

Village of Lake Hallie Police

420 – Use of Deadly Force

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Issue by: Chief Cal D. Smokowicz
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I. PURPOSE

It is understood that the use of deadly force is justified but only under conditions of extreme necessity as a last resort, when all lesser means have failed or cannot reasonably be employed.

II. POLICY

The Lake Hallie Police Department recognizes and respects the value of each human life. Therefore, it is the policy of the Lake Hallie Police Department that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of others and the officer.

III. DEFINITIONS

Deadly Force: Any use of force that is reasonably likely to cause death. Deadly Force is the last Intervention Option in the Disturbance Resolution Model as defined by Wisconsin Training and Standards. This includes the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

Non-deadly Force: Any force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Objectively Reasonable: In determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including but not limited to, the known character of the arrestee; the risks and dangers faced by the officer; the nature of the offense involved; the chance of the arrestee's escape if the particular means are not employed; the existence of alternative methods of arrest; the physical size strength and weaponry of the officers as compared to the arrestee; and the exigencies of the moment.

Wisconsin Law: While Wisconsin law affords officers the protection of privilege “when the actor’s conduct is a reasonable accomplishment of a lawful arrest,” the conduct must be reasonable. Using deadly force in the absence of significant threat would not be reasonable. Wisconsin law specifically prohibits use of deadly force to prevent suicide and solely to protect property.

Weapon: A means whether conventional or unconventional capability of inflicting great bodily harm or death. Guns and knives are not the only weapons many other common objects can be used as weapons. Beer bottles, baseball bats, pieces of broken glass, large rocks or bricks and motor vehicles. All of these and others can be weapons. Some individuals are even able to inflict death or serious injury with their hands or feet alone, and some apparently innocuous items, such as a pen or pencil, can be used as a weapon.

Independent Investigation: In April 2014, Wisconsin enacted a law requiring independent investigations of officer-involved deaths. Wisconsin was the first state in the country to pass a law requiring independent investigations of officer involved deaths. This agency shall fully comply with this law and request an independent investigation of the use of deadly force.

IV. PROCEDURES

A. Deadly force may be used under the following circumstances in accordance with existing Wisconsin laws:

1. In the defense of another person who the officer has reasonable cause to believe is in imminent danger of death or great bodily harm.
2. In defense of the officer when there is reasonable cause to believe he/she is in imminent danger of death or great bodily harm.
3. To prevent the escape of a fleeing, violent felon whom the officer has probable cause to believe will pose a significant threat of death or great bodily harm to the officer or others should escape occur, and the officer reasonably believes the suspect cannot be apprehended later without the use of deadly force; and provided further, that the lives of innocent persons may be endangered if the officer does not use deadly force.
4. To destroy an animal that represents an immediate threat to the safety of the public or officers, or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.

- B. Warning shots are prohibited.
- C. Officers are authorized to discharge a firearm at a moving vehicle only if justified in the use of deadly force and if it does not present an unreasonable risk to the officer or others. The three target requirements still must be fulfilled.
 - 1. Target Acquisition
 - 2. Target identification
 - 3. Target isolation
- D. Before using deadly force, it is understood through training that a uniformed presence is generally all that is required. When reasonably possible, officers should attempt to identify themselves, order the suspect to desist from the unlawful activity, and threaten to use deadly force if the lawful order is not obeyed.
- E. Officers shall not use his/her weapon in such a manner as to unreasonably endanger the lives of innocent bystanders.
- F. An officer may draw his firearm when he/she has reasonable grounds to suspect that the use of deadly force may be necessary. This section is intended to allow the officer to have his/her weapon ready in such circumstances as answering a silent alarm or confronting a suspect when there is reasonable grounds to suspect the subject may be armed, or who may otherwise cause the officer to reasonably fear for his/her safety.
- G. The intentional punching, striking, or grabbing the throat (trachea) or blocking or restricting the carotid neck arteries creates a substantial likelihood of death or great bodily harm and, therefore is considered the use of deadly force.
- H. Use of Deadly Force Investigation.
 - 1. In all circumstances when an officer uses deadly force, that officer shall report such fact promptly to a supervisor. When deadly force is used by an officer, the investigation should be turned over to an outside police agency for investigation. The primary choice of this agency would be the Chippewa County Sheriff's Office, if they are not involved.
 - 2. When an officer uses deadly force, the supervisor notified will do the following.
 - a. Arrange for notification to the Chief of Police.
 - b. Assume responsibility for the security and preservation of the scene, any evidence, and identification of witnesses.
 - c. Get preliminary information from the involved officer(s) to facilitate the investigation at the scene.

- d. Arrange to have the involved officer removed from the scene and allow for the contact directly or indirectly for a union representative.
 - e. Arrange for an alcohol/drug screen (per Collective Bargaining Agreement).
 - f. If the Police Chief is not able to be contacted then the most senior supervisor available is to arrange for another agency to open an investigation into the matter. They should also facilitate a “walk through” of the incident with the involved officer and a command staff member.
- 3. The supervisor or his designee shall insure that the following services are offered to the involved officer:
 - a. The opportunity to contact family members as soon as possible. In the event the officer is injured and unable to contact family members, the shift commander will assign a department member to make personal contact and assist the family as needed.
 - b. The services of a traumatic stress professional and/or the Wisconsin Critical Incident Stress Debriefing Network.
 - c. A three (3) day administrative leave immediately following the incident.
 - d. Support and periodic briefing on the progress of the investigation, to the extent possible.
- 4. All media releases shall be cleared through the Chief of Police or his designee.
- 5. As of March 30, 2020, the Use-of-Force & Arrest Related Death (UFAD) data collection is to be reported on the TraCS software. This incident shall be reported under that format.