



*Chief of Police  
John Flannery*

## Village of Endeavor Police Department

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### Policy 5-100

#### Use of Force

##### **PURPOSE:**

The purpose of this policy is to comply with Wisconsin State Statute 175.44 (1)-(5) and to provide Officers with the guidelines for the use of force and recognize that the use of force by law enforcement requires constant evaluation. Even at the lowest level, the use of force is a serious responsibility. This policy will provide officers of this department with the guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in every situation, each officer is expected to use the guidelines to make such decisions in a professional, impartial, and reasonable manner. This policy is intended to be used in concert with other department policies related to use of force.

##### **DEPARTMENT PHILOSOPHY:**

The department recognizes and respects the value of all human life and dignity without prejudice. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

The use of force by law enforcement personnel is a matter of critical concern both to the public and the law enforcement community. Officers are involved on a daily basis in numerous and varied encounters with the public and when warranted, may be called upon to use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true when officers must overcome resistance while engaged in the performance of their duties. While it is the ultimate goal of every law enforcement encounter to gain voluntary compliance by minimizing conflict with those involved, nothing in this policy requires an officer to sustain physical injury or take unreasonable risk for their safety or the safety of others, before applying reasonable force.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, each officer must be entrusted with the discretion in

determining the appropriate use of force in each incident.

### **POLICY:**

It is the policy of this department that officers will use only that force that is objectively reasonable, given the totality of circumstances perceived by the officer at the time of the event, to effectively gain control of an incident, while protecting the safety of the officers and others. Officers should attempt to de-escalate confrontations through tactical communication, warning, and other common-sense methods preventing the need to use force whenever reasonably possible. It is also expected that any use of force is:

- a. Consistent with Wisconsin State Statute [175.44 (1)-(5)] and Federal laws, and
- b. Consistent with this and other department policies concerning uses of force, and
- c. Employed in a manner consistent with the officer's department training, unless individual circumstances justify alternative tactics or equipment.

The decision to use force "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight."

In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... the question is whether the officers' actions are 'objectively reasonable' in the light of the facts and circumstances confronting them." 1

### **DETERMINING THE REASONABLENESS OF FORCE:**

The use of force by an officer must be objectively reasonable. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving with regard to the amount of force that is necessary in a particular situation. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision about the use of force.

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- a. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- b. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers vs subjects.
- c. The influence of drugs and/or alcohol effects on the subject's physical and mental capacity and their threshold for pain or reason.
- d. The subject's proximity to weapons.
- e. The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.
- f. Time and circumstances permitting, the availability of other options (what resources and/or alternatives are reasonably available to the officer under the circumstances).

- g. The seriousness of the suspected offense or reason for contact with the individual and the need to apprehend.
- h. The training and experience of the officer.
- i. The potential for injury to citizens and officers if force is used against the individual.
- j. The risk of escape presented by the subject.
- k. Any other reasonable, exigent circumstance as articulated by the officer.

Officers shall only use the level of force which a reasonably prudent officer would use under the same or similar circumstances.

In addition, situations where the subject either ceases to resist or the incident has been effectively brought under control, the use of physical force or less lethal alternatives shall be de-escalated or discontinued accordingly.

The use of force, as designated herein, will be reported in a timely, complete, and accurate manner by all involved officers and as otherwise prescribed by this policy.

This policy is applicable to all members of the department while on or off duty and engaged in the performance of their official duties.

#### **NON-DEADLY FORCE APPLICATIONS**

Any application of force that is not reasonably anticipated and intended under the circumstances to create a substantial likelihood of death or great bodily harm will be considered non-deadly force. Each officer is provided equipment, training, and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include, but are not limited to, the use of Taser, Oleoresin Capsicum (OC), Baton, Focused Strikes, Compliance Holds and Handcuffing.

#### **DEADLY FORCE APPLICATIONS**

Deadly force application is the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm. This includes all choke holds (See Policy 502 Deadly Force).

#### **DE-ESCALATION**

Consistent with **Sub-Policy 501-B**, Officers should make every reasonable effort to de-escalate confrontations to prevent the need to use force. When subjects' actions create an imminent threat to the public or to officers, it is expected that officers will respond with reasonable and decisive force per this policy. See Sub-Policy 501

#### **DUTY TO INTERVENE/OVERRIDE**

Consistent with **Sub-Policy 501-C**, all officers have an affirmative duty to act upon and intervene/override any incident involving unnecessary and/or excessive force, including intentionally escalating an encounter absent lawful, necessary purpose.

## **MEDICAL ATTENTION FOLLOWING USE OF FORCE APPLICATION**

Officers on scene are responsible for the physical safety and security of persons arrested. The officer(s) who used physical force on the subject(s) will conduct an initial medical assessment of the subject(s). Prior to booking or release, medical assistance will be obtained for any person(s) who has sustained visible injury, expressed a complaint of injury, continuing pain, difficult breathing, or who has been rendered unconscious, as soon as possible. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of an examination by fire department personnel, to include EMT or paramedics, hospital staff, or medical staff at the Criminal Justice Facility (County Jail).

A person who exhibits medically significant behavior, extreme agitation, violent, irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who requires a protracted physical encounter with multiple officers to bring him or her under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as possible and prior to transport in a police vehicle. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

In addition, officers will obtain medical assistance for subjects under the following circumstances.

- a. The subject requests it
- b. The subject is unconscious
- c. The subject has an adverse reaction to the effects of OC Spray or CEW application
- d. The subject is experiencing hallucinations or delusions
- e. The subject complains of difficulty breathing

An ambulance shall be requested from the West Allis Fire Department to provide this medical assistance. A request for an ambulance will be made by the following:

- a. The officer who used force, or
- b. Assisting officers, or
- c. A supervisor

Supervisor approval is not needed for this request if an officer deems it medically necessary, even if it is a medical precaution. Any refusal of medical treatment by the subject shall be documented in all cases and shall be attached and/or added in the narrative section of the officer's TraCS report.

A supervisor will respond to the scene of any incidents involving the use of force by SFPD employees. The responding supervisor will be responsible for taking the following actions:

- a. Obtain the basic facts from the involved officer(s).
- b. Ensure any injured parties are examined and treated.
- c. Ensure any potential witnesses are identified and interviewed to the extent feasible.
- d. The on-scene supervisor will ask all officers involved if an officer intervention/override occurred or if anyone observed any questionable use of force involving the incident.
- e. Ensure photographs are taken of injuries to officers or other persons.
- f. Make any command and/or other notifications that are required or that the supervisor determined should be made especially in cases of injuries.
- g. When feasible, approve all reports by involved officer(s) to ensure accuracy and consistency. If it is not feasible for the responding supervisor to do this, he or she will coordinate with another supervisor who will be responsible to review all remaining reports.
- h. Will assist to ensure "use of force" reports are complete.
- i. A supervisor's use of force report must be submitted by the end of their shift.

Any supervisor regardless of rank shall report any information received about an intervention/contact override decision if the potential of misconduct occurred, up the chain of command. If a higher-ranking supervisor is not available, then the intervention/override decisions will be reported directly to the office of the Chief of Police (ALL intervention/contact override decisions must reach the Chief of Police through the chain of command if the potential of misconduct occurred).

## **REPORTING PROCEDURES**

1. Officers using physical force that results in a subject's physical injury, claimed injury or loss of consciousness during the performance of his or her police duties will, as soon as practical, notify an on-duty supervisor of the incident and request the supervisor to respond to the scene. If a supervisor is not on duty, a command officer will be notified, by phone call and will respond.
2. Officers will complete a written TraCS Incident Report documenting the incident along with a detailed description about the use of force that occurred within that incident. Any officer who witnesses an officer-involved use of force will file a written supplementary report. In addition, a separate written use of force report will be submitted on an ITMO to the Chief of Police.
3. The TraCS Incident Report should include, but is not limited to, the information documented by the - officer(s) in their use of force report (ITMO) submitted to the Chief of Police. Submit an ITMO to the Chief of Police documenting the date, time, location, TraCS, Report Number – type of injury and officers involved as soon as reasonably possible.

**A. DISTURBANCE RESOLUTION MODEL**

In determining the level and type of force to be used, officers of this department will employ the concepts, tactics, and techniques of the State of Wisconsin Defensive and Arrest Tactics System (DAAT). The DAAT Disturbance Resolution Model is the guide for an officer's use of force and the system/model this department uses to train its personnel.

**DISTURBANCE RESOLUTION**

**1. APPROACH CONSIDERATIONS**

A. Decision Making

Justification  
Desirability

B. Tactical Deployment

Control of Distance  
Relative Positioning  
Relative positioning with multiple subjects  
Team Tactics

C. Tactical Evaluation

Threat Assessment Opportunities  
Officer/Subject Factors  
Special Circumstances  
Level/Stage/Degree of stabilization

**2. INTERVENTION OPTIONS**

<b>Mode</b>	<b>Tactic</b>	<b>Purpose</b>
Presence	Professional Presence	To present a visible display of Authority
Dialog	Professional Communications	To obtain Voluntary Compliance

Control Alternatives	Escort Holds	To overcome passive resistance, active resistance or their threats
	Compliance Holds	
	Control Devices	
	1. Oleoresin Capsicum (OC) Spray	
	2. Conducted Energy Weapon	
	Passive Countermeasures	
Protective Alternatives	Focused Strikes	To overcome continued resistance, assaultive behavior or their threats
	Incapacitating Techniques	
	Intermediate Weapons	
Deadly Force	Firearm	To stop the threat

### 3. FOLLOW THROUGH CONSIDERATIONS

- |                     |  |
|---------------------|--|
| A. Stabilize        | Application of restraints if necessary |
| B. Monitor/Debrief  |  |
| C. Search           |  |
| D. Escort           | If necessary                           |
| E. Transport        | If necessary                           |
| F. Turnover/Release | Removal of restraints if necessary     |

### MODES OF INTERVENTION OPTIONS

The five modes of Intervention Options each serve a different purpose and include different tactics and techniques:

#### A. 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.

## **B. Dialog**

The second mode, Dialog, covers the range of communication from low level questioning to very direct commands. The purpose of Professional Communications Skills, the trained tactic used in this mode, is to obtain voluntary compliance. The trained tactics and techniques include the Basic Contact Model and Arbitration.

## **C. Control Alternatives**

The third mode, Control Alternatives, includes a wide range of tactics and tools for controlling subjects. The purpose of this mode is to overcome passive resistance, active resistance, or their threats. 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 and Conducted Energy Weapons. The common thread is that all of these tactics and tools are used to control subjects who are resisting or threatening to resist.

## **D. Protective Alternatives**

The fourth mode, Protective Alternatives, includes tactics and tools to protect an officer while also managing continuing resistance. The purpose of this mode is to overcome continued resistance, assaultive behavior, or their threats. The tactics include focused strikes that disrupt a subject's ability to continue to resist or fight; a diffused strike that can cause an immediate, though temporary, cessation of a subject's violent behavior; and the use of baton strikes to impede a subject. The difference between Protective Alternatives and Control Alternatives is that with Protective Alternatives the purpose is not only to control the subject but also to protect the officer.

## **E. Choke Holds**

Choke Holds are prohibited under the first 4 modes of intervention, this includes Control Alternatives and Protective Alternatives by this Department. Any choke hold maneuver is considered deadly force and must be justified under the fifth mode of deadly force.

## **F. Deadly Force**

The fifth mode, Deadly Force, represents the highest level of force available to law enforcement officers. The purpose of this mode is to stop the threat. The power to use deadly force is the greatest responsibility given to law enforcement officers.

It is the policy of this law enforcement agency to value and preserve human life. A law enforcement officer may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give verbal warning before using deadly force.

Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.

The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.”

In addition, “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... the question is whether the officers’ actions are ‘objectively reasonable’ in the light of the facts and circumstances confronting them.”<sup>1</sup>

In situations where the subject either ceases to resist or the incident has been effectively brought under control, the use of physical force or less than lethal alternatives shall be de-escalated or discontinued accordingly.

The use of force, as designated herein, will be reported in a timely, complete and accurate manner by all involved officers and as otherwise prescribed by this policy.

This policy is to be reviewed annually and any questions should be addressed to the immediate Command Officer for clarification.

## DEFINITIONS

**Deadly Force:** The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm. This includes all choke holds.

**Less-Lethal Force:** Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

**Deadly Force Legal Justification:** The subject is causing an imminent danger of great bodily harm or death to yourself or others, and other tactics have been exhausted or would be ineffective, the use of deadly force to stop the subject's actions is justified.

**Objectively Reasonable:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in the light of the totality of circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations. It is the standard by which many actions of a police officer are judged.

**Great Bodily Harm {WI Statute 939.22(14)}:** 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.

**Imminent:** Likely to occur at any moment; impending. An imminent threat is an immediate threat.

**Imminent Threat Criteria:** Weapon, Intent, Delivery System. To be justified in using deadly force the subject's threat must have all three imminent threat criteria.

**Intent:** The subject must indicate his or her intent to cause great bodily harm or death to you or someone else. Some of the ways intent might be shown would include deliberately pointing a firearm or other weapon at you or others, stating an intention to kill you or others, rushing you with a knife, and so on.

**Weapon:** The subject must have a conventional or unconventional weapon capable of inflicting great bodily harm or death. Guns and knives are not the only weapons capable of inflicting great bodily harm or death. There are many other common objects that can be used as weapons. Beer bottles, baseball bats, pieces of broken glass, large rocks or bricks. All of these can be used as weapons. Some individuals are even able to inflict death or serious injury with their hands or feet alone and some apparently innocuous items such as a pen or pencil can be used as a weapon.

**Delivery System:** The subject must have a means of using the weapon to inflict harm. A person armed with a baseball bat, having stated their intention to kill an officer, does not meet the criteria for imminent threat if he or she is standing 50 yards away from the officer on the other side of a fence. There is no delivery system. The same person standing 10 feet away from the officer does meet the criteria.

**Preclusion:** Within the DAAT system, an officer may use deadly force to

respond to behavior, but only if no other reasonable option is available. In other words, deadly force is a last resort. An officer must be able to articulate that all options except deadly force were not viable. Note in many deadly force situations, you will not have time or the ability to try other options. If a subject a few feet away from you suddenly pulls a gun and threatens to shoot you, generally the only reasonable response is to fire. There is simply not enough time to try alternatives. If feasible, you should give a verbal warning before firing. In some cases, it may not be desirable.

**Target Requirements:** If you have determined that you face a threat that meets the requirements to permit a deadly force response, and you decide to shoot, you must still fulfill three target requirements:

- A. Target Acquisition
- B. Target Identification
- C. Target Isolation

**Target Acquisition:** You have acquired an actual target to shoot at. You cannot fire blindly in the direction of a sound for example because you may endanger others. If someone has shot at you from an apartment building, you cannot return fire until you have a specific target to aim at.

**Target Identification:** You have identified your target as the source of the imminent threat. To continue the previous example, just because you see someone at a window in that apartment building, you cannot shoot until you verify that the individual you see is the person who shot or someone else who is about to shoot at you.

**Target Isolation:** You can shoot at your target without danger of harming innocent people. If the person who shot at you from the apartment building ran out of the building and into a crowd of people, you could not shoot at them without endangering others.

**Greater Danger Exception:** This exception allows you to shoot without isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.

**Totality of Circumstances:** Your judgement in a deadly force situation is based on the totality of the circumstances known to you at the time. For example, if a subject points a pistol at you with the clear intent to shoot, you are justified in using deadly force. If it turns out later that the subject's pistol was unloaded, that does not make your decision unjustified. Your perception of the threat was reasonable under the circumstances.

**De-Escalation:** An officer's use of time, distance, and relative positioning in combination with Professional Communication Skills to attempt to stabilize a situation and reduce the immediacy of the threat posed by an individual (**See Sub-Policy 501-B**).

**Exigent Circumstances:** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts. <sup>2</sup> s2 Based on the definition from *United States v. McConney*, 728 F 2d 1195, 1199 (9<sup>th</sup> Cir.), cert. denied, 469 U.S. 824 (1984).

**Choke Holds:** A choke hold is defined as a physical maneuver that restricts

an individual's ability to breathe and also restricts blood flow to the brain which causes unconsciousness at lower levels and death if there is prolonged use. In the most common choke hold, referred to as an arm-bar hold, an officer places his or her forearm across the front of an individual's neck and then applies pressure for the purpose of cutting off air and blood flow. Other physical maneuvers could consist of grabbing the front of the neck with a hand and applying pressure and using a knee or leg to apply pressure to the neck. These are extremely dangerous maneuvers that can easily result in serious bodily injury or death. Therefore, any choke hold maneuver is prohibited unless deadly force is authorized.

**Duty to Intervene/Contact Officer Override:** Any officer or supervisor who personally observes another officer(s) use of force, which the observing officer or supervisor believes to be beyond that which is objectively reasonable under the circumstances, shall reasonably attempt to intervene to prevent the use of such excessive force, when there is an opportunity to do so. Any officer or supervisor intervening shall promptly report their observations, along with his/her own intervening actions to a supervisor. A failure to intervene in any unreasonable use of force, may violate Wisconsin State Statute 175.44(2)(c), and demonstrates a lack of courage. This is violation of this policy and other Department Rules and Regulations that will result in a disciplinary action. All supervisors, regardless of rank or assignment, shall report all contact officer or supervisor overrides up the chain of command to the office of the Chief.

In addition, all officers have a duty to intervene in any situation if the contact officer(s) is/are behaving inappropriately or is/are otherwise not handling the situation effectively or professionally (**See Sub- Policy 501-B**).

**Intervention/Override Compliance:** Any contact officer or supervisor who is engaged in the use of force or problematic behavior and becomes aware of an officer(s) or supervisor attempting to override the contact officer or supervisor's actions, shall promptly disengage in the use of force and turn the situation over to the overriding officer or supervisor conducting the intervention and immediately take a back-up role, only if needed. A failure to disengage or comply with an officer override is a violation of this policy that will result in a disciplinary action.

**Graham v. Connor:** The United States Supreme Court Case ruled that force is only to be applied by law enforcement officers when such use is "objectively reasonable" in a given situation as determined by a "reasonable officer" at the scene. The factors, which, in general, determine whether force is "objectively reasonable", include:

- A. The severity of the crime at issue,
- B. Whether the suspect poses an imminent threat to the safety of officers and/or others,
- C. Whether the suspect is actively resisting or attempting to evade arrest by flight.

**Tennessee v. Garner:** The United States Supreme Court Case, which strikes down fleeing felon rules and states a law enforcement officer, would **not** be justified in shooting to stop someone from fleeing whom is known to have committed only a property crime, or who has apparently committed a felony or misdemeanor that does not endanger life or threaten serious bodily harm.

## **A. General Provisions**

1. Use of physical force should be de-escalated or discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so (**See Duty to Intervene/Contact Officer override- Sub-Policy 501-C**).
5. All uses of force shall be documented and investigated pursuant to this agency's policies (**See Policy 501 Use of Force and Reporting**).

## **B. De-Escalation (See Definition- Sub-Policy 501-B)**

### **C. Use of Less-Lethal Force**

When de-escalation techniques are not effective or appropriate, an officer may consider the use of less lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less lethal force techniques and issued equipment

1. to protect the officer or others from immediate physical harm.
2. to restrain or subdue an individual who is actively resisting or evading arrest, or
3. to bring an unlawful situation safely and effectively under control.

### **D. Use of Deadly Force**

1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of circumstances and the officer believes that all other options have been exhausted or would be ineffective. Use of deadly force is justified when one or both of the following apply:
  - a. To protect the officer or others from what is reasonably believed to be an immediate threat of death or great bodily harm
  - b. To prevent the escape of a fleeing suspect when the officer has probable cause to believe that the person has committed a felony involving great bodily harm or death, and the officer reasonably believes that there is an imminent risk of great bodily harm or death to the officer or another if the subject is not immediately apprehended.
2. When both practicable and feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.

### 3. Deadly Force Restrictions

- a. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
- b. Warning shots are inherently dangerous. Therefore, they are prohibited.
- c. Firearms shall not be discharged at a moving vehicle unless
  - 1) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
  - 2) The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
- d. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
- e. Choke holds are prohibited unless deadly force is authorized.

### **E. Training**

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designated to
  - a. Provide techniques for the use of and reinforce the importance of de-escalation;
  - b. Simulate actual shooting situations and conditions; and
  - c. Enhance officers' discretion and judgment in using less-lethal and deadly force in accordance with this policy and Wisconsin state Statute 175.44
3. All use-of-force training shall be documented.