 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	1 of 21

POLICY

It is the policy of the Oneida County Sheriff’s Office that at all times only the minimum force reasonable and necessary to effect a lawful purpose may be used. The use of force is the last resort to accomplish lawful objectives.

PURPOSE

The purpose of this policy and procedure is to establish Oneida County Sheriff’s Office guidelines concerning the use of force by employees of the Oneida County Sheriff’s Office. Proper use of force decisions, based upon reasonableness, ensure due process for citizens, as well as provide protection for the officer and the Oneida County Sheriff’s Office.


This policy is based upon the constructs found in “*DEFENSIVE AND ARREST TACTICS PROGRAM (DAAT)*” and “*PRINCIPLES OF SUBJECT CONTROL (POSC)*” of the State of Wisconsin as promulgated by the Law Enforcement Training and Standards Board. (Sheriff’s Office of Justice – Training and Standards Bureau).

OBJECTIVE

Officers will encounter a full range of behavior in the performance of their duty. Use of force is one tool and a privilege of law granted to the officer to professionally perform his or her duty. Officers may use force legitimately *when it is needed to achieve and maintain control* in six specific situations:


- 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 change location of inmate

An officer’s decision to use force, and which particular intervention option may be appropriate, is based upon the totality of the circumstances in an incident. The officer is to use that level of force, which is reasonable to effect control. Another objective of the policy, therefore, is to define the concept of what is “reasonable.” Use of force for corporal punishment of an inmate is forbidden.

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	2 of 21

OVERVIEW

- A. Intervention Options are divided into five modes, each reflecting the need for an increased level of force to gain control. Although the Intervention Options are divided into five modes, you can begin with any mode and move from one mode to any other mode as appropriate—Intervention Options are *not* necessarily a sequential progression. You are authorized to use the amount and level of force that is reasonably necessary to control a subject. The *suspect* determines the level of force officers must use to establish control.
1. **Presence:** To present a visible display of authority. 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.
 2. **Dialogue:** To verbally persuade. The officer then verbalizes and communicates, and continues to do so for the duration of the contact or confrontation. The purpose of dialogue is to persuade subjects to comply with an officer's lawful directives. If presence and dialogue do not create a situation of control, the officer may choose to “escalate” to the next “mode” or “level of force,” or may disengage.
 3. **Control Alternatives:** To overcome passive resistance, active resistance, or their threats. This intervention is to safely initiate physical contact with a subject and includes a wide range of tactics and tools for controlling subjects. These are divided into four groups: escort holds, compliance holds, control devices, and passive countermeasures. This mode includes both empty-hand techniques such as applying an escort hold or directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called “pepper spray,” PepperBall, and electronic control devices (ECDs).
 4. **Protective Alternatives:** To overcome continued resistance, assaultive behavior, or their threats. The tactics include focused strikes that temporarily disrupt a subject’s ability to continue to resist or assault, 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 use of less lethal devices may only be considered by personnel who are properly trained and authorized to discharge these devices.

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
04/04/97	04/04/97	10/16/23	3 of 21	

5. Deadly force: To stop the threat. This mode includes the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

B. Listed below are some of the special circumstances that may cause an officer to accelerate very rapidly through the intervention options, or select a higher force option.


1. Reasonable Perception of Threat. Perception of threat is based on multiple questions to include: Is the subject is armed? Is there information to suggest the person is armed including bulges in clothing, information from another source, or past experience? Can the officer see the subject's hands and palms? The actions taken by the officer must be based on a reasonable perception of threat. Even if the perception turns out to be incorrect (e.g., the "gun" was a toy pistol), if the officer's perception was reasonable, the actions taken to the perceived threat may well be justified.

2. Special Knowledge. When an officer is confronted by a person who they have been in contact with previously and knows the person is usually armed with a weapon, the officer may approach the situation with the intent to use a high level of force if needed. If an officer knows, from previous cases, that the person to be detained/arrested is a fighter and has assaulted an officer in the past, more force may be expected to be needed to detain/arrest that person.

3. Sudden Assaults. If a subject assaults the officer, another officer, or someone else, the assessment of the threat posed by the subject should increase.

4. Subject's Ability to Escalate Force Quickly. Even if the subject does not actually assault the officer, his or her ability to do so should affect the officer's threat assessment. Examples of factors to consider include ready access to weapons (actual or improvised including the officer's weapon), physical abilities, and relative positioning. Officers should also consider items nearby that could be used as improvised weapons, such as rocks, bottles, bricks, etc.

5. Physical Positioning. How an officer is positioned relative to the subject may affect the officer's threat assessment. If an officer is dealing with a subject indoors, or in tight quarters that make it difficult to move freely or require an officer to be closer to the subject than training would dictate,

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	4 of 21

and if the officer is at a tactical disadvantage, the threat assessment would be higher than if the officer were in a better position.

6. Injury or Exhaustion. When an officer is injured in a confrontation and is losing, the officer may need to use a weapon or a higher level of force to bring the situation under control. If an officer cannot endure a lengthy confrontation because of exhaustion or physical fatigue, escalation through the intervention options may be necessary.
7. Equipment or Training. If an officer does not have the equipment of training needed to manage a particular situation safely, the threat assessment may be higher than it otherwise would.
8. Availability of Backup. If backup is far away or not available, an officer's threat assessment may be higher than if an officer could count on immediate help if needed.
9. Other Special Circumstances. Many other issues may enter into an officer's threat assessment, such as the presence of other people, availability of cover and concealment, availability of escape routes, environmental hazards, and any obstacles that would make it difficult to move or disengage.


POLICY

The five Intervention Options partnered with special circumstances, may cause an officer to accelerate through the intervention options, can be further segmented into more precise "steps of escalation," which then further define the Use of Force Policy.


The following "steps of escalation" are discussed within the context of increasing levels of force. It is entirely possible, if not likely, that officers will be required to "skip" steps in actual situations based upon threat level, urgency, officer/subject factors, officer injury or exhaustion, sudden assaults, and other factors.

The ten "steps of escalation" in the intervention options are as follows:

- A. Step #1: In any use of force decision, the officer must be certain that he/she has the right to make contact. The intervention must have legal beginning based upon articulable facts or circumstances. Officer presence can be based upon invitation, reasonable suspicion, community caretaker function, probable cause, exigent circumstances, or other "legal beginnings."


 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	5 of 21

- B. Step #2: An officer’s presence is an “intervention option ” and should be used to control. An excessive or negative presence must be avoided or, if used, must be justified.
- C. Step #3: Officers must attempt to use dialogue to persuade when possible. The task of an officer is to communicate with the subject when attempting to control. The intent of the officer should be to attempt to control the subject with verbal skills, even though this is not always possible. Verbal control can result from conversation, from orders, or from commands with sanctions. An officer’s verbal tone and control tactics must be appropriate to the circumstances and not be the cause of escalating resistance.
- D. Step #4: When presence and verbal persuasion do not effect control, verbal tactics are complimented by physical alternatives. The escort hold or “blanket the arm,” is the lowest level of control alternatives.
- E. Step #5: A subject who continues to resist control and who does not respond appropriately to blanket the arm should be actively restrained. An escort position is a defensive and arrest tactic/principle of subject control escort hold technique and should be utilized. Other justifiable control alternatives such as a compliance hold that are reasonable and possible in a situation are permitted as long as the techniques pose no greater risk of harm to the subject than the appropriate defensive and arrest tactic/principle of subject control technique. Verbal direction must accompany the restraint.
- F. Step #6: If resistance continues, the escort and compliance hold will become ineffective due to the physical demands placed upon the officer and due to the escalating danger that places the officer and subject in a position of imminent foreseeable harm. Techniques which cause discomfort or transitory pain should be used to gain control. These compliance techniques include the defensive and arrest tactic/principle of use of pressure points. Once compliance is obtained, these techniques should be lessened in degree, but not in substance. Handcuffing should be used to maintain control. The subject’s resistance is the determining factor in the application pressure points.
- G. Step #7: If active resistance continues or the subject continues a threat of active resistance or the above intervention options would be considered ineffective due to threat assessment opportunities, officer subject factors, and any special circumstances, the use of oleoresin capsicum (OC), electronic control device (ECD), PepperBall area saturation, or PepperBall direct impact should be used to

 <p>Office of the Sheriff</p>	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
04/04/97	04/04/97	10/16/23	6 of 21	


obtain control of a subject. Handcuffing should be used to maintain control, and follow-thru procedures should be initiated.

1. Procedures for oleoresin capsicum (OC) spray:
 - a. Officers who have been trained and certified in the use of OC shall carry Oneida County Sheriff's Office issued OC while on duty.
 - i. If the officer has a special duty assignment that does not make carrying OC feasible, the division commander may exempt the officer from carrying OC for the assignment.
 - b. Trained personnel may use OC when a subject is threatening to actively resist or is actively resisting an officer, and the subject poses an articulable threat of harm to an officer or another person. It may also be used when the subject poses a threat of harm to himself or herself such as self-inflicted injury or a suicide attempt.
 - c. Officers may include in the decision to use the force option, information known to the officer at the time of incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
 - d. Generally, OC should not be sprayed at a person from a distance of less than 3 feet.
 - e. When OC is used against a person or animal, the user shall notify an on-duty supervisor and shall complete an offense report detailing the circumstances of the incident.
 - f. If practicable, Oneida County Sheriff's Office personnel who use OC against a person shall ensure the person is decontaminated as soon as practicable after he/she is under control.
 - i. If possible, expose the person to fresh air and flush the exposed area with cold water.
 - ii. If practicable, the subject may be allowed to remove contact lenses.

 <p>Office of the Sheriff</p>	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
04/04/97	04/04/97	10/16/23	7 of 21	

- iii. Continue to monitor the exposed person for any unusual reactions to the exposure. If the exposed person has an unusual reaction or requests medical attention, transportation to a medical facility shall be arranged.


- 2. Procedures for PepperBall: PepperBall is a non-lethal chemical agent delivery system that uses high-pressure air (large capacity hoppers) and CO₂ (limited capacity magazines) to deliver PAVA powder projectiles from a safe distance. PepperBall combines chemical agent exposure with kinetic impact and pain. PepperBall is effective on individuals as well as large groups of people for riot and crowd control.
 - a. Officers who have been trained and certified in the use of PepperBall may carry an Oneida County Sheriff's Office issued PepperBall launcher and PepperBalls while on duty.
 - b. Trained personnel may use PepperBall when a subject is threatening to actively resist or is actively resisting an officer, and the subject poses an articulable threat of harm to an officer or another person. It may also be used when the subject poses a threat of harm to himself or herself such as self-inflicted injury or a suicide attempt.
 - c. Officers may include in the decision to use the force option, information known to the officer at the time of incident including conduct or statements of the subject or prior history of resistive or assaultive behavior.
 - d. When PepperBall is used against a person or animal, the user shall notify an on-duty supervisor and shall complete an offense report detailing the circumstances of the incident.
 - e. If practicable, Oneida County Sheriff's Office personnel who use PepperBall against a person shall ensure the person is decontaminated as soon as practicable after he/she is under control.
 - i. If possible, expose the person to fresh air and flush the exposed area with cold water.
 - ii. If practicable, the subject may be allowed to remove contact lenses.

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	8 of 21


- iii. Continue to monitor the exposed person for any unusual reactions to the exposure. If the exposed person has an unusual reaction or requests medical attention, transportation to a medical facility shall be arranged.
 - f. The PepperBall Launcher may not be intentionally fired at the head, neck, spine, or groin unless a deadly force situation presents itself.
 - g. In each instance when PepperBall is deployed at an incident, a determination will be made regarding the need for lethal cover.
 - i. Lethal cover shall be required in all cases in which the subject possesses a firearm or other deadly threat.
 - ii. The use of PepperBall is not a substitute for deadly force. In cases where a subject poses an articulate threat of harm or death to an officer or another person, an officer may not arm him or herself with the PepperBall launcher unless another officer is present and capable of immediately delivering deadly force.
- 3. Procedures for Electronic Control Device (ECD)

Electronic Control Device (ECD): A battery powered less-lethal device that uses propelled wires and probes or direct contact, to conduct sufficient energy to affect the sensory and motor functions of the human and animal nervous system. The intended purpose of the device is to incapacitate and help control actively resistive, potentially active resistive, and/or violent persons or animals with reduced potential for great bodily harm or death.


 - a. Units approved by the Oneida County Sheriff's Office and storage of units.
 - i. Advanced Taser X-26, X-26P, and the Risen Stun Vest ECDs are the only units authorized for use by Oneida County Sheriff's Office personnel.

 <p>Office of the Sheriff</p>	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
04/04/97	04/04/97	10/16/23	9 of 21	


- ii. ECD units not being carried by officers shall not be stored in Oneida County Sheriff’s Office vehicles. ECD units may only be stored in a secure locked area approved by the division administrator or the designated storage area in the Oneida County Sheriff’s Office armory.
 - A) The Risen Stun Vest shall be stored in the Oneida County Sheriff’s Office armory.
 - B) Prior to going into service, ECD units shall be inspected and have spark tests conducted to check for proper operation. If the unit fails the pre-service inspection or the spark test, the officer shall notify a division administrator and the unit shall be taken out of service until necessary repairs are made.
- b. An electronic control device may be used by trained officers when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person. It may also be used when the subject poses a threat of harm to himself or herself such as self-inflicted injury or a suicide attempt. Passive resistance without posing an articulable threat of harm to officers or others does not justify the use of an ECD.
 - i. 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.
- c. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of an ECD.
- d. Deployment and use of the ECD shall be in strict accordance with Oneida County Sheriff’s Office training and procedures. The X-26, or X-26P electronic control devices shall be carried on the opposite side of the body from the firearm in the Oneida County Sheriff’s Office authorized holster or in a secured holster on the officer’s tactical outer carrier. No officer shall brandish, display, or threaten the use of an ECD unless he/she can reasonably conclude its use may become justified or is anticipated.

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
04/04/97	04/04/97	10/16/23	10 of 21	

- i. The Risen Stun Vest may be applied if available as a control device for inmates during court appearances, hearings, transports, or as needed. The Risen Stun Vest shall be used for inmates during a jury trial as an alternative to visible restraints.
 - ii. Prior to placing the Risen Stun Vest, the deputy or corrections officer shall explain how the device works and under what conditions it will be activated, and then read the *“Inmate Notification Of Risen Stun Vest Use”* to the inmate. If the inmate refuses to sign the form, the deputy or corrections officer shall sign as a witness. This form shall be scanned into the inmates file by the corrections officers. A copy of this notice is attached as *“Addendum C.”*
 - iii. During jury trials, the Risen Stun Vest shall be placed on the inmate and covered with clothing so that the jury cannot see the vest. The judge shall be notified when the Risen Stun Vest is on an inmate in his/her courtroom.
 - iv. The Risen Stun Vest has an 8 second cycle and should only be activated for a second cycle if the threat or active resistance persists. The Risen Stun vest shall not be activated for more than two total cycles.
 - v. The Risen Stun Vest is to be removed from the inmate before he/she is left unattended.
 - vi. The Risen Stun Vest shall not be used on a subject who was previously subdued by a Taser or other type of ECD within the last 24 hours. Special consideration should be made for sensitive populations including the elderly, frail, or pregnant individuals. Risen Stun Vest use in sensitive populations shall be approved by the division commander.
- e. In each instance when an ECD is deployed at an incident, a determination will be made regarding the need for lethal cover.

 <p>Office of the Sheriff</p>	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
04/04/97	04/04/97	10/16/23	11 of 21	


- i. Lethal cover shall be required in all cases in which the subject possesses a firearm or other deadly threat.
 - ii. The ECD is not a substitute for deadly force. In cases where a subject poses an articulable threat of harm or death to an officer or another person, an officer may not arm him or herself with an ECD unless another officer is present and capable of immediately delivering deadly force.
- f. Elevated ECD deployment risk factors. The following factors, when reasonably perceived by the officer(s) at the time of the incident, require elevated justification(s) for deployment. Under the following conditions, the risk of direct or secondary injury to the person is foreseeably elevated, thus the justification for ECD deployment is also elevated. The officer(s) must balance the elevated risk(s) of injury with the need for immediate apprehension or protection.
- i. Presence of flammable materials
 - ii. Person in an elevated position
 - iii. Person operating a vehicle (capable of moving)
 - iv. Person running
 - v. Person obviously or known to be pregnant
 - vi. Person in water sufficient to drown
 - vii. Person obviously frail or infirm
- g. ECD deployment methods. The primary deployment method of the X-26, X-26P is to discharge the ECD cartridge propelling the probes and probe wires. The back-up deployment method is to firmly drive the attached fired ECD cartridge into the person's body. The drive stun technique is used to create neuromuscular incapacitation in the event of a single probe connect, or for pain compliance when neither probe hits a subject or the cartridge is otherwise removed. The Risen Stun Vest is deployed by activating both red lightning buttons on the remote transceiver.
- i. Removing the ECD cartridge to apply a drive stun is not a primary deployment technique. The drive stun provides limited effectiveness in incapacitation of a subject and has a higher propensity for causing minor burn marks or friction abrasions to the skin than probe deployment.

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	12 of 21

- h. ECD deployment cycle(s). Officers shall deliver only the number of deployment cycles reasonably necessary to control the person. If practicable and cover officer(s) are present, they should move in and control the person during the deployment cycle(s). If multiple cycles have been delivered and the person still cannot be controlled, officers should consider escalation of force options or disengage.


- i. The X-26, X-26PECD probes may not be intentionally fired at the face, head, neck, or groin.
 - i. All probes shall be considered a biohazard and removed using personal protective equipment if practicable. After the probes have been removed, the probes, wires, and cartridge(s) shall be collected and entered into evidence. They shall be retained in evidence for a period of not less than 30 days. After the 30-day period they may be destroyed.
 - ii. Collect probes, wires, and the cartridge as a unit if possible. (do not break the wires from the probes or cartridge)
 - iii. Gently press the probes into the wire channels that house the wires on the front of the cartridge.
 - iv. Do not wrap or attempt to untangle the wires.
 - v. Place the whole cartridge unit into a paper bag. Place the unit into a paper bag, with a bio-hazard and sharps labeling and enter the item into evidence under established procedures.

- j. Post deployment of ECD
 - i. Oneida County Sheriff's Office personnel who use an ECD against a person shall ensure the person is monitored for injury as soon as practicable after the person is under control. Officers shall monitor the subject for adverse reactions. Officers shall immediately arrange for transportation of the suspect to the hospital if an adverse

 <p>Office of the Sheriff</p>	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
04/04/97	04/04/97	10/16/23	13 of 21	

reaction to the ECD occurs or if the subject requests medical treatment. Whenever there is doubt concerning the need for medical attention, it should be resolved through the examination of the subject by an appropriate medical facility.

- ii. If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or the breast of a female, officers shall arrange transportation 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 procedures.
- iii. Once a subject is secured in custody, an evaluation of the application site should be made to determine the necessity for photographs in an X-26/X-26P probe deployment. After Risen Stun Vest activation, photographs shall be taken of the vest probe sites.
- iv. Following deployment of an ECD, the on-duty supervisor shall secure the ECD and place the ECD in a sealed bag and secure the ECD for transmittal to the division commander.
- v. In the event that a spare X-26, X-26PECD is available, the on-duty supervisor is then responsible for re-issuing a spare ECD to the deploying officer under the established procedure.
- vi. The on-duty supervisor is then responsible for requesting the division commander obtain a printout of the data port download from the specific device used. The commander responsible for obtaining a printout shall place a copy in the case file for the incident and staple a copy to the *“Addendum B – Use of Force Report.”*
- k. Reporting the use of a ECD
 - i. When an ECD is used (included in the definition of use is the removing from the holster and activating the ECD and painting or targeting of a person or animal for the X-26, X-


 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	14 of 21

26P), the user shall immediately thereafter notify an on-duty supervisor. The deploying officer shall promptly complete an incident report, documenting circumstances necessitating, and manner of, such use. Each involved officer shall also complete the “*Addendum B – Use of Force Report*” after a use of force incident. The completed one-page report shall be provided to the appropriate division commander. The responsible division commander is responsible for review of all incidents involving the use of an ECD of their assigned personnel. The commander shall place this information in the “Sheriff’s Office Use of Force” summary file.

- H. Step #8: A subject whose resistance is so severe, or who has become an assailant, must have his or her behavior quickly countered. Use of force, which is insufficient to control the subject, may create a situation in which the officer is placed in a position of losing control options and being forced to over-react. An officer who is unable to control a subject by the prior means mentioned in this policy and procedure is justified to attempt counter-measures. Decentralizations are passive counter-measures, and are designed to direct the subject to the ground for stabilization and handcuffing. The ground is a stabilizing factor that causes a lessening of the subject’s options for resisting. Decentralization techniques should be those taught in the defensive and arrest tactics management system/principle of subject control, or one that poses no more risk of harm to the subject than the defense and arrest tactic/principle of subject control standard. Due to the dynamic nature of potential levels of resistance, techniques should be reasonable and possible to the situation.

- I. Step #9: When an attempt to decentralize fails, or the threat level of the subject escalates, unarmed striking techniques, termed active counter-measures, should be utilized to create a lessening of resistance to the point where decentralization and stabilization/control are practicable. These unarmed tactics should be those taught by the defensive and arrest tactics management system/principle of subject control, or those justified as reasonable and possible given the totality of the circumstances.

- J. Step #10: Impact Weapon, Baton Strikes, Less Lethal Devices are authorized to be used:

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	15 of 21


1. By an officer to defend himself or others from an attempted or actual battery, or when the officer reasonably believes such a battery is imminent.
 2. By an officer in an arrest effort when lesser means are not practicable.
 3. By an officer to disarm assailants, under certain circumstances without resorting to deadly force.
- K. Step #11: FIREARMS, respiratory restraints, or other deadly-force options are to be used to stop the threat or perceived threat to *the officers or others* of DEATH or GREAT BODILY HARM. The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized. A fleeing felon does not necessarily constitute such a threat to others or the community at large and other means of apprehension should be attempted. DEADLY FORCE should be used only when the use of all other means is precluded and when the threat is imminent.

The intended result of the use of deadly force is the immediate cessation of subject behavior, which, if not stopped, would lead to death or great bodily harm to the officers or others. The threat must be imminent, and the subject must have the means and ability to actualize the threat. Reasonable grounds must exist that justify the use of deadly force in an arrest situation. These grounds must lead to the conclusion that an imminent threat of death or great bodily harm exists, and that death or great bodily harm will result if the use of force is delayed.

RESPONSIBILITY OF AN OFFICER AFTER THE USE OF FORCE

After an officer elects to use force and after a situation is stabilized, the subject is handcuffed, and the scene is safe for the officer, the officer must:


- A. Render First-Aid/CPR to the level of his/her training.
- B. Call an ambulance/paramedics or whatever advanced medical assistance is available, if necessary.
- C. Continue to monitor and provide custodial care remaining with the subject until released to someone of equal or greater responsibility and/or training.
- D. Prepare the Oneida County Sheriff's Office "*Officer's Supplemental Report*" detailing the incident and the circumstances surrounding the use of force.

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	16 of 21

Due to officer/subject factors and special circumstances that can exist, as well as the dynamics of officer/subject confrontations, it is necessary for the officer to detail the totality of an event to show the reasonableness of force that was used. This would include the legal and required nature of the officer’s actions and the immediacy of the situation. The seriousness of the event and the amount of danger to all involved must be included.

It is understood that confrontations do not always or even frequently go “by-the numbers,” but a sincere effort at articulating the totality of circumstances should be attempted in such report. The defensive and arrest tactics/principle of subject control intervention options should be used as a guideline and structure for the report to document the officer’s and the subject’s actions. If steps of the intervention options were not possible or attempted, that information should be included in the report, as well as the justification for rapid escalation or skipping steps of the intervention options.

1. The “*Use of Force Checklist*” in “*Addendum A*” of this policy and procedure is provided for the purpose of report preparation and to outline the information necessary for the report.
2. The “*Use of Force Report*” in “*Addendum B*” is a one-page summary report that shall be completed by each involved officer immediately after a use of force incident. This form shall be filled out and turned in to the shift supervisor prior to the end of the officer’s assigned shift. Once reviewed, the form shall be provided to the appropriate division commander. The responsible division commander is responsible for review of all incidents involving the use of force of their assigned personnel and placing this information in the “Sheriff’s Office Use of Force” summary file. A complete copy of the “*Officer’s Supplemental Report*” will be forwarded through the established chain of command as soon as practicable following a use of force incident.
3. The “*Inmate Notification of Risen Stun Vest Use*” in “*Addendum C*” is a one-page summary of information that is provided to the inmate for signature regarding the use and effects of wearing the Risen Stun Vest.

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	17 of 21

DUTY TO INTERVENE

Oneida County Sheriff’s Office personnel shall utilize only the amount of force reasonably considered necessary to achieve a lawful objective. The use of excessive or inappropriate force will not be tolerated. All Oneida County Sheriff’s Office personnel shall intervene, without regard to chain of command, when they witness or are aware of another employee using excessive, unauthorized, or unjustified force.

Oneida County Sheriff’s Office personnel also have the duty to intervene and report any uses of excessive, unauthorized, or unjustified force by members of other criminal justice organizations (Wisconsin Statute 175.44(4)).

DUTY TO REPORT

Oneida County Sheriff’s Office personnel shall notify their direct supervisor as soon as practicable of any excessive, unauthorized, or unjustified force applied. This requirement is applied to any employee of the Oneida County Sheriff’s Office, or external criminal justice organizations (Wisconsin Statute 175.44(3)).


WHISTLEBLOWER PROTECTIONS

Oneida County Sheriff’s Office personnel who intervene and/or report excessive, unauthorized, or unjustified force may not be discharged, disciplined, demoted, or denied promotion, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the employee reported, or is believed to have reported, any noncompliant use of force as required (Wisconsin Statute 175.44(5)).

POLICY AND PROCEDURE ADOPTED ON: _____

Grady M. Hartman, Sheriff

Daniel L. Hess, Chief Deputy

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	18 of 21

**USE OF FORCE POLICY
ADDENDUM – A**

USE OF FORCE DOCUMENTATION CHECKLIST


The purpose of this use of force checklist is to assist officers in the documentation of their actions and the actions of subjects in use of force incidents. This list will also be used to evaluate training and to isolate future training needs.

BACKGROUND INFORMATION

- A. Day/Date/Time
- B. Location/Address
- C. Officer(s) involved
- D. Witness(s)
- E. Sheriff's Office Case Number

APPROACH CONSIDERATIONS

- A. Decision making – (Why was contact made?)
 - 1. Dispatched/Duty assignment
 - 2. Reasonable suspicion
 - 3. Probable cause
 - 4. Other reasons (state reason/describe)
- B. Tactical approach – (How was the approach made?)
- C. Threat assessment
 - 1. What were the respective abilities for delivering force?
 - a. Number of participants
 - b. Officer factors: Subject factors:
 - Age Age
 - Size Size
 - Strength Strength
 - Skill Level Skill level
 - 2. Assessment opportunities
 - a. Level of resistive tension
 - b. Early warning signs
 - (1) Conspicuously ignoring
 - (2) Excessive emotional attention
 - (3) Exaggerated movement
 - (4) Ceasing all movement
 - (5) Known violent behavior
 - (6) Other (state reason/describe)
 - c. Pre-attack posture (List observations)
 - 3. Special circumstances
 - a. Sudden assault (describe)

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	19 of 21

- b. Officer's physical positioning
 - c. Officer's reasonable perception of threat
 - d. The subject(s) ability to escalate force rapidly
 - e. Special knowledge about the subject(s) past/present
 - f. Officer injury or exhaustion
 - g. Other special circumstances
 - h. Availability of backup
 - i. Equipment or training
4. Additional comments regarding the totality of the circumstances and the officer's feelings and perception of the call.

USE OF FORCE

**SUBJECT
BEHAVIOR:**

**OFFICER
BEHAVIOR:**


- A. Presence
- B. Verbalization
- C. Empty hand control
 - 1. Escort hold
 - 2. Compliance hold
 - 3. Passive counter-measures
 - 4. Active counter-measures
 - 5. Other unarmed tactics
 - 6. Electronic Control Devices
 - 7. PepperBall
- D. Impact weapon/ Less lethal devices
- E. Firearm
- F. Summary of what took place

FOLLOW THROUGH

- A. Stabilization -----> Handcuffing procedure
- B. Monitoring/Debriefing procedures (Medical assessment)
- C. Searching procedures
- D. Escort procedures
- E. Transportation procedures
- F. Turn-over -----> Unhandcuffing procedures -----> Release
- G. Additional comments

INVESTIGATIVE FINDINGS

- A. Background information
- B. Medical/Psychological history
- C. Booking information/Criminal history
- D. Other information

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	20 of 21

ADDENDUM B – USE OF REPORT

PERSON (circle) **DOMESTIC ANIMAL**

Incident # _____ Date _____ Time _____
Officer: _____ Location: _____
Suspect: **M** **F** Suspect Age _____
Special Suspect Factors (Weight, Height, Martial Arts, etc.) _____
Charges: _____

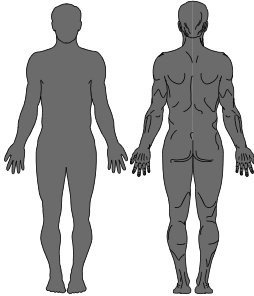
CONTROL/PROTECTIVE ALTERNATIVES

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 1. Passive Countermeasures
<input type="checkbox"/> Decentralization Techniques
2. Active Countermeasures

<input type="checkbox"/> Vertical Stuns
<input type="checkbox"/> Focused Strikes
<input type="checkbox"/> Hand Strikes <input type="checkbox"/> Elbow/Forearm Strikes
<input type="checkbox"/> Kicks <input type="checkbox"/> Knee Strikes | 3. OC (used by)
<input type="checkbox"/> Officer _____
4. PepperBall Area Saturation
<input type="checkbox"/> Officer _____ |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|

Indicate below on the two drawings location of strikes, Taser deployment, and/or Stun device location.

5. PepperBall Direct Impact
 Officer _____
6. Electronic Control Device S/N _____
 Drive Stun Mode Cartridge Discharge Mode
 Paint Target S/N _____
 Risen Stun Vest/Other ECD Deployment
7. Intermediate Weapon
 Baton Other _____



8. Other Technique (document in narrative report justification given circumstances)
Describe _____

DEADLY FORCE


- Firearm used
Make _____ Model _____ Serial No. _____
 Other Deadly Force (describe) _____
 ACTIVE POINTING OF FIREARM (to gain compliance)
Did subject comply with your commands without further incident? Yes No

INJURY REQUIRING MEDICAL ATTENTION (excluding OC decontamination)

- | | | | |
|---------------|-----------------------------|------------------------------|---------------|
| 1. Officer(s) | <input type="checkbox"/> No | <input type="checkbox"/> Yes | Explain _____ |
| 2. Subject(s) | <input type="checkbox"/> No | <input type="checkbox"/> Yes | Explain _____ |
| 3. Other(s) | <input type="checkbox"/> No | <input type="checkbox"/> Yes | Explain _____ |

NARRATIVE REPORT ATTACHED

Shift Supervisor Review _____ Date/Time: _____
Division Commander Review _____ Date/Time: _____

 Office of the Sheriff	<u>POLICY AND PROCEDURE</u>			
	<u>SUBJECT</u>		<u>POLICY NUMBER</u>	<u>DIVISION</u>
	Use of Force		OFF-97-1	Sheriff's Office
	<u>ORIGINAL ISSUE DATE</u>	<u>EFFECTIVE DATE</u>	<u>REVISION DATE</u>	<u>PAGE</u>
	04/04/97	04/04/97	10/16/23	21 of 21

USE OF FORCE POLICY

ADDENDUM – C INMATE NOTIFICATION OF RISEN STUN VEST USE

You are hereby advised that you are being required to wear an electronic **Risen Stun Vest**. This device discharges 50,000 volts of electricity. By means of a remote transceiver, an attending deputy has the ability to activate the stun device worn on the body, thereby causing the following results to take place:

1. Immobilization

Localized Pain

Failure to comply with the deputy's directions could lead to any of the following. The Risen Stun Vest could be activated under the following actions on your behalf and notification is hereby made:

1. Any tampering with the Risen Stun Vest.
2. Failure to comply with the deputy's verbal order to stop your movement of your person.
3. Any attempt to escape custody.
4. Any attempt to inflict bodily harm on another person.
5. Any loss of visual contact by the officer in charge.

I understand the above information and acknowledge being advised of the same.

Signature: _____ **Date:** _____