

400 INSTRUMENTS AND USE OF FORCE

Reference 66.312(2) WI Stats.

The use of force is a privilege that may be exercised by law enforcement officers only when necessary to perform their official duties.

Clearly the use of force is an issue of considerable legal and moral importance; therefore, the following policy is established to provide guidance and direction to deputies when using force. The Barron County Sheriff's Department adopts the use of force standards as established by the Wisconsin Department of Justice, Law Enforcement Standards Board, Defensive and Arrest Tactics Training Advisory Committee.

400-1-0 EXCESSIVE USE OF FORCE

Excessive force is that force which is beyond what a reasonable and prudent officer in similar circumstances would use in gaining or retaining custody of a suspect during a lawful arrest or custodial situation. Excessive force shall never be used.

400-1-1 DUTY TO INTERVENE

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

400-2-0 DISTURBANCE RESOLUTION

The use of force options listed below are the techniques established by the Wisconsin Department of Justice, Law Enforcement Standards Board, Defensive and Arrest Tactics Training Advisory Committee.

Disturbance Resolution

- 1) Approach considerations
 - A) Decision-making
 - Justification
 - Desirability
 - B) Tactical Deployment
 - Control of distance
 - Positioning
 - Team tactics
 - C) Tactical Evaluation
 - Threat assessment opportunities
 - Officer/subject factors
 - Special circumstances
 - Level/stage/degree of stabilization

2) Intervention Options

<u>Mode</u>	<u>Tactic</u>	<u>Purpose</u>
Presence	Professional Image	Visible display of authority
Dialog	Tactical Communication	Verbally persuade
Control Alternatives	Escort Holds Compliance Holds Control Devices Passive Countermeasures	To overcome passive resistance, active resistance or their threats
Protective Alternatives	Active Countermeasures Incapacitating Techniques Intermediate Weapons	To overcome continued resistance, assaultive resistance, or their threats
Deadly Force	Firearm	To stop the Threat

3) Follow-through Considerations

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

NOTES

400-3-0 USE OF NON-DEADLY FORCE

- 1) Non-deadly force is the use of any weapon, instrument or other action which does not fall into the deadly force category, but which may result in bodily harm or injury to a person.
Officers may use force legitimately when it is needed to achieve control in five specific situations:
 - A) To achieve and maintain control of resistive subjects.
 - B) To detain persons reasonably suspected of criminal behavior.
 - C) To make lawful arrests.
 - D) To defend themselves or others.
 - E) To prevent escape.
- 2) A deputy shall use only the minimum amount of force reasonably necessary to perform his or her lawful duties. Under no circumstances will a deputy continue to apply force against a subject who has submitted or otherwise ceased to resist, except as reasonably necessary to apply and maintain restraints.

400-3-1 Specialty Impact Munitions (SIMs)

The purpose of this policy is to provide police officers with direction in when and how to use SIMs.

The availability of SIMs can assist officers in de-escalation of potentially violent confrontations and provide additional alternatives to the use of deadly force. SIMs are an important component of this agency's less lethal force equipment. Officers are authorized to employ SIMs in accordance with provisions of this policy and this department's overall policy on use of force.

SIMs: Devices used by police officers to stop, control, and restrain individuals potentially causing less harm than deadly force to the individual as well as the officer and any nearby persons. Examples of SIMs include, but are not limited to bean bag, wood baton, rubber pellet, sponge ball and pepper ball munitions. SIMs are designed to incapacitate a subject with a minimal potential for causing death or serious physical injury when compared to conventional projectiles when used in accordance with agency policy and training guidelines.

SIMs Philosophy: Planning and application of force that meets operational objectives with less potential for causing death or serious physical injury than conventional police tactics.

- 1) Guidelines of Use Impact Projectiles
 - A) SIMs may be used as one of many weapons if consistent with the use-of-force continuum.
 - B) All uses of SIMS shall be consistent with this agency's policy on use of force and principles of the use-of-force continuum. Use of SIMs fall below that of deadly force on the force continuum.
 - C) Impact projectiles are primarily designed for us against subjects who are actively resisting an officer.
 - D) There is a broad range of scenarios in which use of an impact projectile may be justified. Major factors to consider when deciding whether such use is justified include the following:
 1. Seriousness of any crime committed by the individual
 2. Whether the individual is armed and, if so, the potential lethality/threat
 3. Propensity of the individual to be violent

4. The urgency of the situation and potential impact of actions that may be committed by the suspect
 5. The ability of officers to use an impact projectile against the suspect in accordance with policy and training
 6. The potential for collateral damage to officers, other persons, or property should the impact projectile incapacitate the suspect (e.g., the suspect is or is allegedly holding a triggering device connected to explosives or other destructive devices)
- E) Consideration may be given to the use of SIMs against those who are posing a threat of death or serious bodily injury to themselves or others.
- F) Only officers who have met this agency's training requirements or use of the SIMs are permitted to carry or deploy SIMs.

2) Deployment and Follow-up

- A) Specific deployment weapons shall be designated for deployment of impact projectiles and shall be definitively marked by paint or other conspicuous distinguishing features as authorized by this department. These shotguns shall not be used for any other purpose, shall be loaded only with SIMs, and shall be kept only by authorized personnel in a manner designated by the department.
- B) Where possible, officers should inform other police personnel in immediate vicinity that SIMs will be deployed in order that the shot will not precipitate the use of firearms by other officers.
- C) SIMS shall only be used when the deploying officer has a back-up officer prepared to use deadly force if necessary.
- D) Suspects who are struck with a projectile should be restrained as necessary and transported to a medical facility for examination.
- E) After deployment of SIMs, photographs of the struck individual and any injuries shall be taken and made part of the deploying officer's report. The SIMs casing and projectile shall be sealed in an evidence bag and stored as evidence.
- F) Use of SIMs is a use of force and is subject to the same reporting and investigative policy requirements as other types of force incidents.
1. A use of force investigation shall be conducted in any situation involving the discharge of an impact projectile.
 2. The depth of any investigation shall be determined by designated departmental authorities based on the extent of suspect injuries and a review of the circumstances surrounding the incident.

3) Training

- A) Impact projectiles shall be directed at suspect target areas based on the circumstances at hand, established safety priorities, the exigency of the situation, and the level of force that is authorized.
- B) Officers authorized to deploy SIMs shall receive designated training and certification, and shall re-qualify with the weapon on a yearly basis.
- C) Officer shall receive agency-authorized training specifically designed to simulate actual deployment situations and conditions to enhance officers' discretion and judgment in using impact projectiles in accordance with this policy.

400-3-2 Electronic Control Device

The Barron County Sheriff's Department has approved the use of the Electronic Control Device manufactured by TASER International.

- 1) ECD's can be checked out by an officer during their shift and should be returned to the appropriate area before the end of the officer's shift. If the officer, because of job assignments, was not able to return the ECD to the Sheriff's Department, the officer must return it or make arrangements to have it returned as soon as possible.
- 2) Trained personnel may use a ECD 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.
 - A) Officers may also consider in the decision to use this force option information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
- 3) When an ECD 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. The user shall also complete a Barron County Sheriff's Department Supervisory Taser Use Report (Appendix 400-A) and forward it to the Chief Deputy. The officer completing the form shall list the number of the deployed ECD unit on the form so that the deployment information may be downloaded.
 - A) Officers must detail in their report what prompted the decision to use this force option (known criminal history, behavior, statements made).
 - B) Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of an ECD.
- 4) An officer shall not brandish, display or threaten the use of a ECD unless he or she can reasonably conclude its use may become justified and is anticipated.
- 5) Department personnel who use a ECD against a person shall ensure the person is monitored for injury as soon as practical after the person is under control.
- 6) In an adverse reaction the ECD occurs transport to a medical facility shall be arranged, or is requested by the subject.
- 7) If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or the breast of a female, officer shall arrange transport to a medical facility for removal. If the probes are imbedded in other non-sensitive tissue areas, a trained officer may remove them according to the trained procedures.
- 8) After the probes have been removed they shall be handled as a biohazard and packaged according to the trained procedure. This package shall be put in a hazardous materials bag and placed into a temporary storage locker with instructions for it to be destroyed.
- 9) Trained officers shall complete a refresher course and a written examination every two years concerning the use of this weapon.

NOTES

400-3-3 Pursuit Intervention Technique (PIT)

The purpose of this policy is to provide officers with direction in when and how to use Pursuit Intervention Technique (PIT).

The pursuit intervention technique, known as PIT, is a controlled contact between the patrol unit and the pursued vehicle normally done at speeds of 35 miles per hour or less, low speeds which are intended to cause the operator of a pursued vehicle to lose control of the vehicle and become disabled. PIT is a form of ramming under Forced to Stop Options, and if utilized should be identified as such. The PIT maneuver speeds in excess of 35 miles per hour is considered deadly force and its use shall follow the protocol under 400-4-0 of this section.

Officers may employ PIT against a pursued vehicle in order to terminate a pursuit or prevent a pursued vehicle from continued operation under the following circumstances:

- 1) When all other means of apprehension have been considered and rejected as impractical.
- 2) When the use of PIT is in accordance with the prescribed training guidelines.
- 3) When the risk of harm to people of a continued pursuit outweighs the risk of harm to people from an intentional vehicular collision, and;
- 4) When the officer affecting the vehicular contact has been trained in PIT.

400-3-4 BolaWrap

The purpose of this policy is to provide deputies with direction when and how to use the BolaWrap device.

1) Use of the Bola Wrap Device

The BolaWrap device has limitations and restrictions requiring consideration before use. The device should only be used when its operator can safely approach the subject within the operational range. Although the BolaWrap device is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

2) Application of the BolaWrap Device

The Bola Wrap device may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is assaultive, actively resisting, or passively non-compliant.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.
- (c) Prior to deployment, the deputy will in a clear and loud voice, inform all present that the BolaWrap will be deployed with the following instruction: "Bola,Bola,Bola".

3) Special Deployment Considerations

The use of the BolaWrap device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals who are handcuffed or otherwise restrained.
- (d) Individuals detained in a police vehicle.
- (e) Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- (f) Individuals near any body of water that may present a drowning risk.
- (g) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

4) Targeting considerations

Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin shall be avoided. If the dynamics of a situation or deputy safety do not permit the deputy to limit the application of the BolaWrap device to a precise target area, deputies should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel. If the laser stops working, the deputy may continue to deploy but aimed from the knees down.

5) Multiple Applications

Multiple deputies may use the BolaWrap device simultaneously on a subject, referred to in training as a "double wrap." The intent of the "double wrap" is to immobilize a subject and ensure effective application of the device. In this instance, the preferred application would be to apply BolaWrap "high" and "low" or to the legs and lower arms.

If the first application of the BolaWrap device appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the device, including:

- (a) Whether the Kevlar cord and/or anchor's hooks are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.
- (d) Under exigent circumstances, nothing in this policy prohibits a deputy from deploying the BolaWrap at a subject without requesting or having the presence of additional deputies; this is not an ideal application of the device.

6) Actions Following Deployments

Deputies shall notify a supervisor of all BolaWrap device discharges. The cartridge serial number shall be documented in the report. In the event that the device barbs penetrate the subject's skin, the deputy will request medical care for the subject. Only medical personnel shall remove barbs embedded in the subject's skin. The Kevlar cord shall be cut and removed prior to transporting the subject.

Deputies shall document device discharges in a written report. The report shall include:

- (a) All personnel firing the device
- (b) Identification of witnesses
- (c) Medical treatment, if needed
- (d) Reasons for the deployment
- (e) Serial number of the BolaWrap cartridge
- (f) Any known or suspect drug use, intoxication, or other medical problems.

7) Training

Deputies authorized to carry the BolaWrap device shall be permitted to do so only after successfully completing the department approved training. The initial training will consist of practical exercises including at least one live fire deployment along with a written test. Re-certification of the BolaWrap will be bi-annually.

- (a) Deputies who do not carry BolaWrap devices should receive training that is sufficient to familiarize them with the device and with working with members who use the device.

400-4-0 USE OF DEADLY FORCE

Deadly force is: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm. It is simply “any use of force that is likely to cause death”.

- 1) Recognizing the legal and moral obligation to use force judiciously and with prudence, it is the policy of this department that deadly force shall not be used until every other reasonable means of apprehension or defense has been exhausted or when other means would be futile or unthinkable. This policy is in no way intended to limit an officer’s ability to use deadly force when the proper circumstances exist. The officer is expected to defend himself or others with as much force as necessary to effect that defense.
- 2) Deadly force to human life may be used in any of the following circumstances:
 - A) In the defense of oneself when there is reasonable belief that one is in imminent danger of great bodily harm or death
 - B) In the defense of another when the officer reasonably believes that person is in imminent danger of great bodily harm or death
 - C) After all other reasonable means of capture are exhausted to effect the arrest or prevent the escape of a suspect whom the officer reasonably believes has committed, is highly likely to commit, or attempted to commit a serious crime involving the use or the threatened use of deadly force, and the officer reasonably believes that the suspect cannot be apprehended later without the use of deadly force.
- 3) A deputy shall not threaten to use deadly force unless the deputy would be justified, under the circumstances, to use such force. There is no legal distinction regarding the use of deadly force against a juvenile and an adult, by policy or by law.
- 4) Warning shots shall not be fired.
- 5) Firearms are generally considered the method of applying deadly force; however, many items such as batons, flashlights, knives, and automobiles--when intentionally used in a lethal manner--are subject to the provisions of this policy.
- 6) The justification for the use of deadly force is “behavior which has caused or imminently threatened to cause death or great bodily harm to you or another person or persons.
- 7) Use of choke holds is prohibited, except in these situations where the use of deadly force is allowed by law.
 - A) Choke Hold - a physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation.
- 8) The department’s use of force policies adhere to all applicable federal, state and local laws.

400-5-0 POST USE OF FORCE PROCEDURES

Whenever, non-deadly and deadly force is used by an officer of this department, each officer applying such force shall promptly report and document the incident.

400-5-1 Non-Deadly Force Reports

Whenever an officer applies physical force in an incident, in addition to a complete and thorough incident report, the officer or jailer is required to complete a Supplementary Report of the Use of Force. This report is to be completed as soon as reasonably possible and filed with a division supervisor.

Application of force for purposes of this section include the use of firearms, batons, chemical agents, and any other item or device used to overcome resistance. This will also include the delivery of strikes, pushing, blocking, or applied pressure. But, it is not intended to include the routine use of handcuffs or other restraint devices.

400-5-2 Use of Deadly Force after the Fact

- 1) Officers involved in a use of deadly force incident shall immediately notify the communications center. The communication officer shall, as the highest priority, assign resources as needed to end the threat and provide for medical concerns. Secondly the communications staff shall notify the Sheriff, Chief Deputy and Department Firearms Instructors.
- 2) The first officer on the scene, not directly involved, will be the officer in charge until relieved by a supervisor. The duties of the officer in charge shall consist of, but not limited to:
 - A) act as appropriate to end the threat and preserve life
 - B) promote medical assistance
 - C) secure the scene
 - D) preserve all evidence
 - E) isolate officers involved
 - F) identify and isolate all witnesses
- 3) Officers involved in a deadly force confrontation shall, at the direction of the officer in charge, surrender all weapons for inspection. Officers directly involved in a deadly force confrontation may be placed on paid administrative leave until the determination of a use of force review panel, or as otherwise directed by the sheriff.
- 4) If requested, counseling will be provided to individual officers and immediate family members. If an officer's duty weapon is not returned upon the return to active duty, the county will seek to supplant it with a like weapon.

400-5-3 Review Panel and Investigation

- 1) Officers involved in a deadly force confrontation are entitled to, subject to, and expected to fully cooperate with a shooting review as an administrative investigation. Any officer or witness subject to a use of force review panel is entitled to have a representative accompany them, as directed in *Garrity v. New Jersey*, 385 U.S. 493 (1967). Any fees for the officer's representation may be paid by the Barron County Sheriff's Department, ref. WI Stat. 895.35

- 2) The use of force review panel shall work independently of any criminal investigation. The use of force review panel shall convene no more than seven days after the incident, except under extraordinary circumstances. If practical and available, the deadly force (shooting) review panel will consist of:
 - A) Sheriff
 - B) Chief Deputy
 - C) Department Firearms Instructors
 - D) Three Sheriffs, Police Chiefs or other law enforcement officers from other jurisdictions
 - E) Firearms Instructor from another jurisdiction

- 3) At no time shall the review panel consist of less than five people. The review panel shall consider the following elements:
 - A) disturbance resolution
 - B) department policy
 - C) facts and evidence
 - D) statements of involved officers
 - E) statements of witnesses
 - F) individual panel members' knowledge and personal experiences

- 4) At the conclusion of the review panel hearing, the panel shall by a majority vote, deem the use of deadly force, as it relates to each involved officer, justified or unjustified.
- 5) Under the direction of the Sheriff, a written decision will be created stating the panel's conclusion, recommendations, commendations, and policy violations, if any. A copy of the decision shall be provided to each affected officer and shall become a permanent part of his personnel file.
- 6) The Sheriff, at his discretion, may consider a coroner's inquest in lieu of a deadly force review panel.
- 7) All officer's appearing before the review panel shall wear their department dress uniform.

400-5-4 Outside Law Enforcement Investigation - Required

Officer-involved death is: A death of an individual that results directly from an action or an omission of a law enforcement officer while the officer is on duty or while the office is off duty but performing activities that are within the scope of his or her law enforcement duties. (See 2013 Wisconsin Act 348, effective April 25, 2014)

- 1) Whenever an officer(s) is involved in an officer-involved death, the department will require at least two investigators, who are not employed by the law enforcement agency that employs a law enforcement officer involved in the officer-involved death, to conduct the officer-involved death investigation.

- 2) The investigators from the outside agency(s) must provide a complete report in an expeditious manner to the district attorney of the county in which the officer-involved death occurs. The district attorney must determine whether the officer(s) involved in the death acted legally.

- 3) The department may assign an internal investigator to the officer-involved death to conduct its own internal investigation of the death, but does not replace the external investigation and shall not interfere with the required outside investigation, described above.

The external investigating agency has a responsibility to determine the release of information, according to Wisconsin's public records law, whether a record is released entirely, released with redaction, or withheld. The release of information will be determined on a case-by-case basis.

Release of information available to the public obtained during the internal investigation will be the responsibility of the Sheriff or designee, dependant on the balancing test and compliance with Wisconsin's public records law according to Wis Stat. 19.31 – 19.35.

NOTES

400-6-0 FIREARMS

It is the purpose of this policy to regulate the use of firearms and ammunition by sworn personnel of the Barron County Sheriff's Department. The procedures for training officers in the use of firearms and testing proficiency with firearms will also be addressed in this policy.

It is the policy of the Barron County Sheriff's Department that officers shall only utilize firearms that have been approved for use, are mechanically sound and are properly maintained. Only firearms that have been registered with the Barron County Sheriff's Department, and with which an officer has demonstrated proficiency may be used, on or off-duty, by officers pursuant to their authority as a law enforcement officer.

The Firearms Training Coordinator, with the approval of the Chief Deputy, will establish handgun, shotgun, and rifle training and qualification programs for the department, maintain records of it and insure adequate supplies for these programs. Training programs shall include instruction pertaining to the appropriate use of deadly force as well as the actual use of firearms.

400-6-1 Definitions

Authorized Firearm: Any make, model, or caliber of firearm that meets the Barron County Sheriff's Department's requirements or specifications, and has been formally approved by the agency's chief deputy or his or her designee for general or individual use by sworn law enforcement personnel. This includes primary service handguns, alternate service handguns, backup handguns, shotguns, and rifles used for law enforcement purposes and any firearm carried as an off-duty weapon.

Primary Service Handgun: The firearm authorized by this agency to be carried as part of the service uniform and related equipment for uniformed personnel or the authorized firearm to be carried by plainclothes officers.

Secondary Handgun: A handgun which is owned by the officer. The officer may carry this firearm on-duty, in addition to his/her duty firearm, or it may be carried off-duty. The firearm should be easily concealed, must be authorized for use and be registered with the department and the officer must be currently qualified with the firearm.

Specialized Firearms: The Barron County Sheriff's Department currently authorizes the use of the following specialized firearms:

- a) 12 gauge pump or semi automatic shotgun
- b) .223 caliber semi-automatic and select fire rifle
- c) .40 caliber select fire SMG
- c) .308 caliber marksmanship rifle

Firearms Qualification: Periodic testing required of officers to determine their competency to carry authorized firearms.

Restricted Duty: In the context of this policy, an assignment that does not require an officer to be armed to take enforcement actions.

400-6-2 Firearms Training Coordinator

- 1) The Sheriff and/or Chief Deputy will select one officer who will act as the Firearms Training Coordinator for the department. Assistant Firearms Training Coordinators and Shooting Instructors may be appointed as needed.
- 2) The Firearms Training Coordinator shall be responsible for:
 - A) Instructing and testing officer's knowledge of the lawful use of deadly force.
 - B) Establishing a procedure for qualification and training personnel including the registration and physical inspection of all firearms utilized by department personnel.
 - C) Maintaining records of firearms training and qualification for all sworn personnel with handguns, shotgun, SMG's and rifles. The BCERT Commander and/or Sniper Team Leader will maintain records of training and qualification for the BCERT Snipers.
 - D) Maintain adequate supplies for department firearms training and qualification programs

400-6-3 General Provisions

- 1) Officers when on or off duty shall carry only authorized firearms.
- 2) Only ammunition that has been approved by this agency shall be used in authorized firearms.
- 3) Only sworn officers who have successfully passed firearms qualification and the use-of-force training course prescribed by this agency shall be authorized to carry a firearm
- 4) The primary service handgun shall be carried in accordance with uniform and related requirements found in Chapter 200 of this policy manual.
- 5) Officers are required to carry the primary service handgun when on-duty.
- 6) Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms on an annual basis. When needed in accordance with established policy, firearms instructors shall dispense replacements for defective or depleted ammunition.
- 7) Officers on special assignment and other officers with an articulable need may request written authorization to carry alternate service firearms or alternate ammunition on an ongoing or periodic basis.
- 8) When officers have qualified with a department authorized weapon and they must take that firearm out of service for repair, the officer may borrow another firearm of the same type from the department or another individual for temporary use. Prior to use the officer shall fire a familiarization course with the borrowed firearm to insure serviceability, correct sight alignment and familiarity with that particular firearm. Arrangements for the familiarization shoot shall be made through the Firearms Training Coordinator. The change of weapons shall be approved and recorded by the Firearms Training Coordinator.

400-6-3 Secondary or Back-up Firearms

Officers may carry a secondary firearm, in addition to their duty firearm, while on-duty or may carry their duty firearm or secondary firearm while off-duty, providing it meets the following criteria:

- 1) The firearm, revolver or semi-automatic, should be .380, .40, .45, .38, .357 or 9mm caliber. Use of other caliber firearms is subject to the approval of the Firearms Coordinator based on the caliber's ability to

afford a strong probability of incapacitating a suspect without an unreasonable hazard of over penetration and/or ricochet.

- 2) If a revolver, the firearm must be capable of double action fire.
- 3) The secondary firearm must be carried in a safe and concealed manner.

400-6-5 Off-Duty Firearms

- 1) Officers are required to have, readily available, a handgun which they are currently qualified while operating a marked Barron County Sheriff's Department vehicle.
- 2) With the exception of 400-6-5(1), off-duty officers on this department are not required to go armed while off-duty but may do so in accordance with this policy and with applicable state and federal laws. The decision to go armed when off-duty shall be based on the officer's personal evaluation of his/her expected activity. Officers are prohibited from carrying firearms when:
 - A) The officer's mental or physical capabilities have been impaired by the use of alcohol, medications or a combination thereof; or
 - B) The officer anticipates his/her mental or physical capabilities may become impaired by the use of alcohol, medications, or a combination thereof.
- 3) Off-duty firearms shall be carried concealed when the officer is in plain clothes or in uniform unless:
 - A) the officer is in the workplace, and the officer's badge is prominently displayed next to the firearm;
 - B) the officer is engaged in law enforcement actions that may reasonably require quick access to the firearm, and the officer's badge is prominently displayed near the weapon; or
 - C) the officer is engaged in activities where it would be permissible for a citizen to carry an exposed firearm, such as in hunting or target practice.
- 4) When armed, whether on or off duty, officers shall carry their badge and agency identification.
- 5) Any handguns and ammunition the officer intends to carry while off-duty must be authorized and registered with the department. The officer must train and qualify with the weapon as stated in 400-6-6 of this policy. For off-duty weapons officers must supply their own ammunition for qualifications.

400-6-6 Firearms Training and Qualification

- 1) All deputies authorized to carry firearms are required to qualify with authorized firearm at all scheduled department shoots. If a deputy fails to attend a scheduled training, the deputy must notify the Firearms Training Coordinator of the absence before training. The deputy must also submit notification of the absence to the Chief Deputy. A deputy who fails to attend training may be required to attend a make-up shoot scheduled at the department's discretion. See 400-6-6 (6) for failure to qualify.
- 2) BCERT Snipers shall shoot .308 rifles once per month in addition to other BCERT training. Records of those shoots are kept by the Sniper Team Leader and reviewed by the BCERT Commander. If a Sniper does not shoot during any particular month, he is subject to disciplinary actions outlined in the BCERT Operations Manual.
- 3) All officers shall be graded on a pass/fail basis for purposes of firearms qualification. Each officer shall be given a copy of the training session's evaluation sheet signed by a department firearms coordinator. Some qualifications will require a minimum score to achieve a pass rating. The minimum score needed to pass will be documented on the evaluation sheet and in the training session's lesson plan.

- 4) At least once a year, all officers authorized to carry firearms shall receive and shall be required to demonstrate their understanding of the law and agency policy and procedures relating to the use of force.
- 5) When qualifying, officers shall utilize the holster, duty belt and ammunition pouch normally worn for duty by the officer. Plain clothes and off-duty personnel should use the equipment and manner of carry they would typically use.
- 6) Officers who fail to qualify with the primary service firearm or any firearm that is otherwise required for the officer's duty assignment shall be relieved of those firearms, reassigned to restricted duty, and be subject to the following requirements:
 - A) The officer's supervisor shall be notified and shall promptly arrange with the firearms trainer for a period of formal remedial firearms training not to exceed one week in duration. Such training does not preclude an officer from engaging in any additional informal practice or training sessions that the officer may deem necessary.
 - B) The officer shall be given additional attempts to re-qualify within a reasonable period of time. A written report shall be forwarded to the supervisor of any officer who fails to re-qualify within a reasonable time period. The report shall include the training officer's recommendations for corrective action.
 - C) If the officer fails to qualify within a reasonable period of time he or she shall be subject to termination of employment.
- 7) Other firearms: any officer who fails to qualify with a firearm that is not required for the officer's duty assignment shall not be permitted to carry that firearm. The officer may remain on duty if qualified with the primary duty firearm.
- 8) Officers shall be required to qualify with their primary service handgun and additional firearms (as appropriate) following return to duty after a leave of absence when it reasonably appears necessary or if they have missed their qualification date.
- 9) All officers shall be required to qualify using additional proficiency standards established by the training officer. These include, but are not limited to proficiency testing at night and in reduced light situations, in combat simulation, when using reaction and strong hands, multiple targets, moving targets, and while the officer is moving.

400-6-7 Firearms Modifications

- 1) Modifications to any agency-authorized firearm require the written approval of the agency head with the written input of the Firearms Coordinators. This includes but is not limited to modifications involving spring kits, sights, finishes, laser sights, optical sights or extended magazines. The addition of slings, grips, night sights or shell/magazine holder accessories are not considered modifications.
- 2) Defective, unsafe, or unauthorized firearms shall be reported to the firearms trainer.
- 3) Repairs or alterations to agency-authorized firearms shall be made only by an armorer employed or authorized by this agency.
- 4) Department issued firearms shall be maintained in a clean and safe operating condition and shall be inspected periodically by the unit supervisor and by the firearms trainer annually at the time of qualification.

400-6-8 Shotguns and Rifles

- 1) Shotguns and rifles shall be carried in a secure rack as provided in department vehicles or in a gun case in the trunk of a department vehicle, with the magazine loaded to capacity, with no shell in the chamber, and with the safety on.
- 2) Officers shall carry and use only ammunition authorized by the Barron County Sheriff's Department unless the Sheriff or Chief Deputy grant approval for an exception and the officer qualifies with that ammunition.
- 3) Officers who are currently qualified with a department shotgun or rifle may utilize any firearm of the same type that is currently registered with the department.
- 4) Select fire weapons shall only be fired in the semi-automatic mode.

400-6-9 Firearms Safety

- 1) Officers shall not carry a firearm when on or off duty if they are mentally or physically impaired.
- 2) Officers shall report, in writing, to their immediate supervisor any use of prescription drugs, or other medication or any physical ailment or injury that they reasonably believe could impair their ability or judgment to use a firearm.
- 3) Officers shall be responsible for the safe storage of their duty weapon and any other personally owned firearms when not in their personal possession by using trigger locks, safes, gun lockboxes, or other means approved by the department firearms trainer or range master as designated by this department.
- 4) All authorized firearms shall be carried in a safe and secure manner as authorized by the Barron County Sheriff's Department.
- 5) Removal of firearms from their holster or other carrying devices for other than authorized purposes—such as tactical use, training and qualification, inspection, or cleaning and maintenance—shall be prohibited. Any careless, flippant, or casual use or display of a firearm shall constitute grounds for discipline.
- 6) Firearms shall not be permitted in holding facilities, lockups, or jails of this or other law enforcement agencies.
- 7) Any discharge of a firearm shall be reported to the supervisor and the firearms trainer, except when the discharge was for training or disposing of an animal.
- 8) Each year, during firearms qualification, the firearms trainer shall provide officers with refresher training and additional information as available concerning firearms safety and the use-of-force policy.

400-6-10 Carrying Firearms on Commercial Aircraft

- 1) Officers are governed by federal regulations for carrying firearms on commercial aircraft. All officers acting in these capacities shall familiarize themselves with these provisions as contained in 14 CFR 1544.221 and related documentation.
- 2) All officers shall be required to complete the training program "Law Enforcement Officers Flying Armed" as required by federal law in order to carry a firearm aboard a commercial aircraft.
- 3) When conducting official business that requires commercial airline travel, officers shall check their firearm in checked baggage if it is not needed while in flight to guard a prisoner or for other purposes. In these cases, officers are required by federal regulations to certify to the airline that a firearm is in the baggage and that it is unloaded.
- 4) When officers need to carry a firearm aboard a commercial airline for purposes of prisoner transportation or other reasons, officers shall submit a letter on Barron County Sheriff's Department letterhead addressed to the commercial airline carrier that details the need for the officer to be armed. The letter shall be submitted to the Sheriff or Chief Deputy for approval and signature.

- 5) When officers need to carry a firearm aboard a commercial airline for purposes of prisoner transportation or other reasons, officers shall arrive at the airport in sufficient time, or in an emergency as soon as practicable prior to departure, present the letter to the airline ticket agent together with agency badge and identification card (with full face photograph), declare possession of firearm, and request that the necessary security and airline personnel be notified.
- 6) When officers need to carry a firearm aboard a commercial airline for purposes of prisoner transport or other reasons, officers shall request that they be notified of any other persons who are traveling armed aboard the aircraft.
- 7) When officers need to carry a firearm aboard a commercial airline for purposes of prisoner transportation or other reasons, officers should refer to the Barron County Sheriff's Department policy on transporting prisoners for additional agency requirements concerning the transportation of prisoners aboard commercial aircraft.

NOTES

400-7-0 **CHEMICAL AGENTS**

The Barron County Sheriff's Department Deputies have three chemical agents at their disposal; Oleoresin Capsicum (OC), Orthochlorobenzalmalononitrile(CS) munitions and Smoke munitions. OC Spray will be assigned to all deputies for everyday use. CS, OC and Smoke munitions are securely stored and are available to the BCERT for special situations only.

400-7-1 Application of Oleoresin Capsicum by Patrol Deputies:

The Barron County Sheriff's Department has adopted oleoresin capsicum (OC) spray to be used as the chemical agent of choice by officers of this department. Unlike traditional chemical irritants, OC is a naturally occurring inflammatory agent derived from the cayenne pepper plant and requires no special decontamination. Unlike chemical irritants, OC is biodegradable and will not persist in clothing or effected areas.

As an inflammatory agent, OC causes almost immediate swelling of the eyes and breathing passages. Additionally, there is an intense burning sensation of the eyes, throat and sprayed areas of the skin. When the agent is inhaled, the respiratory tract is inflamed and breathing is restricted. Physical effects may include involuntary closing of the eyes, coughing, choking, lack of upper body strength and coordination and nausea. Psychological effects such as disorientation and fear are also likely to occur. The end results and desired effects of OC application as identified above do not support high levels of physical activity such as resisting or fighting with police officers. However, no device, including OC is universally effective. Consequently, OC should supplement, rather than replace, other tactics and control techniques.

OC is a tool that can be utilized at the discretion of the officer. As with any use of force, the application of OC must be objectively reasonable under the circumstances. OC may be carried by trained officers within the performance of their duties. The criteria for use of OC spray is "active resistance or its threat."

Due to the incapacitating effect of OC spray, deadly force may be justified as a final escalation of force if an officer reasonably believes he, she, or another person is facing the imminent threat of death or great bodily harm. This perception must be based on the totality of circumstances, including threat assessment opportunities, officer/subject factors, and special circumstances. Remember, the standard for judging the use of any force including OC is objective reasonableness.

Primary target areas for the application of OC are the eyes, nose, and mouth. Officers should deploy only the amount of OC needed to achieve the desired effects. For maximum effect, the officer should be aware of range, type of aerosol being used and environmental considerations.

After the resistance has ceased and control has been established, the officer shall make reasonable efforts to allow the OC-affected person relief from the discomfort associated with OC. Flushing the affected area with cold water and exposure to fresh air should help alleviate the discomfort. Since OC exposure also causes anxiety, the officer will also need to calm the person and explain the effects of OC exposure. If practical, the person should be allowed to wash all exposed areas with water. The exposed person should be monitored closely until the symptoms subside. Symptoms should disappear within 15 to 45 minutes. If the exposed person does not respond well to decontaminative measures, or complains of injury, the officer should make arrangements for medical attention.

Reasonable efforts should be made to decontaminate rooms after exposure to OC. Doors and windows should be opened, surfaces washed, and exposed food disposed of and containers cleaned or discarded.

Deputies and Jailers are authorized to carry only OC that is provided by the department.

All applications of OC shall be documented in accordance with 400-5-1.

400-7-2 Application of Oleoresin Capsicum in the Barron County Jail

The preceding section (400-7-1) applies to the use of OC in the Barron County Jail and will not be repeated in this section. However, the jail, being a controlled, constant environment, requires a more specific policy.

- 1) Corrections officers properly trained in the use of OC may carry and use OC to defend themselves, other officers, and inmates from combative, resisting and/or violent inmates while reducing the risk of inflicting or receiving injury.
- 2) The following decontamination procedures shall be followed when an inmate has been sprayed by OC spray:
 - A) Advise the inmate not to rub his eyes unless it is with water.
 - B) If applicable, provide the inmate an opportunity to remove contact lenses.
 - C) As soon as the threat has been stabilized, take the inmate to the booking room and instruct the inmate how to use the eye flush device.
 - D) Contaminated clothing and linen should be removed and washed before being used again.
 - E) Do not apply salves, creams, oils, or lotions which may trap the irritant.
 - F) Further relief may be experienced by affording the inmate an opportunity to shower. If the symptoms do not subside within one hour, a physician should be consulted.

400-7-3 Application of Chemical Munitions (OC, CS, and Smoke) by the BCERT

- 1) The purpose of utilizing Chemical Munitions is to allow a safe and effective means for BCERT members to make an arrest or clear a building safely. These guidelines for the proper use of chemical munitions will assist.
- 2) The use of chemical munitions is an effective less lethal tool in subduing armed and dangerous persons, forcing a barricaded subject from a stronghold or dispersing a riotous crowd. It shall be the policy of the BCERT that officers will only deploy chemical munitions with the authorization of the Sheriff, Chief Deputy or Tactical Commander (if Sheriff and Chief Deputy are not available) and in accordance with the proper escalation of force.
- 3) Procedures
 - A) BCERT will have full control of all chemical munitions and their use.
 - B) An observation of weather conditions or other circumstances regarding the possibility of a fire shall be considered before deployment.
 - C) Evacuation procedures should be followed if innocent people are at risk of being contaminated.
 - D) All officers involved in the deployment of chemical munitions should be equipped with gas masks and gloves.
 - E) Medical personnel should be staged and prepared to render first aid to contaminated suspects, officers and/or civilians.

F) CS, OC and smoke are the only authorized agents utilized by BCERT

G) Chemical munitions use within a structure:

1. Only non-burning type grenades and projectiles should be used within a structure, unless the suspect's threat to human life is such that lethal force would be justified and the device used is designed to minimize a potential fire hazard, and is contained in an accepted manner.
2. Deployment of all chemical munitions shall be accomplished in the safest manner possible.
3. The team commander or team leader, in conjunction with a trained chemical munitions member, shall determine what type and amount of chemical munitions to be deployed.
4. The member deploying the device shall keep accurate records in regard to the chemical munitions issued, used and recovered.
5. Fire personnel should be contacted and informed of the staging area and informed of the possible use of Chemical Munitions.

H) Chemical munitions in outdoor use:

1. The Team Commander or team leaders shall designate what formations are to be used by officers on the strike or riot line.
2. Burning projectiles are acceptable for use in an outdoor environment providing dry grass is not a concern.
3. The Chemical Munitions Officer shall determine what type and amount of chemical munitions to be deployed.
4. Chemical Munitions canisters are to be thrown on the ground or launched behind the strikers and rioters. Projectiles are to be fired behind the strikers or rioters.
5. Any person struck with less lethal impact weapons by a team member should be, when possible, transported to the hospital for evaluation.

I) Decontamination Procedures:

1. At the completion of the incident, the Chemical Munitions Officer shall be responsible for initiating decontamination procedures as appropriate.
2. The Chemical Munitions Officer shall evaluate each incident where agents were deployed and prepare a written report addressing training and procedure.

a. Personal Decontamination:

- (1) First Exposure
- (2) Remove subject from contaminated area.
- (3) Remain calm.
- (4) Breathe in mouth, out nose.
- (5) Open eyes, stroke, and expose to air.
- (6) Flush with cool water.
- (7) Flush skin with cool water for 10 minutes to relieve excessive skin contamination. Major discomfort is normally gone in 10 to 30 minutes.

b. Post-Ops Concerns:

- (1) Do not allow exposed person to go without supervision and insure they have immediate physical relief.
- (2) Notify other personnel who may make entry to the facility that chemicals were introduced.
- (3) Area Contamination:
- (4) General preparation and considerations should be given when deploying any chemical munitions and the team must hold and wait for the desired effects (within the prescribed time).
- (5) Decontamination of the building will be provided by ventilating the building and providing a means to have wet cleaning using non-ionic, non-oil based detergent such as Tide or Ivory Soap. This request will be made through the Fire Department and medics. The solution of 5 percent sodium carbonate and water can be used. Close all doors and windows and heat the residence to 95 degrees for four hours and repeat if necessary. Exposed food should be discarded.

The canine unit of the Barron County Sheriff's Department is a valuable resource within the county. Its primary purpose is to assist in the prevention and detection of crimes, the location and apprehension of suspects, the arrest and preservation of physical custody, locating and identifying physical evidence, and promoting favorable community police relations.

The use of a canine in making or maintaining an arrest constitutes the use of force or its implied threat; therefore, the canine handler must be constantly alert to the fact that a police officer may use only that amount of force necessary to make or maintain that arrest. In determining the degree of force used, he must keep in mind that in each situation involving the canine, unless he is relieved of the responsibility by a supervisor, he alone is responsible for making the decision to use canine force and shall be accountable for such under the provisions of this handbook and Wisconsin law.

The canine handler shall perform his regular duties except when his services are required for special assignments or training. His assignment to the canine unit shall not relieve him from performing regular duties and conforming to and complying with other provisions of this handbook.

The canine handler should strive to be available during off-duty hours and willing to respond to the call out procedures outlined in this manual. Upon requests for canine unit services which occur within Barron County, including any village or city, the call taker shall dispatch the canine unit, and, as soon thereafter as possible, obtain overtime approval by consulting an authorized supervisor. Upon requests of canine unit services originating from outside Barron County, the call taker shall relay details of the request to the handler who shall make a recommendation as to the response. The communications officer will then communicate with the Chief Deputy or Sheriff who will approve or deny the call out. The Communications officer shall obtain hard copy of the request.

Any officer who is assigned or otherwise assists the canine unit shall be under the direction of the handler. The canine handler shall instruct and direct other people including officers, of proper conduct and behavior occurring in the presence of the dog. All matters involving the administration, procedures, expenses, care and maintenance of the canine unit shall be at the discretion of the Sheriff.

Whenever a dog becomes unserviceable and no longer a value to the department, the dog will be offered to the handler. If the handler accepts the offer, as a condition of receiving the dog, the handler will accept full ownership, future responsibility, and will release Barron County from all liability for anything, which concerns the dog from that day forward.

400-9-0 DISTRACTION DEVICES

The Barron County Sheriff's Department recognizes that deputies may encounter high-risk situations which require the use of distraction devices to safely gain entry to a building and/or disorient a subject. The BCERT has been assigned distraction devices for use in those situations.

The BCERT shall securely store distraction devices and no devices shall be used without the authority of the Sheriff, Chief Deputy or the BCERT Commander.

400-9-1 Distraction Device Use

The following is a list of procedures for the deployment of distraction devices.

1. If a distraction device is going to be requested for use inside of a dwelling, a Request for Distraction Device Use form (Appendix 400-B) must be completed and signed by the Sheriff, Chief Deputy, or, if they are not available, the Tactical Team Commander.
2. Only Officers who have received training in the use and deployment of the device will be allowed to deploy it. Officers will receive recertification training on a yearly basis.
3. Officer will observe the immediate area the distraction device is to be thrown prior to deployment, unless the circumstances dictate otherwise.
4. If young children, the elderly, or persons with other medical conditions are believed to be inside a dwelling, a distraction device may not be used unless the tactical situation demands it. Do not use a distraction device inside a dwelling if information is available regarding a methamphetamine lab, or if a similar potential fire hazard exists.
5. Nomex gloves and eye protection should be worn when deploying a distraction device. Hearing protection is recommended.
6. The pin on a distraction device should not be removed until the user is certain they will deploy the device. If for some reason the pin on a distraction device is pulled and not thrown, the user should not make entry, but go to a secure area and render it safe by either putting the pin back in or deploying it in a safe area. It is unacceptable to transfer a distraction device from one officer to another after the pin has been removed.
7. Distraction devices are not to be used as a matter of routine, and should never be used solely for the purpose of preventing the destruction of evidence.
8. Fire suppression equipment must be readily available whenever a distraction device is used.

400-10-0 POSITIONAL ASPHYXIA

The following procedure applies equally to the policy outlined in both 400-7-0 and 400-7-1. A person exposed should not be left unmonitored until the symptoms have subsided.

- 1) Positional asphyxia apparently occurs from being placed face down in a position, which causes the person to either interrupt the airway or cause the weight of the body to inhibit breathing. This is often called "hog-tying." Officers need to be aware and recognize certain risk indicators to minimize the risk of "positional asphyxia," also known as sudden custody death syndrome. These indicators generally include:
 - A) excessively violent or bizarre behavior

- B) obesity or other health problems effecting the heart or lungs
- C) drug or alcohol involvement
- D) apparent ineffectiveness of OC spray
- E) unconsciousness

“Hog-tying” will be used only in the most unusual cases, and then, only with justifiable discretion.

- 2) If a suspect in custody must remain in prone restraints, they will be monitored closely and continuously. If the person shows any signs of respiratory distress, they shall immediately be transferred to a medical facility.

400-11-0 **MEDICALLY SIGNIFICANT BEHAVIORS**

Officer’s need to be cognizant of people displaying medically significant behaviors and know how to react to those behaviors

- 1) Medically significant behavior includes a variety of behaviors that indicate a serious and potentially life threatening medical condition is present. Medical behaviors could be the result of psychological problems, the use of illicit drugs, alcohol, psychotropic medications or a syndrome called Excited Delirium and are exacerbated by prolonged struggles with the police, setting in motion a series of chemical changes in the blood and brain. Without prompt medical intervention, a person experiencing these chemical reactions will likely die.
- 2) Typical Behaviors Associated with Excited Delirium:
 - A) Confusion and bizarre behavior
 - B) Extreme agitation and excitement
 - C) Hallucinations and paranoia
 - D) Violence directed at objects, especially glass and shiny surfaces
 - E) Superhuman strength and insensitivity to pain
 - F) Hyperthermia- the body may rise as high as 113° F, resulting in profuse sweating and undressing
- 3) Responding to Medically Significant Behavior
 - A) Although criminal acts maybe taking place, you are responding to a medical emergency.
 - B) Use of force decisions should be based on the safety of all those involved. Safety of the individual officer, other officers and the public are the first priority.
 - C) If possible avoid increasing the subject’s agitation or excitement, minimize physical struggles, minimize the use of restraints, and get medical care as quickly as possible.
 - D) If circumstances allow, the State of Wisconsin, Department of Justice, Bureau of Training and Standards recommends the following procedures:
 - 1. Attempt to calm the subject
 - 2. Request backup and Advanced Life Support EMS response (paramedics). Local Basic Life Support ambulance services will most likely be used, but EMT’s should be told to have the suspect transferred to an ALS ambulance, per their protocols.

3. Once EMS is on scene, use an Electronic Control Device to make it possible to approach the subject
4. Have the paramedics administer a tranquilizer, in accordance with local protocols.
5. Contain the subject without restraints until he or she is calm.
6. Transport the subject to a hospital in an ambulance, using minimal restraints.

NOTES

400-12-0 **USE OF DRONE**

- 1) Use must be approved by the Sheriff, Chief Deputy and/or Captain.
- 2) Drone must be checked out from the dispatch center listing the location of use. All operators must have proper training prior to deployment.
- 3) Acceptable uses of the drone are but not limited to include search and/or rescue, ERT call outs, special events, accident/crime scene for evidence collection purposes and any officer safety situation.
- 4) For non-emergency use, permission must be granted by the landowners where the drone will be flying over.
- 5) Following the deployment of the drone, an action report must be completed and submitted to the Chief Deputy including any issues or damage.
- 6) Any other Barron County department using the drone, must be approved by the Sheriff, Chief Deputy and/or Captain. Permission must be granted by all landowners where the drone is being used. An action report of use must be submitted to the Sheriff detailing the location of use, outcome and reason for use.
- 7) If permission is not granted by the landowner, proper search warrants must be obtained.
- 8) Mutual aid requests must be approved by the Sheriff, Chief Deputy and/or Captain. A certified pilot of the drone must accompany the unit to the agency requesting mutual aid and assist that agency as directed. Any damages to the unit will be billed to the requesting agency. All liability will be under the mutual aid request by TTY for use.
- 9) Storage of video will be consistent with the Barron County Retention Ordinance.