

Standard Operations Policies and Procedures Manual

Elm Grove Police Department, Wisconsin

SOPP: 07.00.00 AGGRESSION RESPONSE POLICY

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Revised Policy: Amends: 6/15/2007 New Policy: Reviewed By:

ENFORCEMENT AND PREVENTION

AGGRESSION RESPONSE POLICY

PURPOSE

The rights of members, while performing a lawful duty, to stop violence and to control and/or constrain an individual's aggression is well established in civil and constitutional law.

POLICY

This policy provides the legal and moral principles officers must base their decisions on while performing their duties in this highly controversial, potentially dangerous and litigious area.

Depending on circumstances existing at the scene, officers are permitted to use verbal and physical force, up to and including the use of firearms, to control aggression while:

1. Performing a lawful duty
2. Protecting persons or property from harm
3. Acting in self-defense

In serving the community, law enforcement officers shall make every effort to preserve and protect human life and the safety of all persons. Law enforcement officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner.

The degree of verbal and physical response officers are permitted to use to control or constrain aggressive behavior must be objectively reasonable and proportional to the circumstances existing at the time and place such actions were taken.

A law enforcement officer may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

Members are advised that any time force is used that results in serious injury or death of any person, officers may be required (as much as possible and practicable) to submit to a blood and/or urine test to discover if drugs and/or alcohol were present in their bodies. Refusal to do so will be treated as an act of insubordination and subject to discharge.

DEFINITIONS

Force: shall mean power or authority in action with which an ordinary person with common understanding would feel compelled to obey.

Verbal Force: shall mean force applied through words or gestures.

Physical Force: shall mean force applied through contact with the body.

Deadly Force: the intentional use of a firearm or other instrument or means, the use of which would result in the high probability of death or great bodily harm. Subject behavior that justifies the use of deadly force is any behavior which has caused or imminently threatens to cause death or great bodily harm to you or other person's.

Great Bodily Harm: bodily injury which creates a high probability of death or which is likely to cause or causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ or other serious bodily

function, as in accordance with Wisconsin State Statute 939.22(14).

Bodily Harm: Is defined by Wis. Stat. 939.22(4). It is "...physical pain or injury, illness, or any impairment of physical condition."

Objective Reasonable and Proportional Force: shall mean the degree of force that is not excessive as judged by a reasonable officer under similar circumstances at the time and location of its use.

DETERMINATION OF NONCOMPLIANT/ EXCESSIVE FORCE

Whether force was objectively reasonable can be determined on a case-by-case basis only. Among the factors considered include, but are not limited to:

1. Ages, sizes, relative strengths, injuries/exhaustion of all parties involved
2. Influences of suspected or known drugs or alcohol
3. Availability and proximity of deadly weapons
4. Seriousness of the offense in question
5. Number of persons, crowds, officers, assailants on the scene
6. Proximity and timeliness of arriving backup personnel
7. The necessity of immediately taking the person into custody at the moment in time
8. The officer's knowledge of the facts and circumstances at the time of the incident
9. Location and time of day
10. Whether the suspect poses an imminent threat to the safety of law enforcement or others.
11. Whether the suspect is actively resisting or attempting to evade arrest by flight.

Each of these factors will be considered independently and collectively when determining the appropriateness of an officer's actions.

DISTURBANCE RESOLUTION (STATE OF WISCONSIN, rev. 05/08/2007)

APPROACH CONSIDERATIONS

1. Decision-Making
 - a. Justification
 - b. Desirability
2. Tactical Deployment
 - a. Control of Distance
 - b. Relative Positioning
 - c. Relative Positioning with Multiple Subjects
 - d. Team Tactics
3. Tactical Evaluation
 - a. Threat Assessment
 - b. Officer/Subject Factors
 - c. Special Circumstances
 - d. Level/Stage/Degree of Stabilization

INTERVENTION OPTIONS

MODE	PURPOSE
A. Presence	To prevent a visible display of authority
B. Dialogue	To verbally persuade
C. Control Alternatives	To overcome passive resistance, active resistance, or their threats
D. Protective Alternatives	To overcome continued resistance, assaultive behavior, or their threats
E. Deadly Force	To stop the threat

FOLLOW-THROUGH CONSIDERATIONS

- A. Stabilize Application of restraints, if necessary

5. Improvised weapons/emergency defense measures (e.g. flashlight used as an impact weapon, utility knife, etc.);
6. Other physical force (Empty Hand Control Techniques, etc.)

Note: Merely presenting O.C., Impact Weapon, or TASER as deterrence may not necessitate writing an "In the Matter Of."

DUTY TO INTERVENE AND REPORT NONCOMPLIANT USE OF FORCE

Any officer who personally observes another officer using force, which the observing officer believes to be beyond that which is objectively reasonable under the circumstances, shall reasonably attempt to intervene to prevent the use of such noncompliant use of force, if the observing officer is in a position to do so, and if any such intervention does not jeopardize safety. Any such observing and/or intervening officer shall promptly report their observations and/or actions to the first available Elm Grove supervisor verbally and on an "In the Matter of" form as soon as practicable.

Officers involved in the reporting of a noncompliant use of force or intervention instances are, at a minimum, extended all protections under Wisconsin State Statute §175.44(5).