

GENERAL ORDER

JANESVILLE POLICE DEPARTMENT

SUBJECT: **USE OF DEADLY FORCE**

NUMBER: 2.4

ISSUED: 02/19/2025

EFFECTIVE: 03/16/2000

SCOPE: All Sworn Personnel

REFERENCE: WI State Statutes 66.0511(2), 939.45,
939.48, 175.44

DAAT Disturbance Resolution Model

PURPOSE: The purpose of this Order is to establish policies and procedures regarding the use of deadly force and to identify the responsibilities of officers when using deadly force. This Order will also establish guidelines for post deadly force incident procedures that result in death or serious bodily injury in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress.

This policy is based on the Defensive and Arrest Tactics (DAAT) program established by the Wisconsin Department of Justice – Law Enforcement Standards Board.

This Order consists of the following numbered sections:

- I. POLICY
 - II. DEFINITIONS
 - III. USE OF DEADLY FORCE
 - IV. USE OF FIREARMS
 - V. USE OF VEHICLES – BLOCKADES, BARRIERS, AND RAMMING
 - VI. DEADLY FORCE INCIDENT PROCEDURES
 - VII. REPORTING THE USE OF DEADLY FORCE
 - VIII. POST CRITICAL INCIDENT STRESS MANAGEMENT
 - IX. LEGAL SERVICES
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- I. POLICY
 - A. The Janesville Police Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Recognizing the legal and moral obligation to use force wisely and judiciously, it is the policy of the Janesville Police Department that deadly force shall never be resorted to until every other objectively reasonable means of apprehension or defense has been exhausted.

- B. The Janesville Police Department's Use of Deadly Force policy adheres to all applicable federal, state, and local laws.

II. DEFINITIONS

- A. DEADLY FORCE: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- B. GREATER DANGER EXCEPTION: An officer may shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.
- C. IMMINENT THREAT: A threat "must be about to happen", criteria that must exist; intent, weapon, and delivery system.
 - 1. DELIVERY SYSTEM: The subject must have a means of inflicting harm.
 - 2. INTENT: The subject must indicate his or her intent to cause great bodily harm or death to you or someone else.
 - 3. WEAPON: The subject must have a conventional or unconventional weapon capable of inflicting great bodily harm or death.
- D. POST-TRAUMATIC STRESS: Anxiety that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress. This is a diagnosis provided by a clinical professional.
- E. TARGET ACQUISITION: Specific target acquired.
- F. TARGET IDENTIFICATION: The acquired target is the source of imminent threat.
- G. TARGET ISOLATION: The process in which the officer can shoot at the threat without danger of harming innocent people.
- H. WEAPONS: Department-issued or approved weapons, including firearms, flashlights, police batons, vehicles, or any other instrument which could be considered lethal when used in a lethal manner.
- I. DE-ESCALATION: Taking action to stabilize a situation and reduce the immediacy of a threat so more time, options, and resources become available to resolve the situation with a reduced likelihood that physical force will be necessary.
- J. DEFENSIVE AND ARREST TACTICS (DAAT): A system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the Wisconsin Department of Justice – Law Enforcement Standards Board.

- K. **OBJECTIVE REASONABLENESS STANDARD:** The standard established by the U.S. Supreme Court in *Graham v. Connor* that reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. Three elements of the standard are:
1. The severity of the alleged crime at issue.
 2. Whether the person poses an imminent threat to the safety of officers and/or others.
 3. Whether the person is actively resisting arrest or attempting to evade arrest by flight.
- L. **ACTIVE ASSAILANT:** Per the Department of Homeland Security (DHS) the definition of an Active Assailant is “an individual actively engaged in killing or attempting to kill people in a confined and populated area,” noting that, “in most cases, active shooters use firearm(s) and there is generally no pattern or method to their selection of victims.”

III. USE OF DEADLY FORCE

- A. Parameters for use of deadly force:
1. Deadly force may be used, after all other objectively reasonable means of capture are exhausted, or would be ineffective, and only to stop behavior that has caused, or imminently threatens to cause, death or great bodily harm to the officer or another person.
 2. Deadly force may be used to affect the arrest or prevent the escape of a suspect who the officer has reasonable cause to believe has committed, or has attempted to commit, a felony involving the use or threatened use of deadly force.
 - a) This paragraph allows the officer to use deadly force when the suspect is engaged in such felonies involving violence. Non-violent felonies such as embezzlement or burglary do not in themselves justify the use of deadly force.
 3. An officer may use deadly force only as a last resort when the officer reasonably believes that all other options have been exhausted or would be ineffective and only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the officer or another person.
- B. Unless justified in other sections of this Order, deadly force shall not be used in a misdemeanor case.
- C. An officer shall never threaten to use deadly force unless the use of such force would be justified under this Order.

- D. Before using deadly force, the officer shall, if possible, identify himself/herself as a police officer, order the suspect to desist from the unlawful activity and threaten to use deadly force if the order is not obeyed.
- E. The reasonableness of the force used in any incident will be judged in the knowledge of the circumstances as they were known or appeared to the officer at the time he/she acted, and not as they appear from a subsequent, more thorough knowledge of the circumstances.
- F. Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and department orders. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and may subject the officer to disciplinary action.
- G. A force decision shall be based on the Disturbance Resolution Model and the Intervention Options incorporated in the DAAT system.
- H. When time and circumstances reasonably permit, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
 - 1. Medical condition
 - 2. Mental impairment
 - 3. Developmental disability
 - 4. Physical limitations
 - a) Language barrier
 - b) Alcohol/drug induced impairment
 - c) Behavioral crisis
- I. When officers can reasonably conclude that the lack of compliance is attributed to a condition enumerated in Section H, above, and when deemed safe under the totality of circumstances, officers shall use de-escalation techniques to reduce the need for physical force. Such techniques should not compromise officer or public safety. These techniques may include:
 - 1. Containing the threat;
 - a) Placing barriers between the subject and officer;
 - b) Creating distance and seeking cover and/or concealment;
 - c) Tactical positioning;
 - d) Utilizing professional communications, including verbal persuasion;

- e) Requesting additional resources, including additional officers, CIT officers, or less lethal equipment; and/or
 - f) Ensuring a proportional response.
- J. Under no circumstances may an officer continue to use force against an individual who has ceased to resist, escape, or otherwise violate the law. The officer making an arrest has the right to use only that amount of force reasonably necessary to affect the arrest and detain the arrested individual.
- K. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intervene, without regard for chain of command, to prevent the use of such excessive force. Officers shall report their observations and actions to his or her immediate supervisor as soon as is practicable after the occurrence of the use of such force.

IV. USE OF FIREARMS

- A. Sworn personnel may carry their approved firearm within the provisions of State law. Officers must also follow the requirements set forth in General Order 2.5, Firearms and Ammunition.
- B. Officers may display department authorized firearms when they have reasonable grounds to suspect that the use of deadly force may be necessary. Officers need not be under attack, but only be reasonably apprehensive that the situation may lead to circumstances outlined in the Use of Deadly Force section of this Order. Department authorized firearms should not be displayed under any other circumstances.
- 1. Whenever the officer uses the issued firearm to protect himself/herself or another, and if the weapon has a safety mechanism, the “safety” shall be kept in the “safe” position until such time as the officer is entitled to discharge the firearm.
 - 2. This section is intended to allow the officer to have the firearm ready in circumstances such as answering a silent alarm or confronting a suspect who there is reasonable grounds to believe may be armed, or any other situation which may cause the officer to have reasonable fear for his/her life.
- C. Whenever safety permits, officers shall identify themselves and state their intent to shoot prior to using a firearm. Officers may fire their weapons to stop an assailant from completing a potentially deadly act. Officers shall shoot in such a manner to stop the threat and to minimize danger to innocent bystanders.
- D. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

1. The greater danger exception may be considered when determining target isolation.
 - E. A warning shot shall not be fired under any circumstances.
 - F. Firearms shall not be discharged from a moving vehicle unless the greater danger exception exists.
 1. Additional factors to consider when shooting at or from a moving vehicle include the danger created from the gunfire and the moving vehicle.
 - G. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is an imminent threat. Without additional justification, a moving vehicle is not an imminent threat. When possible, an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.
 1. Additional factors to consider when shooting at or from a moving vehicle include the danger created by the gunfire and the moving vehicle.
 - H. An officer may also discharge a firearm under the following circumstances:
 1. During range practice or competitive sporting events.
 2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured as outlined in the Animal Procedures General Order.
 - I. Officers shall receive annual training on the department General Orders pertaining to use of force and related legal updates.
 - J. Officers must demonstrate their understanding of department General Orders and state laws pertaining to deadly weapons and the use thereof before being authorized to carry any firearm (see General Order 2.5(III))
- V. USE OF VEHICLES - BLOCKADES, BARRIERS AND RAMMING
- A. The following may only be employed by a police officer if, and only if, the use of deadly force would be authorized:
 1. The use of blockades or roadblocks without escape route constructed by placing obstacles (including but not limited to police vehicles) of such density and mass upon a roadway that any vehicle colliding with them would be so severely decelerated that its occupants would likely suffer death or serious injury.
 2. Ramming of a suspect/evader vehicle by a police vehicle.
 3. Forcing a suspect/evader off the roadway or highway and/or into another object by the use of a police vehicle.

4. The use of the Pursuit Intervention Technique at vehicle speeds and conditions that create a high probability of death or great bodily harm.

VI. DEADLY FORCE INCIDENT PROCEDURES

- A. The following procedures shall be followed when an officer is involved in an incident where deadly force causes death or serious bodily injury either to the officer or another person. The procedures shall also be followed when an officer is responsible for the discharge of any firearm (other than on an approved firearms range or for legal hunting purposes), or the use of deadly force by any means.
 1. The officer shall:
 - a) Check the subject for injuries and administer first aid if required.
 - b) Summon appropriate medical aid if necessary.
 - c) Maintain close personal observation and physical contact with the subject while continuing to provide first aid until relieved by appropriate medical personnel.
 2. A supervisor shall be dispatched to the scene of the incident and shall assume primary responsibility in caring for involved personnel.
 3. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive friend or officer should remain with the officer, but should be advised not to discuss details of the incident.
 4. The supervisor should arrange for the officer directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting.
 5. When possible, the supervisor shall briefly meet with the involved officer.
 - a) No caffeine or other stimulants or depressants should be given to the officer unless administered by medical personnel.
 - b) Only minimal, preliminary questions should be asked about the incident. The officer should be advised that a more detailed debriefing will be conducted at a later time.
 - c) Any standard investigations that will occur concerning the incident should be discussed with the officer.
 - d) When applicable, the officer shall be advised of his/her legal and departmental rights regarding statements. The officer should be advised that they may seek legal counsel.

- e) The officer should be advised not to discuss the incident with anyone except a personal or department attorney, union representative, or departmental investigator, until the conclusion of the preliminary investigation. This does not prohibit the officer from discussing the incident with their spouse.
- 6. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:
 - a) Take custody of the officer's weapon in a discrete manner; and
 - b) Replace it with another weapon or advise the officer that it will be returned or replaced at a later time, as appropriate.
- 7. The involved officer should notify their family about the incident as soon as possible. Where an officer is unable to do so and is injured or hospitalized, a department supervisor shall personally notify the officer's family, and arrange for their transportation.
- 8. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
- 9. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary administrative investigations.
- 10. Any department investigation of the incident shall be conducted as soon and as quickly as practical.
- 11. The officer involved may be placed on administrative leave by the Chief of Police or the Chief's designee during the investigation of the incident and/or until such time as the incident is resolved.
 - a) The officer shall be available for official interviews and statements regarding the incident and subject to recall to duty.
- 12. The department should brief other department members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officers their concern.
- 13. All personnel involved in the deadly force incident should be advised that they are not permitted to speak with the media about the incident.
- 14. In order to protect against crank or abusive calls, the officer should be advised to have phone calls answered by another person for several days if their name is released to the public.
- 15. An officer who discharges their firearm during a deadly force incident shall be required to re-qualify as soon as practical.

- B. Any officer the department determines is directly involved in the deadly force incident shall be required to contact a department designated specialist for counseling and evaluation as soon as practical after the incident. Officers who use deadly force, or who are present and witness deadly force used, will generally be considered to be directly involved. Involved support personnel should also be encouraged to contact such specialists after a deadly force incident. After the counseling sessions, the specialist shall discuss with the Chief of Police:
 - 1. Whether it would be in the involved officer's best interest to be placed on, or remain on, administrative leave or light duty, and for how long
 - 2. If the officer was relieved of their duty weapon after an incident, at what point it should be returned
 - 3. What will be the best continued course of counseling
- C. The department strongly encourages the family of the involved officer to take advantage of available counseling services.
- D. When an officer, while working Off-Duty Employment as defined by General Order 8.2; Off-Duty Employment, uses deadly force to make an arrest, or otherwise discharges a firearm, under the identity of a Janesville police officer, he/she shall request an on-duty supervisor to be sent to the scene. The officer shall be required to follow all the procedures set forth in this General Order as though he/she were on duty.

VII. REPORTING THE USE OF DEADLY FORCE

- A. The officer conducting the investigation shall submit all written reports to his/her supervisor as soon as possible.
- B. The officer involved shall make a written report/statement as to the underlying facts and the reasonableness, as perceived by the officer, justifying his/her use of deadly force.
- C. If the discharge of the weapon or use of force causes injury or death, the supervisor shall notify the Chief of Police or the Chief's designee as soon as possible.
- D. The supervisor, as soon as possible during the investigation, shall forward all reports of the investigation to the Chief of Police.
- E. The supervisor shall forward a written report, with recommendations, if any, to the Chief of Police at the conclusion of the investigation.
- F. A departmental Discharge of Firearms Report shall be completed regarding any incident involving the discharge of a firearm, except on an approved firearms range for the purpose of firearms practice, training or qualification.

VIII. POST CRITICAL INCIDENT STRESS MANAGEMENT

A. Immediately following the incident (Psychological Crisis Monitoring)

1. Critical Incident Stress is a state of cognitive physical emotional behavioral arousal that accompanies the crisis reaction. The elevated state of arousal is caused by a critical incident.
2. Supervisors must monitor for signs of post incident stressors such as, sleeplessness, change in eating or drinking habits, change in mood, angry outbursts, irritability, or other signs indicating the employee is displaying a change in behavior.
3. Supervisors should keep those in their chain of command informed of any changes or concerns.
4. Employees involved shall be assigned a PEER support officer of their choice.
5. The Chief or the Chief's designee may authorize time off for employees experiencing symptoms immediately following a critical incident

B. LONG TERM MONITORING

1. As post-traumatic stress does not arise immediately, or the officer may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of department or shift members for symptoms of post-traumatic stress.
 - a) Supervisors shall encourage employees to seek professional assistance when necessary
 - b) The Chief of Police or the Chief's designee may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance.
 - c) The department shall provide employees with training pertaining to post-traumatic stress and the uniform procedures contained in this Order.

C. Supervisors are responsible for making available to department members information about mental health services, this includes;

1. The process of attaining mental health services.
2. Where these services can be found.
3. The HIPPA protected nature of these services.
4. Provide employees with names of PEER support officers.

5. Keep supervisors and administration informed of all concerns or communications so they can best assist the employees with services
- D. The department will make every effort to provide or make available psychological services for the officer, and/or the officer's family, when an officer is involved in a deadly force incident involving injury or death.
1. The purpose of this service will be to allow the officer to express their feelings and to deal with the moral/ethical and/or psychological aftereffects of the incident.
 2. The purpose of attempting to provide or make available this service to the family of the officer is to provide the officer and family with a source of professional consultation to aid them in dealing with the potential moral, ethical, and/or psychological aftereffects of the incident.
 3. Psychological service shall not be related to any department investigation of the incident. The counseling sessions will remain protected by the privileged physician-patient relationship, and no reports of the sessions or information discussed will be filed with the department.

IX. LEGAL SERVICES

- A. The department will provide an attorney-at-law for any officer involved in a deadly force incident involving injury or death.
- B. The attorney shall establish a lawyer-client relationship with the officer involved and interview the officer.
- C. The attorney may assist the officer in drafting the officer's personal statement or report as to the underlying facts and the reasonableness, as perceived by the officer, justifying the use of deadly force.
- D. Should the initial lawyer-client interview indicate that the officer has not acted lawfully, in good faith, or within the scope of his/her duties, the officer will be responsible from that point on for any attorney fees charged.

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.



Chad A. Pearson
Chief of Police

This Order cancels and supersedes any and all previous Orders and directives relative to the subject matter contained herein.

Initial	01/21/2000
Amended	09/05/2003
Amended	03/12/2004
Reviewed	10/15/2007
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