, perhaps as a result of a subject actively resisting the Officer and/or moving.

An Officer, after striking a subject with a baton, will monitor the subject's condition and provide any medical assistance required. A use of force form will be compiled and submitted to a supervisor as soon as practical.

### **3.01.11 USE OF LESS LETHAL FIREARMS**

All officers, while on duty, shall have available to them and make accessible, a less-lethal shotgun (12 ga. caliber) and appropriate ammunition. Any deviation from this will require written permission from the Chief of Police or designee. No lethal ammunition (of the same caliber) shall be kept with nor in the vicinity of the less-lethal shotgun. In the event an officer does not have access to a less-lethal shotgun/ammunition or the aforementioned are nonfunctioning or damaged, the Officer shall report such findings to their immediate supervisor as soon as practical.

#### Less-Lethal Extended Range Impact Devices/Shotguns

Department shotguns will be clearly marked with orange colored stocks and forearms to identify them as less-lethal extended range impact devices/shotguns only.

Officers will load less lethal shotguns in the following manner:

1. Safety on (no red showing)
2. Open the action and make sure no rounds are in the chamber, or the magazine.
3. Close the action, point weapon in a safe direction, move safety to off position, and pull the trigger.
4. Return safety to the on position (no red showing).
5. Load four department issued long range less lethal rounds into the magazine.
6. Return less lethal shotgun to the vehicle's rack or case.

Personnel must be trained and receive annual recertification to deploy less-lethal impact rounds and will only use dedicated weapons designed to deploy less lethal ammunition. Once an Officer is armed with less-lethal ammunition, it is recommended that an announcement be made to all scene personnel that their weapon is loaded with less-lethal. A second Officer must be present who is armed

with lethal ammunition. The less-lethal projectile will be delivered to a suspect target based on the circumstances the Officer is encountering and the established safety priorities. The target area of impact will be large muscle groups or limbs. Suspects who are struck by a less-lethal round will be transported to a medical facility for examination when feasible. Whenever personnel deploy the less-lethal shotgun they shall complete a use of force report and notify command staff as soon as practical.

### **3.01.12 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.

Under specific circumstances where deadly force is justified, weapons may be discharged into a moving vehicle or from a moving vehicle if the imminent threat of life is present.

“Choke Hold”-A physical maneuver or technique that restricts an individual’s ability to breath for the purpose of incapacitation. “Choke Hold’s” may only be utilized at times when an officer has met their justification for deadly force.

### **3.01.13 JUSTIFICATION OF DEADLY FORCE**

1. Behavior which justifies your use of deadly force is that which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
2. Before using a firearm, Officers should, whenever possible, identify themselves as the police and state their intent to shoot.

### **3.01.14 GENERAL GUIDELINES FOR USE OF OTHER FIREARMS**

All officers, while on duty, shall carry a Department approved weapon. Any deviation from this will require written permission from the Chief or designee.

#### Handguns

All handguns will be carried in an approved holster with one round in the chamber and one fully loaded magazine inserted.

Officers will carry at least two extra fully loaded magazines on their duty belt or external carriers. If Officers are not in their full patrol uniform such as when working as SRO, training, on special details, off-duty or otherwise, additional magazines are not required.

## Rifles

Officer shall be provided a department issued rifle, located in each patrol vehicle. Officers may carry a personally owned rifle if authorized by the Chief. Such request must be in writing to include make, caliber, model and serial number. No Officer shall be authorized to carry a personally owned rifle until the Officer provides a documented qualification with the rifle. If the need arises for someone to use a tactical rifle that has not been issued one, he/she must still have qualified with a tactical rifle once in the previous twelve (12) months of employment.

Officers assigned a rifle must qualify with it at least once per year, but are encouraged to train with it more often.

Rifle magazines will be loaded with two rounds under maximum capacity to ensure uniform loading procedures and to decrease stress on the magazine springs. Example – 30 round magazines will be loaded with 28 rounds. M-16/M-4 will remain on safe at all times, unless the use of deadly force has been met.

Tactical rifles will be carried with a properly loaded magazine inserted in the magazine port, but no round in the chamber. Rifles will be sited per department standards

## Target – Specific Directed Fire

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

Target – specific directed fire is a different concept than either of the military concepts of “suppressive fire” or “searching by fire”. Target – specific directed fire maintains the same law enforcement deadly force concepts. The only difference between target – specific directed fire and the “traditional” law enforcement use of deadly force is that the suspect’s location is inferred rather than directly observed. In both traditional deadly force and target – specific directed fire, Officers utilize carefully-aimed shots directed at the suspect to stop the threat, only when the suspect’s actions justify the use of deadly force.

Officers must meet the imminent threat criteria (intent, weapon, and delivery

system) and preclusion requirement before using target – specific directed fire. Officers must achieve target acquisition, identification, and isolation, or else satisfy the greater danger exception, before shooting. Officers must acquire a specific target – they would not be justified in shooting into every window that overlooked the victim. They need to identify the target as the correct target by observing clear indicators of the suspect’s location, although they may not be able to observe the suspect himself. (Indicators could expand the target; for example, observation may reveal multiple perpetrators and/or multiple shooting positions). Officers must isolate the target by knowing the perpetrator is alone in the locations or that other people are not at risk from shots fired, or must satisfy the greater danger exception. When these criteria are met, officers deliver sustained fire at the suspect’s location for the duration of time necessary to perform the rescue or other tasks, thereby stopping the threat (or at least preventing the perpetrator from firing at Officers.)

### General Regulations

Department issued or approved handguns, rifles and shotguns will only be loaded with Department issued ammunition.

Except for maintenance or during training, Officers will not draw or exhibit their weapon unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.

The use or carrying of any non-Department authorized baton, sap, palm sap, sap gloves, firearm, ammunition, chemical agent, electric stunning device, or other similar equipment is prohibited.

Before beginning a tour of duty, each patrol Officer must examine the shotgun and rifle, if one is provided in the vehicle. Examination will be to determine if the weapon is loaded and in good working order. The bore of the weapon will be checked for obstructions and no shell will be kept in the chamber.

Officers may be faced with firing a weapon at a specific area where the suspect is discharging a weapon and cannot be identified. These are rare circumstances and all circumstances, defining the use of deadly force, must be considered before electing to do so.

Warning shots are prohibited.

Weapons may be fired during range practice or competitive sporting events.

Weapons may be fired to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured. Officers will prepare an incident report in situations where a domestic animal is destroyed.

Officer's on-duty in authorized civilian clothing and responding to an incident will have their badge visible in the center of their chest or proper clothing identification (jacket, vest). A ballistic vest must be worn during those incidents. Officers on-duty and patrolling or making contact with the general public, must wear a ballistic vest.

### Shoot Training

General Range Rules will be posted and followed by all personnel attending training. Range instructors are the final authority for written and verbal range rules.

During all firearm training, the Officer and instructors are required to wear a ballistic vest.

Officers who are authorized to carry a firearm are required to attend a minimum of four firearms trainings within any 12-month period. However, not more than a three-month period will lapse between trainings unless excused by a supervisor.

Probationary Officers are required to attend 6 monthly shoots to include two rifle shoots and one shotgun shoot during their 12 month probationary period.

The Department will recognize the minimum standards as set by the Wisconsin Office of Training and Standards.

There will be a minimum of one (1) less-lethal extended range impact device/shotgun shoot per twelve-month period. Each Officer issued, or with regular access to a less-lethal device, is required to attend at least one (1) training per twelve-month period.

Any practice firing while on duty must be done with at least two (2) officers present during such firing. This provision excludes range Officers test firing weapons or designing and testing a course of fire.

### Carrying of Off Duty Weapons

Every sworn Officer of the Augusta Police Department is encouraged to carry a concealed weapon when he/she is off duty. Personal Semi-automatics ranging from a .380 to a .45 caliber may be carried as off duty weapons. While carrying a



weapon off duty the Officer must carry their Office identification card and police badge. If the weapon is exposed, a badge will be placed by the weapon or hanging from the neck of the Officer. You must qualify with the personal off duty weapon at minimum of once per year. Personal off duty weapons must be loaded with ammunition that has the prior written approval of the Chief. Officers may carry their duty weapon while off duty.

No Officer, during off duty or on duty hours, unless approved by the Chief, will carry a concealed weapon while incapacitated by alcohol or drugs.

Any Officer who intends to, or actually does, engage in social drinking at any tavern, private residence, or any other place during off duty hours, will deposit his/her concealed weapon in a safe place, off his/her person.

#### On duty personal weapons

Personal Weapons may be carried on duty on the person of an Officer with prior approval of the Chief. Such approval will only be given after the Officer has qualified and continues to qualify annually.

Personal weapons must be loaded with ammunition that has the prior written approval of the Chief.

#### CCW

Any member of this Department who is carrying a concealed weapon specific to the CCW Law must abide by the law. Under CCW, you are acting as a private citizen and must obey the laws as it applies to CCW.

#### Range Officers

If the Department has a Range Officer (s), a Senior Range Officer will be designated by the Chief. The Senior Range Officer will have the responsibility of scheduling and supervising training, maintaining records and a weapons and ammunition inventory list, and informing the Chief of any problems that arise out of shoot training, including unexcused absences or the inability to maintain acceptable scores.

Range Officers must maintain their certification as set by the Office of Training and Standards.

Range Officers may have an annual audiogram at the Department's expense.

Should the Department train with another Law Enforcement Agency or another Range Officer, policies and procedures pertaining to those entities shall be followed unless otherwise conflicting. Should a conflict arise, the conflict shall be made known by the Range Officer and remedied prior to the training.

### **3.01.15 DEFINITIONS**

Baton: An impact weapon used to impede an adversary by striking part of the body. Conventional batons are made of wood or plastic. Expandable batons are constructed of a series of telescoping metal shafts.

Control tactics: Achieving control of a contact or situation through presence and dialogue, or, if necessary, through physical intervention.

Deadly force: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

Diversionary Devices: Also referred to as a noise/flash distraction device may be thrown by hand or propelled from a 37mm or 12-gauge weapon. Typically, the noise/sound diversionary device produces a bright flash and a loud report. Diversionary devices may also include smoke.

Electronic Control Device: A less-lethal conducted energy weapon that uses propelled probes and wires to conduct electricity to a remote target, thereby controlling and affecting the central nervous system of the body.

Kinetic Energy Impact Projectiles: Flexible and non-flexible projectiles, which are intended to incapacitate a subject with minimal potential for causing death or serious physical injury, when compared to conventional projectiles.

Less-Lethal Extended Range Impact Devices: The primary extended range weapons used by the Eau Claire County Sheriff's Office are the 12-gauge (sock or drag stabilized bean bag) or 37mm flexible baton.

### **3.01.16 SOURCES**

Wisconsin Statutes 66.0511, 940.29, 968.24

Wisconsin Office of Justice Law Enforcement Standards Board (DAAT Training Guide 2007)

Office of Corrections Administrative Code 350.14

Case Law: Whitley –v- Albers, 475 U.S. 312 (1986)

Langford –v- Gates, 43 Cal. 3d 21 (1987), California Supreme Ct

Tennessee –v- Garner, 471 U.S. 1 (1985)  
Graham –v- Connor, 490 U.S. 386 (1989)  
Terry –v- Ohio, 392 U.S. 1 (1968)