



City of Racine Police Department
Policy and Procedure

Number: 602

Subject: Use of Non-Lethal Force		
Date Issued: 04-17-1981	Date Revised: 02-18-2019	Revision Number: 8

POLICY

Members of this Department shall follow the intervention options as adopted by the Wisconsin Department of Justice and the Law Enforcement Standards Board (LESB). The sanctity of human life and individual liberties are immeasurable elements of modern society which vests police officers with the responsibility for the preservation and protection of its paramount values. In the pursuit of this responsibility, officers maintain the understanding the protection of property and apprehension of criminal offenders is subservient to the protection of life, including their own.

The level and amount of force that an officer uses must be reasonably necessary to accomplish the law enforcement objective. The United States Supreme Court in the case *Graham v. Conner*, said that use of force by officers must be “objectively reasonable” in a given situation. The criteria used to determine whether the force used by an officer is “objectively reasonable” include:

1. The severity of the crime;
2. Whether the suspect poses an imminent threat to the safety of the officers or others;
3. Whether the suspect is actively resisting or attempting to evade arrest.

NOTE

Members should be mindful of situations where use of force to help resolve medical emergencies is used. The criteria for *Graham v. Conner* may not fit due to the fact that the subject has not committed a crime, is not resisting arrest, and is not directly threatening an officer. In these cases the officer should consider:

1. Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to themselves or others?
2. Was some degree of force reasonably necessary to stop the immediate threat?
3. Was the force used more than reasonably necessary under the circumstances (was it excessive)?

The control process “Disturbance Resolution”, is the foundation of the Wisconsin Defense and Arrest Tactics (DAAT) system. It is the basis for explaining and justifying an officer’s decisions to respond, take action, and attain control. It also describes the officer’s responsibilities once the subject is under control and restraints are applied.

In all cases (except civil commitment, i.e. 51.15) where force at the level of Empty Handed Control – Oleoresin Capsicum (O.C.) Spray or above is applied to take control of a person, that person should be arrested for the appropriate state criminal violation. He or she should then be incarcerated at the Law Enforcement Center pursuant to Procedure #901(Arrest and Incarceration).

DEFINITIONS

Disengage – To physically move away from a situation where you either cannot establish control or have lost control.

Escalate – To move to a higher force option.

Stabilization – Gaining and maintaining control of a subject and/or scene to prevent injury to the subject or others.

Active resistance - occurs when an officer encounters behavior which physically counteracts his or her attempt to control and which creates risk of bodily harm to the officer, subject, and/or other person.

Passive resistance - occurs when a subject refuses to comply with a directive from a law enforcement officer but does not attempt to engage in physical action likely to cause bodily harm to the officer or to another person.

Bodily harm - defined by s. 939.22(4) Wis. Stats. as physical pain or injury, illness, or any impairment of physical condition.

NOTES

The approved definition of active resistance generally prohibits, for example, use of control devices against verbal aggression; people who are running away; small children and older persons; and/or persons engaged in peaceful civil disobedience, unless there is justification of reasonableness from Approach Considerations.

PROCEDURE

At any time, if the level of force a member is using is not effective to gain control, you may disengage and/or escalate to a higher level of force. This involves transitioning to a different level of force or different tactics based on the totality of the circumstances. Once you have attained control, you should de-escalate to a force level sufficient to maintain control. You may use restraints at any point along the flowchart for temporary mechanical control.

MEMBER

1. Members employing a compliance hold or greater force in the intervention option flowchart, must document this action in an incident report, arrest narrative, supplemental report, and a Use of Force Record in Phoenix.
2. When the subject complies after the threat or display of a use of force greater than a compliance hold (i.e. – Display of OC or Taser, loading a baton, etc.) the officer must document this action on a Use of Force Record in Phoenix.
3. Complaints of pain are an indication that documentation is required regardless of what type of empty hand control was employed.

DAAT DISTURBANCE RESOLUTION

The following outline presents a more specific model of how to proceed when responding to any sort of disturbance or potential disturbance. (DAAT Manual, WI DOJ, LESB, December 2014)

1. **APPROACH CONSIDERATIONS**
 - a. **Decision Making**
 - 1) Justification – Do you have legal authority?
 - 2) Desirability – Can you control the situation?
 - b. **Tactical Deployment**
 - 1) Control of Distance – Are you able to contain the subject?
 - 2) Positioning – Do you have a position of advantage?
 - 3) Team Tactics
 - a) Do you and your partner have a plan?
 - b) Are you effectively working together?
 - c. **Tactical Evaluation**
 - 1) Threat Assessment Opportunities (early warning signs)
 - a) Does the subject present a threat?
 - (1) Are they tense or agitated?

- (2) Are there signs of mental or emotional disturbance?
 - (3) Are their reactions to you appropriate?
 - (4) Do they conspicuously ignore you?
 - (5) Do they give you exaggerated emotional attention?
 - (6) Do they move in an exaggerated way?
 - (7) Do they suddenly cease all movement?
 - (8) Have you had prior violent or uncooperative contact with them?
 - (9) Have you received information about the subject that would heighten your threat level?
 - b) Are they preparing to fight?
 - (1) Boxers stance
 - (2) Fists clenched
 - (3) Shoulders rolled forward
 - (4) Focusing on a target
 - (5) Gazing in an unfocused stare
 - (6) Statements made to injure or harm
 - c) Are there multiple subjects?
 - 2) Officer/Subjects Factors
 - a) Subject(s) to Officer(s) ratio
 - b) Physical makeup
 - (1) Age
 - (2) Size
 - (3) Strength
 - (4) Fitness Level
 - c) Variables
 - (1) Are you tired or exhausted?
 - (2) Are you in good health or in recovery?
 - (3) Have you taken any medication that may affect your ability to fight?
 - (4) Is your equipment in good working order?
 - 3) Special Circumstances
 - a) Environment
 - (1) What's available for cover/concealment?
 - (2) Do you have escape routes if you need them?
 - (3) Are there environmental hazards in your area?
 - (4) Are there potential weapons within easy reach?
 - (5) Are the quarters too tight?
 - (6) Can you move freely without obstacles?
 - b) Is the subject potentially armed?
 - (1) Bulges in clothing
 - (2) Information received
 - (3) Prior experience or known history of weapons
 - c) Can you see both of the subject's hands? – (If not, consider that the person may be holding a weapon.)
2. **INTERVENTION OPTIONS**
- a. **Presence** - Professional presence – To present a visible display of authority.
 - b. **Dialog** – Tactical Communication – To verbally persuade subjects to comply with an officer's lawful directives.
 - c. **Control Alternatives** – To overcome passive resistance, active resistance or their threats.
 - 1) Escort Holds – To safely initiate physical contact.
 - 2) Compliance Holds –To overcome passive resistance.
 - 3) Oleoresin Capsicum (O.C.) Aerosol Spray – To overcome active resistance or its threat.
 - 4) Electronic Control Devices – To overcome active resistance or its threat.
 - 5) Passive Countermeasures – To decentralize.
 - 6) Active Countermeasures – To create dysfunction.
 - 7) Incapacitating Techniques – To cause immediate cessation of violent behavior.

- d. **Protective Alternatives** – To overcome continued resistance, assaultive behavior or their threats while protecting the officer.
- e. **Deadly Force** – Firearms – To stop the threat.
- 3. **FOLLOW-THROUGH CONSIDERATIONS**
 - a. **Stabilize** – Application of 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.

RELATED PROCEDURES

- [Table of Contents](#)
- [601 – Use of Deadly Force/Discharge of a Firearm](#)
- [605 – Use of Impact Munitions](#)
- [606 – Use of Restraints](#)
- [607 – Investigation of the Use of Force](#)
- [608 – Use of Force Documentation](#)
- [611 – Electronic Control Devices](#)

RELATED MANUALS

Defensive and Arrest Tactics Manual (WI Dept. of Justice, Law Enforcement Standards Board) December 2014