

**SECTION: 200.520****SUBJECT: RESPONSE TO RESISTANCE****POLICY:**

Deputies have the responsibility to use force when it becomes necessary in the performance of their official duties. The Dane County Sheriff's Office recognizes and respects the value and special integrity of each human life. In giving deputies the lawful authority to use force to protect the public welfare, a careful balance of human interests is required. Therefore, deputies shall use only that amount of force that is reasonable in a given situation to effectively bring an incident under control.

The reasonableness test is an objective one and must be judged from the perspective of a reasonable deputy at the scene. Only the facts and circumstances confronting a deputy at the moment the decision to use force is made and how that decision complies with the guidelines set forth in this regulation are relevant in determining whether the force is reasonable. The Sheriff's Office also recognizes that a deputy must make these split-second decisions in circumstances that are tense, uncertain, and rapidly evolving.

PROCEDURE:**I. PARAMETERS FOR USE OF FORCE**

- A. The use of physical force is only authorized when a deputy reasonably believes it is necessary to control a person under any of the following circumstances:
 - 1. Detaining a person reasonably suspected of criminal involvement.
 - 2. In effecting a lawful arrest.
 - 3. To achieve and maintain control of resistive subjects.
 - 4. Preventing escape.
 - 5. Protecting oneself or another from physical harm.
 - 6. Maintain order.
- B. Force used against a subject for a purpose other than one of those listed above is inappropriate. Examples include, but are not limited to:



1. Using force as punishment.
 2. Using force to retaliate against a subject.
 3. Using force to “teach a lesson” or reinforce your authority.
- C. Deputies are not only responsible to ensure their use of force is appropriate but also to prevent misuse of force by others. Therefore, deputies are expected to intervene in and report any misuse of force they witness.
- D. Use of force is intended to control a subject’s behavior. Because each deputy possesses a different degree of training and experience, control is an individual perception based on one’s training and experience. In determining the level of force that is reasonably necessary to control a subject, a deputy should consider the following factors:
1. The nature of the encounter.
 2. The actions of the person.
 3. Existence of alternative methods of control.
 4. Physical size, age, relative strength, skill level, and weaponry of the person as compared to the deputy.
 5. Subject's ability to escalate force rapidly.
 6. Special circumstances, such as; availability of backup, number of persons involved, the previous behavior or known violent history of the subject, etc.
- E. The concept of escalating/de-escalating levels of force allows a deputy to apply varying levels of force based on an assessment of the threat presented by the subject and the circumstances of the encounter. A deputy is always permitted to disengage and/or escalate force in order to take proper lawful action.
- F. Once a person has ceased to resist, attempt escape, or is under control, the amount of force used shall be reduced to the level necessary to maintain control of the subject.
- G. Presence and dialog usually are the first things a deputy should try in order to achieve and maintain control of a resistive subject. However, it is recognized that this method alone is not always effective or feasible in gaining control and it may become necessary to escalate to a higher level of force. It is legitimate to escalate quickly through or to skip intervention options, depending upon the level of threat presented and the deputy’s tactical evaluation of the situation. The force used should be based on the following



hierarchy of intervention options:

1. Presence - to present a visible display of authority.
2. Dialog - to verbally persuade a subject to comply with a deputy's lawful directives.
3. Control Alternatives - The use of a wide range of tactics and techniques for physically controlling subjects who are displaying non-compliant but non-threatening behavior or are physically counteracting the deputy's attempts to control which creates a risk of bodily harm to the officer, subject or other person(s). The overall purpose is to overcome passive resistance, active resistance or their threats.
 - a. Escort Holds - to safely initiate physical contact.
 - b. Compliance Holds - to overcome passive resistance.
 - c. Pressure Points - to overcome passive resistance.
 - d. Oleoresin Capsicum - to overcome active resistance or its threat.
 - e. Electronic Control Devices (ECDs) - to overcome active resistance or its threat.
 - f. Passive Countermeasures - to decentralize and overcome active resistance.
4. Protective Alternatives - These interventions are designed to protect officers in situations where they face subjects continuing to resist by maintaining a level of counteractive behavior that is not controlled with the officer's current level of force or threatening to assault or taking direct actions or conduct that generates bodily harm to deputies and/or another person(s). The overall purpose is to overcome continued resistance, assaultive behavior or their threats.
 - a. Active Countermeasures - to create dysfunction and overcome aggressive resistance or physical assault (grappling).
 - b. Incapacitating Techniques - to cause the immediate temporary cessation of violent behavior or prevent escape.
 - c. Intermediate Weapon - to impede subject's ability to aggressively attack.
5. Prohibited Techniques – The following techniques create a high probability of death or great bodily harm and are prohibited unless deadly force is justified:
 - a. Lateral Vascular Neck Restraint – A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.
 - b. Choke Holds – A physical maneuver that restricts an individual's ability to breathe for the purpose of incapacitation.
6. Deadly Force - To stop the threat of death or great bodily harm.



II. USE OF DEADLY FORCE

- A. Deadly force is defined as, *the intentional use of a firearm or other instrument, that creates a high probability of death or great bodily harm.*
- B. Behavior by a subject that justifies a deputy's use of deadly force is: *any behavior that has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.* Wisconsin law defines "great bodily harm" as "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 other serious bodily injury." (§939.22(14) Wis. Stats.).
- C. Deputies are authorized to use deadly force in order to:
 - 1. Protect the deputy or others from what is reasonably believed to be an imminent threat of death or great bodily harm.
 - 2. Prevent the escape of a fleeing felon whom the deputy has probable cause to believe poses a significant threat to human life should escape occur.
- D. If it is tactically feasible, deputies should identify themselves and request compliance before using deadly force.
- E. While the only trained technique for deploying deadly force is the firearm, the Sheriff's Office recognizes that other means may be necessary and would be authorized if the deadly force criteria defined above has been established.

III. USE OF APPROVED WEAPONS AND DEVICES

- A. Sheriff's deputies may carry and use only issued or approved weapons and control devices as referenced in DCSO Policies 200.630, 200.510 and 200.640.
- B. Deputies must complete Sheriff's Office training prior to carrying or using approved weapons and control devices.
- C. The use of approved weapons and control devices should comply with this regulation, policy, and training.
- D. This section is not intended to prohibit the use of items not previously approved as a weapon or control device in an emergency situation.



IV. USE OF RESTRAINTS

- A. A deputy may use restraining devices in order to:
 - 1. Maintain control of subject.
 - 2. Prevent escape.
 - 3. Protect him/herself or others.
- B. A deputy should not use restraining devices as punishment.
- C. Individuals who are in custody shall be handcuffed prior to being transported in a squad car. This provision may not apply to some jail inmates. Refer to Security Services Division policy.
- D. Subjects shall be handcuffed behind the back unless:
 - 1. Other restraining equipment is in use. (i.e. belly chains, Ripp® restraints).
 - 2. Conditions exist that make it unreasonable or impossible to place handcuffs behind the subject's back. In all such cases, the deputy shall detail in their written report the unusual circumstances that existed and what alternate restraining device or technique was used.
- E. Handcuffs should be checked for proper fit and double locked when tactically feasible to do so.
- F. Subjects must be monitored while in handcuffs.
- G. If the person complains of pain, the deputy should recheck the handcuffs for proper fit and adjust the handcuffs if needed and when it is tactically feasible.
- H. Deputies will maintain physical contact and control of a subject who is handcuffed while that person is walking.

VI. MONITORING REQUIREMENTS

- A. Whenever physical force is used to control a subject, it is the deputy's responsibility to monitor the subject for signs of injury. If an injury is such that it requires medical treatment, reasonable effort should be made to provide such treatment. If the subject refuses medical treatment, document this fact in the incident report. Deputies should use their medical training and other resources available to them to determine if the injury is



treatable. Other resources would include, but are not limited to supervisors, jail nursing staff, EMS personnel, etc.

- B. In cases where a subject has been sprayed with OC, the deputy should provide decontamination as soon as practical to assist the subject in relieving his/her discomfort.

VII. REPORTING REQUIREMENTS

- A. Written documentation, prepared according to Sheriff's Office procedures, is required from each deputy involved in the following situations:

1. When a firearm is discharged, within the scope of employment, outside of the firing range.
2. When a firearm is pointed at any person.
3. When use of force results in death or injury.
4. When a weapon is deployed or used to control a person.
5. When restraining devices are used, except for the routine movement of inmates within the jail, courts, and routine prisoner conveyances.
6. When the level of force used is at compliance hold or greater.

- B. A supervisor will be notified and comply with investigative procedures as required by the Sheriff's Office in the following situations:

1. When a firearm is discharged within the scope of employment, outside of the firing range, except when destroying an animal. In such cases, a supervisor shall be notified and a report completed.
2. When a use of force results in death or serious injury.
3. When a subject complains that an injury has been inflicted by a deputy's use of force.

VIII. SHERIFF'S OFFICE RESPONSE

- A. Deadly Force Incidents - Whenever a deputy uses deadly force or where a deputy's use of force results in death or serious bodily harm:

1. The Sheriff's Office will conduct both administrative and criminal investigations of



- the incident consistent with the Critical Incident policy.
2. The involved deputy will be placed on administrative leave pending investigation of the incident.
 3. The involved deputy will remain on leave until it is determined by a mental health professional that the deputy is ready to return to duty.
- B. Supervisory Review of Use of Force Incidents - All reported uses of force will be reviewed by the appropriate Sheriff's Office authority, usually a division's supervisor, to determine whether:
1. Sheriff's Office rules, policy or procedures were followed.
 2. The relevant policy is clearly understandable and effective to cover the situation.
 3. Sheriff's Office training requires revision.
- C. Use of Force Review Board
1. The Use of Force Review Board will review all incidents involving use of force where:
 - a. A deputy is injured.
 - b. A subject receives an injury requiring medical treatment, whether such treatment is accepted or not.
 - c. Deadly force is used.
 - d. Oleoresin Capsicum Spray is used.
 - e. Road spikes are used.
 - f. A vehicle pursuit ensues.
 - g. A foot pursuit ensues.
 - h. Specialty Impact Munitions are used.
 - i. An Electronic Control Device is used.
 - j. A civil lawsuit or claim for damages is filed.
 - k. A review is requested by Sheriff's Office Administration.
 - l. A review is requested by either party to address a use of force issue in a disciplinary action.
 2. The reporting deputy will forward, or request to have forwarded, a copy of all incident reports meeting the criteria listed in VIII C. 1 above to the Use of Force Review Board.