



City of Racine Police Department
Policy and Procedure

Number: 601

Subject: Use of Deadly Force/ Discharge of a Firearm		
Date Issued: 04-17-1981	Date Revised: 3-17-22	Revision Number: 11

POLICY

Use of deadly force is to be considered a last option keeping the sanctity of life as a priority in the decision making process, all other modes and tactics having been precluded. Behavior that justifies your use of deadly force is that which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons. This means that an officer would use deadly force only when justified and then only if other modes and tactics have proven ineffective or would clearly be ineffective to accomplish the objective.

Officers should attempt to use non-confrontational verbal skills, empathy and/or active listening to stabilize a person in crisis or when confronted with a situation where control is required to effect an arrest or protect the public's safety. The suspect should be allowed to comply before force is used unless this causes unnecessary danger to the officers or others. De-escalation may also incorporate the use of additional time, distance and resources as well as persuasion, command presence, repositioning, and warnings, to reduce the intensity of a potentially violent situation to decrease the potential need to use force.

Duty to Intervene. Any officer who personally observes another officer using force which the observing officer, based on their training, believes or knows to be beyond that which is objectively reasonable under the circumstances, shall reasonably attempt to intervene to prevent the use of such excessive force, if the observing officer is in a position to do so, and if any such intervention does not jeopardize safety. Any such intervening officer shall promptly report their observations, along with his/her own intervening actions to a supervisor. A failure to intervene in any unreasonable use of force, when there is an opportunity to do so, is a violation of this policy. Any supervisor to whom such intervention, or failure to intervene is reported must comply with the reporting and investigative requirements.

DEFINITIONS

Deadly Force – The intentional use of a firearm or other instrument, the use of which would result in a high probability of death of a human being

Choke Hold – A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

With the sole exception of deadly force encounters where a member is acting in self-defense of his/her life, the life of others, or other occasions where lethal force is justified, choke holds are explicitly prohibited.

Weapon – Any firearm or device used as a weapon and capable of producing death or great bodily harm; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. 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.

Imminent Threat –

1. An impending likelihood of trouble; in this context, “imminent threat” of death or great bodily harm to you or another is a justification for the use of deadly force.
2. To meet the criteria of “imminent threat”, the person to whom the officer is intending to use deadly force on must be perceived to have all of the following:
 - a. Displayed or indicated intent to cause great bodily harm or death to you or another person(s);
 - b. A weapon capable of inflicting great bodily harm or death (conventional or unconventional weapon); and,
 - c. The delivery system for utilization of that weapon – that is, the capacity for utilization of the weapon.

PROCEDURE

MEMBER

1. Before employing deadly force, the officer shall, when possible:
 - a. Identify himself/herself as a police officer.
 - b. Order the suspect to stop his or her unlawful activity which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
2. **Under no circumstances shall warning shots be fired.**
3. Before discharging a firearm the officer must fulfill certain “target requirements.” These include the following:
 - a. Target Acquisition: Target acquisition means simply that you have acquired an actual target to shoot at;
 - b. Target Identification: Target identification means that you have identified your target as the source of the imminent threat; and
 - c. Target Isolation: Target isolation means that you can shoot at your target without danger of harming innocent people.

NOTE

“The one exception to the requirement for target isolation is called the “greater danger exception.” Essentially, this exception allows you to shoot without target isolation if the consequence of not stopping the threat would be **worse** than the possibility of hitting an innocent person. For example, if a deranged subject were randomly shooting people, you might be justified in firing without target isolation because if not stopped, the suspect could be expected to continue shooting. The chance that your bullet might strike an innocent person is preferable to the likelihood of the suspect killing or injuring many others.”

-Wisconsin DOJ Law Enforcement Officer Firearm Manual

4. Each officer employing deadly force or the threat of deadly force, must document this use of and/or threat of deadly force in an incident report or supplement and in a Phoenix use of force report unless told otherwise by the incident commander. This reporting includes discharging a firearm when dealing with a vicious animal. In the case of a fatality the lead agency will determine who completes the report.

Police Members shall not intentionally place themselves to either the front or the rear of a moving vehicle’s path. If they find themselves in danger from a moving vehicle, they shall attempt to move out of the way. This is not intended to restrict an officer’s right to discharge their firearm at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a

weapon against the officer or others, **and** the moving vehicle poses an imminent and ongoing threat of substantial physical harm to the police member or another person **from which there is no reasonable means to escape.**

SUPERVISOR

Conduct an administrative review into the incident, reporting both the details of the incident and if any Racine Police Department policy was violated. Submit the review report to the member's Division Deputy Chief in the form of a Memorandum (PP27).

RELATED PROCEDURES

[118 – Traumatic Incidents](#)
[501 - Reporting Violations Observed by a Supervisory Officer](#)
[502 - Reporting Violations Observed by a Non-Supervisory Member](#)
[602 – Use of Non-Lethal Force](#)
[607 - Investigation of the Use of Force](#)
[608 - Use of Force Documentation](#)
[615 – Critical Incident Response](#)
[1401 - Carrying Firearms While on Duty](#)
[1406 – Firearm Proficiency and Qualification](#)
[1407 - Range Safety Rules](#)
[1606 – DAAT Manual](#)
[1607 – Firearms Manual](#)
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RELATED STATUTES

939.45(4)
939.48
939.10
939.48(1)
939.22(14)