

## **CHAPTER 7: USE OF FORCE**

### **SEC. 3-7-1 USE OF FORCE.**

#### **STATEMENT OF PURPOSE:**

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

It is the policy of this Office that recognizing our legal and moral responsibility to only use force when absolutely necessary and which is objectively reasonable in pursuit of a Deputy's duties. Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

This policy shall be made available to the public at no charge upon request (Wis. Stat. § 66.0511(2)).

#### **DEFINITIONS:**

As used in this policy, non-deadly force refers to the application of a system of verbalization skills coupled with physical alternatives, techniques or tactics, chemical agents or weapons to another person or any other action on the part of a Deputy, which does not fall under the category of deadly force, but which may result in bodily harm or injury to a person.

**Choke Hold** - A physical maneuver that restricts an individual's ability to breath for the purposes of incapacitation.

**Deadly force** - The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

**Deadly Force Justification** - Behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.

- Imminently threatens to cause = defense of self or others
- Has caused = defense of society at large

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

**Force** – A application of physical techniques or tactics, chemical agents, or weapons to another person. It is not use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Great Bodily Harm** - Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

**Imminent** - Ready to take place; impending. Imminent does not mean immediate or instantaneous.

**Substantial Bodily Harm** - Bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive, any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.

**Totality of the circumstances** - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

**POLICY:**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and valid interactions and, when warranted, may use reasonable force in carrying out their duties. Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Columbia County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires training, monitoring, evaluation, and a careful balancing of all interests.

Deputies shall use only the amount of force that reasonably appears given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

**(A) Deputies are authorized to use force under the following circumstances:**

- (1) To achieve and maintain control of resistive subjects
- (2) To detain persons reasonably suspected of criminal behavior
- (3) To make lawful arrests
- (4) To defend themselves or others

- (5) To prevent escape
- (6) To maintain order
- (7) To execute a warrant
- (8) To lawfully seize evidence

- (B) **Duty to Intercede and Report.** 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, intercede to prevent the use of unreasonable force. Any deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.
- (C) **Perspective.** When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.
- (D) **De-escalation.** When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).
- (E) **Respiratory Restraints.** The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized. A chokehold is only permitted as a last resort, after all other options have been attempted and/or considered and those options would have been impractical or ineffective.
- (F) **Use of Force to Effect an Arrest.** A law enforcement officer may use reasonable force to arrest a person or execute a warrant. Additionally, a law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer (Wis. Stat. § 968.07; Wis. Stat. 968.14)
- (G) **Use of Force to Seize Evidence.** In general, deputies may use reasonable force to lawfully seize *evidence* and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Columbia County Sheriff's Office for this specific purpose.
- (H) **Pain Compliance Techniques.** Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:
  - (1) The degree to which the application of the technique may be controlled given the level of resistance.
  - (2) Whether the individual can comply with the direction or orders of the deputy.

- (3) Whether the individual has been *given* sufficient opportunity to comply. The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

(I) **Factors Used to Determine the Reasonableness of Force.** When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (1) Immediacy and severity of the threat to deputies or others.
- (2) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (3) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (4) The effects of suspected drug or alcohol use.
- (5) The individual's mental state or capacity.
- (6) The individual's ability to understand and comply with deputy commands.
- (7) Proximity of weapons or dangerous improvised devices.
- (8) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (9) The availability of other reasonable and feasible options and their possible effectiveness.
- (10) Seriousness of the suspected offense or reason for contact with the individual.
- (11) Training and experience of the deputy.
- (12) Potential for injury to deputies, suspects, and others.
- (13) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (14) The risk and reasonably foreseeable consequences of escape.
- (15) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (16) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (17) Prior contacts with the individual or awareness of any propensity for violence.
- (18) Any other exigent circumstances.

(J) **Disturbance Resolution Model.** Use of force by a law enforcement officer is governed by the United States Constitution, Wisconsin Law, Agency policy, and the individual deputy's training. As such, this agency recognizes the Wisconsin Department of Justice, Bureau of Training and Standards defensive and arrest tactics system (DAAT) as a guideline in determining appropriate application of force. Wisconsin's system of Defensive and Arrest Tactics (DAAT) is defined as *a system of verbalization skills coupled with physical alternatives*. This definition reflects the goal of gaining voluntary compliance. Achieving your objective by verbal persuasion is always preferable to having to use physical intervention. The DAAT system is backed by two important concepts that guide Wisconsin law enforcement. These are: Incident Response and Disturbance Resolution. The incident response model is a general framework for how officers should respond to emergencies. The disturbance resolution model provides a model for how officers should deal with situations in which they must intervene to resolve a disturbance.

Law enforcement officers must respond to a myriad of calls. This guideline offers a basic "road map" to handling all sorts of situations, whether they are calls to which you are dispatched, situations you come upon on your own, or instances in which you are backing up another officer. The model has seven steps built around the acronym **RESPOND**:

### **INCIDENT RESPONSE**

#### **R Report**

Become aware  
Plan response  
Arrive/Assess  
Alarm/Inform

#### **E Evaluate**

Look for Dangers  
Determine backup needs  
Enter when appropriate/tactically sound

#### **S Stabilize**

Subject(s)  
Scene

#### **P Preserve**

Life - Conduct an initial medical assessment, treat to level of training, and continue to monitor the subject(s)  
Evidence

#### **O Organize**

Coordinate additional responding units (if necessary)  
Communicate with dispatch and others  
Organize the collection of evidence (if appropriate)

### **N Normalize**

Provide long-term monitoring (as appropriate)

Restore scene to normal and return radio communications to normal

### **D Document/Debrief**

Debrief self, other responding personnel, subject(s), other persons

Document incident appropriately

## **DISTURBANCE RESOLUTION**

### **APPROACH CONSIDERATIONS:**

#### **Decision-Making**

Justification

Desirability

#### **Tactical Deployment**

Control of Distance

Relative Positioning

Relative Positioning with Multiple Subjects

Team Tactics

#### **Tactical Evaluation**

Threat Assessment Opportunities

Officer/Subject Factors

Special Circumstances

Level/Stage/Degree of Stabilization

### **INTERVENTION OPTIONS, MODES, PURPOSE:**

Presence, purpose: To present a visible display of authority

Dialogue, purpose: To verbally persuade

Control Alternatives, purpose: To overcome passive resistance, active resistance, or their threats

- Passive resistance refers to non-compliant, but non-threatening behavior.
- Active resistance refers to behaviors that physically counteract an officer's attempts to control a subject and which pose a risk of harm to the officer, subject, and others.

Protective Alternatives, purpose: To overcome continued resistance, assaultive behavior, or their threats

Deadly Force, purpose: To stop the threat:

- Deadly force is defined as the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- The behavior which justifies the use of deadly force is behavior which has caused or imminently threatens to cause death or great bodily harm to one's self or others.

### **FOLLOW-THROUGH CONSIDERATIONS:**

Stabilize, application of restraints, if necessary

Monitor/Debrief

Search, if appropriate; Escort and Transport, if necessary

Turn-Over/Release Removal of restraints, if necessary

## **Intervention Options:**

Intervention Options are divided into five modes, each reflecting the need for an increasing level of control. Although the Intervention Options are divided into five modes, you can move from one mode to another as appropriate. You are authorized to use the amount and level of force that is reasonably necessary to control a subject.

The purpose for use of force is *to gain control* in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to physical force.

You may initially use the level and degree of force that is reasonably necessary to achieve control. You need not escalate step-by-step through the Intervention Options. As the situation dictates, you may move from any mode to any other if you reasonably believe that a lower level of force would be ineffective. At any time, if the level of force you are using is not effective to gain control, you may *disengage* and/or *escalate* to a higher level of force. Once you have gained control of a subject, you must *reduce* the level of force needed to maintain control.

- (1) **Presence.** The first mode, Presence, reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is to present a visible display of authority.
- (2) **Dialogue.** The second mode, Dialogue, covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to persuade subjects to comply with an officer's lawful directives.
- (3) **Control Alternatives.** The third mode, Control Alternatives, includes a wide range of tactics and tools for controlling subjects. These are divided into four groups:
  - (A) escort holds
  - (B) compliance holds
  - (C) control devices
  - (D) 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," and electronic control devices (ECDs). The common thread is that all these tactics and tools are used to control subjects who are resisting or threatening to resist.

- (4) **Protective Alternatives.** The fourth mode, Protective Alternatives, include tactics and tools to protect an officer while also managing continuing resistance. The tactics include:
  - (A) focused strikes that disrupt a subject's ability to continue to resist or fight
  - (B) a diffused strike that can cause an immediate—though temporary—cessation of a subject's violent behavior
  - (C) The use of baton strikes to impede a subject.

The difference between Protective Alternatives and the Control Alternatives category just discussed is that with Protective Alternatives the purpose is not only to control the subject, but also to protect the Deputy.

- (5) **Deadly Force.** The fifth mode, Deadly Force, represents the highest level of force available to law enforcement officers. The power to use deadly force is the most awesome responsibility given to law enforcement officers.

The following are authorized intervention options:

- (1) Oleoresin capsicum aerosol
- (2) Electronic Control Devices
- (3) Less Lethal munitions
- (4) Wooden or expandable batons
- (5) Restraints (i.e., handcuffs, waist restraints, shackles)
- (6) Authorized Firearms and ammunition

All Deputies shall be provided with training regarding the appropriate use of force. While this model is designed around a best-case scenario, this agency recognizes that practical application of trained techniques in the field is fluid and dynamic. The totality of the circumstances for each situation that a deputy is confronted with will be the determining factor of whether a deputy applies:

- (1) A trained technique-the text book application of a trained tactic
- (2) The dynamic application of a trained technique- the attempt by an officer to apply the text book application of a trained technique but due to the circumstances of a particular incident results in an alternative outcome
- (3) A technique not trained but justified under the circumstances-examples include, but are not limited to; use of knives in defense, a flashlight as an impact weapon, or shooting from a moving vehicle.

**Follow-through Considerations:**

(1) **Stabilization**

Stabilization includes the application of restraints, if necessary. It is the policy of this office that all persons placed under arrest or in protective custody shall be properly restrained at the time of arrest and during any transport of a subject.

- (A) Only Sheriff's Office approved restraints shall be used. Approved restraints include handcuffs (behind the back), handcuffs in front only with a waist chain or belt, leg restraints and plastic flex cuffs. Plastic flex cuffs shall only be applied if a device or tool is immediately available to remove them such as medical scissors.
- (B) Handcuffs shall be applied to a person's wrist and behind their back. In situations where one pair of handcuffs does not appear sufficient to restrain the individual, may cause unreasonable discomfort due to the person's size, or other factors as noted below in sections (D)(3-6), deputies should consider alternatives, such as using an additional set of handcuffs, handcuffs in front only with a waist chain, or multiple plastic flex cuffs.
- (C) Application of restraints should be consistent with this policy and a deputy's training.
- (D) When determining the type(s) of restraints to use, Deputies should carefully balance officer safety concerns with factors that include, but are not limited to:
  - (1) The circumstances or crime leading to the arrest.
  - (2) The demeanor and behavior of the arrested person.
  - (3) The age and health of the person.
  - (4) Whether the person is known to be pregnant.
  - (5) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
  - (6) Whether the person has any other apparent disability or injury.



- (E) Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, or handcuffs behind the body. No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.
- (F) Juveniles who are either very young, or whom the Deputy has personal knowledge of and as such determines that the use of handcuffs is not an appropriate action, or a juvenile under 14 years of age unless he/she is suspected of a dangerous felony, or when the Deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or others, or damage property.
- (G) In cases where a deputy can articulate that the use of restraints would appear to be ineffective or cause further injury to a person a deputy may exercise discretion in their use. A deputy must exercise great caution in determining not to use restraints.
- (H) Handcuffing in the front only with a waist chain or belt is permissible for lengthy transports in time and/or distance. If handcuffing is as such, leg iron restraints should also be used.
- (I) Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Office shall be used. Leg restraints include leg iron restraints and a hobble. A hobble or any other device shall not be attached to handcuffs to “hog tie” the subject. In determining whether to use a leg restraint, Deputies should consider:
  - (1) Whether the Deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
  - (2) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting Deputy while handcuffed, kicking at objects or deputies).
  - (3) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).
  - (4) Whether it is reasonably necessary to hinder a potential escape.
- (J) Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others. Spit hoods may be placed upon persons in custody when the Deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.
  - (1) Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally.
  - (2) Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual.
  - (3) Deputies should avoid comingling individuals wearing spit hoods with other detainees.
  - (4) Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded.
  - (5) Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

(6) Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

(2) **Monitor/Debrief**

Once in custody, a deputy shall make every effort to deescalate a person's behavior through light control talk and reassuring remarks. The following five steps should be considered;

- (A) Calm yourself and your partner.
- (B) Calm the subject.
- (C) Provide initial medical assessment.
- (D) Reassure the subject.
- (E) Rebuild the subject's self-esteem.

(3) **Search/Escort/Transport**

It is the policy of this office that any person taken into physical custody shall be searched prior to transport with the intent to protect the transporting official or any other person that may handle the arrested subject. If an arrested subject is injured, the attending deputy must treat those injuries to his or her level of training in first aid and until relieved by someone with a higher level of training. If an arrested subject requires medical attention or transport via ambulance, the arresting deputy shall not relax security. The arrested subject shall remain in restraints while waiting and during treatment unless such restraints would interfere with proper treatment. In this case a deputy should request treating staff to utilize "soft restraints". The Deputy is to remain with the subject in custody at all times during the hospital stay unless the injury is so serious that escape is not medically possible (i.e., surgery, serious gunshot wound, knife wound, broken leg, etc.) and only upon approval by a supervisor. In the course of a transport, should a deputy be required to make an emergency stop, it is recommended that a cover officer be summoned to that location to assist in monitoring the arrested subject.

(4) **Turn-Over/Release**

This is the last step of the disturbance resolution model. Final disposition of an arrested subject concerning continued custody in a jail setting or release should be consistent with policy, Wisconsin statute, and District Attorney Procedures.

01/27/21

## **SEC. 3-7-2 REPORTING USE OF FORCE.**

### **POLICY:**

It shall be the policy of this office that any deputy who utilizes an intervention option greater than dialogue shall complete a use of force report as a separate subsection to the prevailing investigative report for which lead to such use of force. The use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

- (1) Supervisory notification, by the deputy applying the use of force or any employee that witnesses the use of force, shall be made as soon as practicable following the application of force in any of the following circumstances:
  - a. The application caused a visible injury to the subject, Deputy or other persons.
  - b. The application would lead a reasonable Deputy to conclude that the individual may have experienced more than momentary discomfort.
  - c. The individual subjected to the force complained of injury or continuing pain.
  - d. The individual indicates intent to pursue litigation.
  - e. Any application of the Electronic Control Device (ECD).
  - f. Any discharge of a firearm at or near a person.
  - g. Any application of a restraint device other than handcuffs, plastic flex cuffs, leg iron restraints or belly chains.
  - h. The individual subjected to the force was rendered unconscious.
  - i. An individual was struck or kicked.
  - j. An individual alleges unreasonable force was used.

Any supervisor initiating a use of force investigation shall recreate the event as closely as possible through the eyes of the involved deputy to reflect what a reasonable officer with similar training and experience would have done under the same set of circumstances.

01/27/21

### **SEC. 3-7-3 MEDICAL CONSIDERATIONS.**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, requests medical attention, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away

01/27/21

### **SEC. 3-7-4 SUPERVISOR RESPONSIBILITIES.**

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint

of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
- (h) Supervisors shall review each use of force by personnel within his/her command to ensure compliance with this policy and to address any training issues.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

01/27/21

## **SEC. 3-7-5 USE OF FORCE EQUIPMENT.**

### **POLICY:**

(A)

- (1) All sworn deputies of this office, while on duty, shall carry or have immediately available the instruments or weapons authorized and issued by this office. Deputies shall be properly trained in the deployment of such weapons. Deputies are authorized to purchase and carry an expandable metal baton in lieu of the issued wood baton.
- (2) No firearm will be carried by personnel in the jail proper, unless an emergency exists or by order of the sheriff
- (3) All sworn uniformed deputies shall carry their weapons and instruments properly contained in an agency approved holster. While not in use, all rifles and shotguns shall be properly secured in an agency issued case or gun lock.
- (4) All deputies assigned to plain-clothes duty shall carry their side-arm in an inconspicuous manner, properly secured on their person, in an agency approved holster.
- (5) All deputies shall familiarize themselves with the nomenclature of agency issued firearms and weapons and demonstrate proficiency in the use of such.
- (6) All equipment shall be maintained in a clean and working manner and shall be subject to inspection at any time.
- (7) Deputies shall not alter in any way the physical appearance or mechanical operation of Sheriff's Office equipment without written authorization from the Sheriff. Any Sheriff approved modifications to agency issued firearms must also be approved and completed by a certified armorer. No modifications shall be made to the fire control system of agency issued firearms.
- (8) The Sheriff's Office issued firearms shall be the only firearms a deputy shall be permitted to carry while performing their duty, unless otherwise authorized by the Sheriff. Only agency issued ammunition will be utilized in agency issued firearms.
- (9) All weapons, when not worn by the Deputy, will be kept in a locked secured place. The Sheriff's Office will issue gun locks to its employees for home storage if requested.
- (10) All members of this office shall strictly adhere to the guidelines established by this policy for the use of weapons, and at no time shall act negligently or in disregard of utmost safety in handling weapons.
- (11) Any unjustified use of a firearm, whether it is excessive, used in the line of duty, or simple horseplay that may constitute danger to others, is covered by this policy. Any disregard for safety required in handling of firearms whether the conduct constituted disregard or occurs on or off duty, is covered by this policy.
- (12) All deputies shall observe safety protocols for loading and unloading firearms as taught by a certified instructor at the range. Any loading or unloading done for the purpose maintenance should be done with the assistance of an unloading tube when available.
- (13) All sworn deputies of this office shall qualify with Sheriff's Office authorized firearms as scheduled by the range officer according to the lesson objectives during each range session.
- (14) The wearing of protective vests is mandatory for Deputies if such vests are purchased by the Sheriff's Office. Staff wearing plain clothes may wear the vest as necessary and shall have it immediately available.

## **(B) Authorized Weapons and Instruments**

The following are authorized Sheriff's Office Firearms:

- (1) On Duty
  - (a) .40 cal. or 9mm semi-automatic handgun
  - (b) .223 / .556 cal. rifle
  - (c) 12-gauge shotgun loaded with less lethal munitions
- (2) Special Application (i.e., E.R.T., K-9, Drug Unit, or otherwise authorized by the Sheriff)
  - (a) .308 cal. Rifle
  - (b) 9 mm compact semi-automatic handgun
  - (c) 40 mm Gas Launchers
  - (d) Noise flash diversion device
  - (e) Hand thrown chemical munitions
  - (f) Simunition / Force on Force training weapons

Backup or secondary firearms are not permitted unless issued by the department and approved by the sheriff.

## **(C) Edged Weapons (Knife).**

In general, a knife is considered a rescue tool. Deputies are authorized to carry a knife while on duty. There may come a time when a member of this office is in a position where they are unable to access their primary duty firearm or the firearm would be ineffective. In those situations, an edge weapon is authorized. This section allows for the carry of an edged weapon under the following conditions:

- (1) The overall length of the blade may not exceed six inches (6").
- (2) Either a single or double-edged blade is allowed.

The Wisconsin Department of Justice (DOJ) provides guidance for the use of an edged weapon. The curriculum and training objectives are described in the Defense and Arrest Tactics (DAAT) manual. Although the curriculum describes the deployment of an edged weapon from an ankle position, a deputy will be allowed to carry an edged weapon in any manner which allows for ease of access to the weapon but yet in a manner that secures the weapon and keeps it under their personal control.

01/27/21

## **SEC. 3-7-6 USE OF FORCE TRAINING.**

### **POLICY:**

- (1) The objective of periodic use of force training is to train all deputies to demonstrate proficiency with use of issued equipment and clearly understand the appropriate decision process when considering an intervention option.
- (2) Subject to available resources, deputies should receive periodic training on:
  - (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
  - (b) De-escalation tactics, including alternatives to force.
- (3) All deputies are required by Wisconsin Department of Justice standards to complete a handgun qualification course annually. The standards for this course will be set forth by the DOJ.
- (4) Any deputy entering employment with this office will be required to demonstrate proficiency in use of issued weapons and use of force concepts prior to completion of his/her probationary period.
- (5) All deputies attending training shall follow the lesson plan prescribed by the range officer and follow direction of that range officer.
- (6) All sworn deputies shall attend training and qualify by meeting the objectives of the range officers lesson with agency issued firearms no less than (4) times a year.
- (7) All primary range officers will be certified by the WI Department of Justice, Bureau of Training and Standards as an instructor for the unified tactics discipline that range officer will be responsible to present to deputies of this office. It will be the discretion of the Sheriff to certify secondary instructors.
- (8) The Wisconsin system of Defensive and Arrest tactics (DAAT) is considered the foundation for disturbance resolution. Deputies will be required to periodically qualify by meeting the objectives of the DAAT instructor's lesson.
- (9) In the case of secondary employment and when a Deputy is trained and certified to use Sheriff's Office issued weapons, the Deputy shall not use the Sheriff's Office's weapons in such secondary employment unless approved by the Sheriff.

#### **(a) Chain of Command and Responsibilities**

- (1) The primary range officer will have command over the training range under the direction of the Sheriff or his/her designee.
- (2) The primary range officer will forward to the Sheriff or his/her designee all requests for additional unified tactics training.
- (3) All range officers will share responsibility for proper preparation, cleaning, and maintenance of training facilities.
- (4) The lead range officer will keep an inventory of all firearms, training material, and equipment. The lead range officer will report any missing or damaged equipment to the Sheriff or his/her designee.
- (5) All range officers will be responsible for accurately recording the performance of deputies attending training. The lead range officer will maintain all documentation of deputy's range performance.



- (6) All range officers assigned to conduct unified tactics training will document such through a lesson plan which outlines the objectives of the particular course being taught.
- (b) **Training Assignments.** Unified tactics instructor appointments, which include DAAT, Firearms, EVOG, Traffic Contacts, and Professional Communications will be made by the Sheriff and subject to change at his/her discretion.
- (c) **General Safety.** The range officer shall prescribe broad safety rules for those deputies attending a range session. All deputies should observe the following firearms safety rules;
- (1) All firearms should be treated as if they are loaded.
  - (2) Never point the muzzle of a firearm at something you are not willing to destroy.
  - (3) Administrative loading procedures as taught by the range officer should be followed when loading or unloading a firearm for a purpose other than combat.
  - (4) Unloading stations should be used whenever prudent.

01/27/21

### **SEC. 3-7-7 USE OF ELECTRONIC DEVICES – (R-E-A-C-T SYSTEM).**

#### **Purpose:**

The purpose of this procedure is to provide guidance and direction in the use of electronic devices by Columbia County Sheriff's Office employees in the lawful performance of their duties.

The Remote Electronically Activated Control Technology Belt System (R-E-A-C-T) has been adopted to provide a safe, effective restraint device for use in control of high-risk inmates or transportation of high-risk inmates. The device can also be used in other situations to reduce the physical force needed to effectively control inmates who may attempt escape, while reducing the likelihood of injuries to all involved parties including but not limited to innocent bystanders.

#### **General:**

The R-E-A-C-T Belt System is a remotely operated electronic restraint device which produces an electrical shock for 8 seconds that can disorient, temporarily immobilize and stun an inmate without causing permanent injuries. A small radio transmitter with a range of up to 300 feet activates it. The belt may be used in a low-profile mode or combined with other restraints such as handcuffs, belly chains and leg irons. The transport belt also has multi-levels of security restraints in addition to the electronics.

#### **Training:**

No officer may operate the R-E-A-C-T belt, either in the belt's daily maintenance or in use with inmates, unless that officer has received approved training on the use of the R-E-A-C-T belt.

#### **Maintenance Responsibilities:**

Each officer, hereafter designed as "Control Officer", responsible for maintaining the belt, will exercise due care and diligence in making sure the batteries are charged and replaced as necessary.

No officer will attempt to repair or alter this unit without first consulting with factory personnel (other than changing the batteries).

At no time will a Control Officer relinquish a belt system or any of its components to untrained, unsupervised personnel.

**System Pre-Use:**

Where and when necessary and as part of the specified Office policy and procedure, the Product Checklist is employed and Inmate Notification Form completed. If available, a video of the belt application (non-activated) and notification of the inmate should be made.

**Appropriate Use of the R-E-A-C-T Belt:**

Upon the approval of the Sheriff/designee, the R-E-A-C-T belt may be placed on an inmate to provide added security and restraint in dealing with high risk or problem inmates.

Use of the audible tone as a warning should be used. However, acts of aggression or escape will warrant immediate and swift activation of the R-E-A-C-T belt.

**Appropriate Activation of the R-E-A-C-T Belt:**

Upon the approval of the Sheriff/designee, deputies in accordance with Columbia County Sheriff's Office Policy and Procedures 3-7-1 and 3-7-8 may use the R-E-A-C-T belt. Use of Force (each individual incident will need to be evaluated as to what type of force is needed), only if the user of force reasonably believes it is immediately necessary to realize one of the following:

- A. To prevent death or bodily injury to oneself or another;
- B. To prevent unlawful damage to property that may result in death or bodily injury to oneself or another;
- C. To regain control of an institution or part of an institution;
- D. To prevent escape of an inmate;
- E. To apprehend an inmate who has escaped;
- F. To change the location of an inmate;
- G. To control a disruptive inmate;
- H. To prevent unlawful damage to property; or
- I. To enforce a Sheriff's Office rule, a posted policy or procedures or an order of a staff member.

**Control of Inmate After Activation of the R-E-A-C-T Belt:**

Immediately after the R-E-A-C-T belt has cycled, secured the inmate with handcuffs and belly chains or other devices as necessary to control the inmate.

In the event the inmate is able to resist being immobilized after a single activation, a second activation may be initiated. Subsequent activation will be used only if the inmate is still actively attempting assault

or escape. If the inmate's actions are limited to resistance to being secured, other force options should be attempted.

**Following Activation of the R-E-A-C-T Belt:**

- A. Immediately report the incident to the Sheriff/designee.
  
- B. Medical Examination: The R-E-A-C-T belt is designed for temporary immobilization. It will not normally cause any significant injury. An inmate may however, receive secondary injuries as a result of falling when the device is activated.
  - 1. Following activation of the R-E-A-C-T belt, have the inmate evaluated by medical staff or taken to the nearest medical facility.
  - 2. Use caution if the inmate is moved to a civilian medical facility; this may be part of a planned escape effort.
  
- C. As soon after the incident as possible, photograph signature marks (contact marks) and any secondary injury. Photographs should be taken with a quality camera and should be taken both with and without a measuring tape or scale being included in the photographs to establish the size and location of the marks. If the incident was videotaped, signature marks should be documented on the tape whenever possible.

**Documentation Following Activation of the R-E-A-C-T Belt:**

While the R-E-A-C-T belt utilizes less-than-lethal pulse technology and causes no known permanent injuries or side effects, the use of this device is a serious matter.

Any activation of this belt by an employee will be immediately brought to the attention of the Sheriff/designee.

On every occasion the R-E-A-C-T belt is activated (except training), an incident report and/or conduct report will be completed by all staff involved as soon as possible. The incident report will include, but is not limited to:

- A. The reason for activation of the R-E-A-C-T belt.
  
- B. The observed reaction of the inmate at the time of activation.
  
- C. Description of any observable marks or injuries to the inmate.
  
- D. Complaints from the inmate.
  
- E. The time, location, and by whom the photographs were taken.

The activating officer will also complete on a separate incident report their observations regarding the effectiveness of the R-E-A-C-T belt, including a copy of all incident reports and/or conduct reports and photographs. These will be immediately forwarded to the Sheriff/designee.

**Prohibited Acts:**

The R-E-A-C-T belt may not be used in the following circumstances:

- A. Pregnant women.
- B. Person's known to have heart diseases, multiple sclerosis or muscular dystrophy as documented by the Health Services Unit.
- C. To unlawfully threaten, coerce, harass, taunt, belittle, or abuse any person.
- D. In any form of horseplay between staff or with persons from outside the Columbia County Sheriff's Office.

Persons violating "C" or "D" may be subject to Office discipline and may be subject to criminal charges.

**YOU ARE HEREBY ADVISED THAT YOU ARE BEING REQUIRED TO WEAR AN ELECTRONIC IMMOBILIZATION BELT.**

This belt contains 50,000 volts of electricity. By means of a remote transmitter, an attending officer has the ability to activate the stun package attached to the belt, thereby causing the following results to take place:

1. Immobilization causing you to fall to the ground.
2. Possibility of self-defecation.
3. Possibility of self-urination.

**FAILURE TO COMPLY WITH OFFICER DIRECTION COULD LEAD TO ANY OF THE ABOVE.**

The belt could be activated under the following actions on your behalf and notification is hereby made:

- A. Any outburst or quick movement;
- B. Any hostile movement;
- C. Any tampering with the belt;
- D. Failure to comply with verbal command for movement of your person;
- E. Any attempt to escape custody;
- F. Any loss of vision of your hands by the custodial officer
- G. Any overt act against any person within a fifty (50) foot vicinity.

**I UNDERSTAND THE ABOVE INFORMATION AND ACKNOWLEDGE BEING ADVISED OF SAME.**

\_\_\_\_\_  
Subject Name – PRINT

\_\_\_\_\_  
Control Officer

\_\_\_\_\_  
Subject's Signature

\_\_\_\_\_  
Date

01/27/21

## **SEC. 3-7-8 ELECTRONIC CONTROL DEVICE (ECD)**

### **I. PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of Electronic Control Devices (ECD).

### **II. POLICY**

The ECD is intended to control a violent or potentially violent individual or to prevent escape on an offender who has criminal warrants or committed a serious crime, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects. The purpose of using the ECD is to gain control of a legitimate law enforcement objective.

### **III. ISSUANCE AND CARRYING ECDS**

Only members who have successfully completed office-approved training may be issued and carry the ECD.

Deputies shall only use the ECD and cartridges that have been issued by the Office. Uniformed deputies who have been issued the ECD shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the ECD in the driver's compartment of their vehicle.

Members carrying the ECD should perform a spark test on the unit prior to every shift.

When carried while in uniform, deputies shall carry the ECD in a weak-side holster on the side opposite the duty weapon or on the load bearing vest.

- (a) All ECDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the ECD.
- (c) Deputies shall be responsible for ensuring that their issued ECD is properly maintained and in good working order.
- (d) Deputies should not hold both a firearm and the ECD at the same time.

### **IV. VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the ECD should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the ECD may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required

to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the ECD. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the ECD in the related report.

## V. USE OF THE ECD

The ECD has limitations and restrictions requiring consideration before its use. The ECD should only be used when its operator can safely approach the subject within the operational range of the device. Although the ECD 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.

### 1. APPLICATION OF THE ECD

The ECD 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 violent or is physically resisting.
- (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) The subject has a criminal warrant or has just committed a serious crime and is actively trying to escape.

The mere flight from a deputy, without other known circumstances or factors, is not good cause for the use of the ECD to apprehend an individual.

### 2. SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the ECD 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 with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the ECD in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

The ECD shall not be used to psychologically torment, elicit statements, or to punish any individual.

### 3. TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the ECD probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

### 4. MULTIPLE APPLICATIONS OF THE ECD

Deputies should apply the ECD for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the ECD against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

- (a) Whether the probes 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.

Deputies should generally not intentionally apply more than one ECD at a time against a single subject.

### 5. ACTIONS FOLLOWING DEPLOYMENTS

Deputies shall notify a supervisor of all ECD discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 6. DANGEROUS ANIMALS

The ECD may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.



## 7. TASER® CAM™

If the ECD is so equipped with a camera, the TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the deputy intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the office records retention schedule.

## 8. OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office ECDs while off-duty.

Deputies shall ensure that ECDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

Deputies shall not use the ECD on family members or other citizens while off-duty unless they are acting in the capacity of a law enforcement officer.

## VI. DOCUMENTATION

Deputies shall document all ECD discharges in the related arrest/crime report and the ECD report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation, and arcing the device will also be documented on the report form.

### 1. ECD FORM

Items that shall be included in the ECD report form are:

- (a) The type and brand of ECD and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of ECD activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the ECD was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The Patrol Captain should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Patrol Captain should also conduct audits of data downloads and reconcile ECD report forms with recorded activations. ECD information and statistics, with identifying information

removed, should periodically be made available to the public.

## 2. REPORTS

The deputy should include the following in the arrest/crime report:

- (a) Identification of all personnel firing ECDs.
- (b) Identification of all witnesses.
- (c) Medical care provided to the subject.
- (d) Observations of the subject's physical and physiological actions.
- (e) Any known or suspected drug use, intoxication, or other medical problems.
- (f) Reasons and justification for using the ECD.

## VII. MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove ECD probes from a person's body. Used ECD probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by ECD probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/ or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to need medical attention.
- (d) The ECD probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the ECD.

## VIII. SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood

the ECD may be used. A supervisor should respond to all incidents where the ECD was activated.

A supervisor should review each incident where a person has been exposed to an activation of the ECD. The device's onboard memory should be downloaded through the data port by a supervisor or Firearms Instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

## IX. TRAINING

Personnel who are authorized to carry the ECD shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the ECD as a part of their assignment for a period of six months or more shall be recertified by an office-approved ECD instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued ECDs should occur every year. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the training supervisor. All training and proficiency for ECDs will be documented in the deputy's training file.

Command staff, supervisors, and investigators should receive ECD training as appropriate for the investigations they conduct and review.

Deputies who do not carry ECDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The training supervisor is responsible for ensuring that all members who carry ECDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of ECDs during training could result in injury to personnel and should not be mandatory for certification.

The training supervisor should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the ECD and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the ECD.