



LANCASTER POLICE DEPARTMENT

- **Lancaster Police Department - Use of Force Policy #102**
- **Issue Date: 2/28/1994 Last Updated: 06/24/24**

- I. **PURPOSE** – To provide police officers with department policy, standards, and guidelines on the use of force.
- II. **POLICY** - The primary objective of Lancaster Police Officers is to protect and preserve the life of all individuals they encounter, providing professional, effective, and dependable law enforcement services to every citizen, visitor, and business within the city of Lancaster. There are times where officers may encounter citizens acting in a way that puts themselves or others in harms ways. When these incidents occur, officers should make feasible attempts to deescalate situations, trying to gain voluntary compliance. Recognizing this objective may at times require the implementation of justifiable force, officers shall use only that level of force that reasonably appears necessary to effectively bring an incident under control, overcome resistance, maintain control, while minimizing injuries and protecting the lives of the officer or others. The use of force is never used to punish people.

The Lancaster Police Department adopts the system of Defensive and Arrest Tactics (commonly referred to as DAAT), techniques and mechanics sanctioned by the Wisconsin Law Enforcement Standards Board. This policy incorporates the Disturbance Resolution Model (See appendix A). All uses of force will comply with this model. Additionally, the Lancaster Police Department uses designated procedures from Axon (Taser) for Electronic Control Devices.

The following sections of the Wisconsin State Statutes are recognized as legal authority or privilege, within their defined limits, in the use of force:

939.45(4) Conduct in reasonable accomplishment of a lawful arrest.

939.48 Use of force in self-defense and defense of others.



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939.49 Use of force (but not deadly force) in defense of property.

968.14 Use of force in executing a search warrant.

968.25 Authority for officers under defined circumstances to search a person during temporary questioning.

III. APPLICABILITY – This directive is applicable to officers performing official police duties on or off duty.

IV. DEFINITIONS – Refer to the DAAT Manual, published by the Wisconsin Department of Justice Law Enforcement Standards Board, for the definitions of words and phrases in this policy.

V. PROCEDURES

- A. **Deadly Force** – To stop the threat. Officers should attempt to de-escalate the threat if possible.
1. Justification for using deadly force is when a subject has caused or imminently threatens to cause death or great bodily harm to the officer or another person or persons.
 2. Deadly force may only be used when a lower level of force is not a viable option to stop the threat.
 3. In a limited number of instances, an officer may use deadly force in attempting to make an arrest or prevent escape. The arrest must be for a serious offense in which the suspect has used or threatened to use deadly force against some member of the public, such as murder and assault with a weapon, etc. The officer must reasonably believe there is no other way to make the arrest or retain custody of the person once arrested. Even if the suspect is fleeing from the officer, there must have been a use or threat of use of deadly force by the suspect, to authorize deadly force by the officer.



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4. Where feasible, before using deadly force, officers shall identify themselves and state their intent to use deadly force.
- B. Protective Alternatives - To overcome continued resistance, assaultive behavior, or threats. Officers should attempt to de-escalate the incident and may only use the level of force that is objectively reasonable to bring the incident under control.
1. Active Countermeasures: To create dysfunction.
 2. Incapacitating Technique: To cause immediate temporary cessation of violent behavior.
 3. Intermediate Weapons: To impede.
- C. Control Alternatives - To overcome passive resistance, active resistance, or their threats. Officers should attempt to de-escalate the incident and may only use that level of force that is objectively reasonable to bring the incident under control.
1. Escort Holds: To safely initiate physical contact.
 2. Compliance Holds: To overcome passive resistance.
 3. Control Devices: To overcome active resistance or its threats.
 4. Passive Countermeasures: To decentralize.
- D. Duty to Intervene
1. Any Officer that observes another officer using force that they believe is beyond objectively reasonable, shall reasonably attempt to intervene to prevent excessive force if it does not jeopardize the safety of the situation. The intervening officer must promptly report their observations and interventions to their supervisor. Failure to intervene when there is unreasonable force is a violation of the Code of Conduct.
- E. Choke Holds Prohibited



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1. The use of choke holds is prohibited, except in those situations where the use of deadly force is allowed by law.
- F. Authorized Weapons - Authorized weapons are those with which the officer has qualified and/or received department training on proper and safe usage and comply with departmental specifications:
1. Handgun – currently Glock Model 22, .40 caliber. Issued to individual officer.
 2. Taser - currently X2 or X26. Issued to individual officer. Need to be carried on opposite side of your gun.
 3. Oleoresin Capsicum – currently Sabre Red. Issued to individual officer.
 4. Baton – 16' to 26' expandable baton. Issued to individual officer.
 5. Patrol Rifle - currently DPMS Oracle. Issued to each squad.
 6. Less Lethal Shotgun. Issued to each squad.
- G. Weapon Restrictions
1. Officers shall adhere to the following weapon restrictions:
 - a. Except for normal handling procedures (such as maintenance, inspections, securing for entrance to jail) or during training, officers shall not draw or exhibit a weapon unless circumstances cause the officer to reasonably believe that it may be necessary to lawfully use the weapon in accordance with this policy.
 - b. To stop an attack by an animal or to end the suffering of a sick or injured animal.
 2. An officer is not permitted to use a weapon to discharge a warning shot.
 3. Officers should not discharge a weapon at or from a moving vehicle except in extreme circumstances and only when other options are precluded. Officers must consider the greater danger to the public.



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4. Officers are prohibited from discharging weapons when it appears likely that an innocent person will be injured, except when failing to act will likely increase the probability of more people being injured.
- H. Oleoresin Capsicum (O.C.)
1. Under the Disturbance Resolution Model - Intervention Options, the criteria for use of O.C. spray is *active resistance or its threat*.
 2. Officers *shall* request an emergency medical service (ambulance) to respond and ensure that the subject sprayed with the OC product can be checked by an emergency medical technician. This is to ensure that the effects of the product are reduced immediately, and to ensure that the subject is not experiencing some sort or unexpected side effects.
- I. Conducted Electrical Weapon (CEW)
1. Under the Disturbance Resolution Model- Intervention Options, the criteria for use of a CEW are *active resistance or its threat*.
 2. Conducted Electrical Weapon: A less lethal force weapon utilized by trained personnel that causes Neuro-Muscular Incapacitation (NMI.)
 3. Trained personnel may use a CEW to overcome active resistance or its threat, the subject poses an articulable threat of harm to an officer or other person, when the subject poses a threat of harm to himself or herself.
 4. Personnel who use a CEW against a person shall ensure the person is monitored for injury as soon as practical after the person is under control.
 5. If an adverse reaction to the conducted energy weapon occurs, or if requested by the subject, transport to a medical facility shall be arranged.



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6. If the probes are imbedded in sensitive tissue areas, i.e., neck, face, groin, or the breast of a female, officers 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.
7. After the probes have been removed, they shall be handled as a biohazard and packaged according to the trained procedure. The package shall be put in a hazardous materials bag and placed into a temporary storage locker with instructions to be destroyed or saved as evidence.
8. All officers are required to successfully complete agency authorized certification training prior to carry and/or use of a CEW and are required to maintain certification/re-certifications for continued carry and/or use.

J. Police Baton

1. Under the Disturbance Resolution Model- Intervention Options, the criteria for baton is *assaultive behavior*.
2. The department issues metal expandable batons for officers to carry. Expandable batons vary in length and are 16-26 inches long (officers choose which they prefer)
3. Officers shall only use department approved baton techniques established by this policy and the Wisconsin Department of Justice Standards on Defense and Arrest Tactics (D.A.A.T.)
4. Officers should give proper medical aid as soon as reasonable possibly (See Section M for further details).

K. Less Lethal Shotgun

1. The department issues less lethal shotguns to each patrol unit.



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2. Less lethal shotguns are issued with the intended purpose to successfully end incidents which may otherwise lead to a higher level of force, such as deadly force.
3. Less lethal shotguns are not intended to replace lethal weapons.
4. Officers should only use less lethal shotguns when they have proper lethal force coverage.
5. Officers should give proper medical aid as soon as reasonable (See Section M for further details).

L. Handcuffing

1. Handcuffing is a use of force and a means to control and restrain a subject.
2. Reason for handcuffing:
 - a. When completing a lawful arrest.
 - b. To detain those reasonably suspected of criminal behavior.
 - c. Chapter 51.15 Emergency Detention,
 - d. Chapter 51.45 Prevention and control of alcoholism and drug dependence,
 - e. Chapter 55 Protective Service System.
3. The directive for officer's and arrestee's safety when securing them is:
 - a. The primary option for officer safety is handcuffing behind the back, double locked.
 - b. The second option is handcuffing in front with a department issued waistbelt or using two sets of handcuffs behind the back.
 1. This option should be used when you have people with Physical disabilities, injuries, deformities, or unusual size of prisoners.



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- c. Using handcuffs in the front, without a waistbelt, is not an option.
 - d. If handcuffs are not used because the officer feels using them would cause exacerbate injuries or another reason that we cannot account for at this time, the report should explain why handcuffs were not used and the Chief and Sergeant will evaluate if the officer violated policy or not. Best practice is to use handcuffs, but we understand that there might be a situation where that was not an option at the time.
 - e. The officer can take handcuffs off when the officer reasonably believes that the person will remain compliant and the subject is in a controlled environment, i.e., department interview room during interview/interrogation, and or secure jail setting.
4. Discretion as to the use of restraining devices on juveniles should be based on the following criteria:
 - a. The age of the child. No child under 12 years old should be handcuffed absent an articulable need.
 - b. Physical size of the child
 - c. Nature of the offense (violent vs. non-violent)
 - d. Behavior exhibited towards the officer.
 - e. Threats to inflict injury to self or others.
5. Handcuffs should never be applied with intention to cause direct injury to the detainee.
 - a. Handcuffs should be attached firmly and securely, but not painfully or tightly.
 - b. When used, the handcuffs must be double-locked unless it is a great risk of injury to the officer for a non-compliant subject.



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- c. It is understood that when placing handcuffs on resistive suspects, that sometimes handcuffs inadvertently end up too tight. When the suspect is controlled, proper tightness should be reevaluated and adjusted properly.
 6. If the suspect has been restrained on the ground, the officer should get the suspect to the recovery position as soon as reasonably possible.
- M. Written Report Required
 1. Written report and supervisor notification shall be completed as soon as reasonably possible following the incident for the following circumstances:
 - a. They discharge their firearm while working outside the firing range.
 - b. Use of force results in death, injury, or property damage.
 - c. A device intended to be less lethal is used on a person or animal.
 - d. As part of an officer's use of force, a weapon is drawn or displayed (including, but not limited to, the pointing of a weapon at another person.)
 - e. Force is used which is higher or more serious on the force option continuum than presence and dialog (including, but not limited to, empty hand control, Taser, and O.C.) and any other less lethal techniques or devices.
 2. The narrative of the report should, at a minimum, detail the circumstances of the incident, an explanation of what force was used with proper terms, officer justification for use, and the extent of injury inflicted or sustained.



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3. Upon completing the report, it should be turned into a use of force instructor for review.

N. Medical Aid

1. After every use of force incident officers should be alert to the possibility of injury to the person upon whom force has been used upon.
2. If injury is apparent, or a person complains of injury whereby medical attention is necessary, officers shall treat to the level of training and arrange for medical assistance once the subject is secured.
3. If medical assistance is necessary, officers should exercise sound discretion in the use of transportation by ambulance as opposed to a police vehicle.
4. Should officers be aware of an injury which obviously requires medical attention, such attention will be sought regardless of whether the injured person requests assistance.
5. A person who has been exposed to OC spray may have their eyes flushed in accordance with OC spray training guidelines. Treatment at a medical facility should be done when:
 - a. The person has not recovered within 45 minutes.
 - b. The person experiences breathing difficulty.
 - c. The person wears contact lenses.
 - d. The person requests medical assistance.



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Appendix A

DISTURBANCE RESOLUTION MODEL

1) Approach Considerations

A. Decision Making

1. Justification
2. Desirability

B. Tactical Deployment

1. Control of Distance
2. Relative Positioning
3. Relative Positioning with Multiple Subjects
4. Team Tactics

C. Tactical Evaluation

1. Threat Assessment Opportunities
2. Officer/Subject Factors
3. Special Circumstances
4. Level/Stage/Degree of Stabilization

2) Intervention Options – Mode/purpose

A. Presence

1. To present a visible display of authority

B. Dialogue

1. To verbally persuade

C. Control Alternatives

1. To overcome passive resistance, active resistance, or their threats.

D. Protective Alternatives

1. To overcome continued resistance, assaultive behavior, or their threats



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- E. Deadly Force
 - 1. To stop the threat
- 3) Follow Through Considerations
 - A. Stabilize – Apply restraints - if necessary
 - B. Monitor/Debrief
 - C. Search – if appropriate
 - D. Escort – if necessary
 - E. Transport – if necessary
 - F. Turnover/Release- Removal of restraints, if necessary