



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Deadly Force – Use of

Eff. Date: 2019

Purpose

Consistent with the Department's Core Values, the Madison Police Department is committed to valuing and preserving human life. The protection and preservation of all human life – including the lives of individuals being taken into custody – is the Department's fundamental objective and the primary duty of all MPD employees. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

The Department is committed to resolving conflicts through the use of communication skills, crisis intervention and de-escalation tactics, when feasible. Officers may only use that force which is objectively reasonable, and only in furtherance of a legitimate, lawful objective. "Objective reasonableness" is a test based on the totality of the circumstances. *Graham v. Connor*, 490 U.S. 386 (1989). Officers will only apply force in a manner consistent with MPD's Code of Conduct, SOP, and training.

As used in this SOP, deadly force refers to the intentional use of a firearm or other instrument, the use of which would result in a high probability of death or great bodily harm.

Procedure

DEADLY FORCE AUTHORIZED

The use of deadly force is only authorized when, under any of the following circumstances, an officer reasonably believes a lesser degree of force would be insufficient:

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.~~ To protect another person or persons from what is reasonably believed to be an imminent threat of death or great bodily harm.
2. ~~In defense of oneself, when there is reasonable cause to believe one is in imminent danger of death or great bodily harm.~~ To protect the officer from what is reasonably believed to be an imminent threat of death or great bodily harm.
3. ~~To effect the arrest or prevent the escape of a suspect who the officer has reasonable cause to believe has committed, or attempted to commit, a felony involving the use or threatened use of deadly force, when a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm.~~ To prevent the escape of a fleeing subject when all of the following are present:
 - a. The officer has probable cause to believe that the person has committed or has attempted to commit a felony involving the use or threatened use of deadly force.
 - b. The officer reasonably believes the subject presents a continuing imminent risk of great bodily harm or death to the officer or another subject if not immediately apprehended.
4. To protect ~~one's self~~ the officer or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

VERBAL WARNING

Before using deadly force, officers shall, if reasonably possible, identify themselves and order the **subject suspect** to desist from unlawful activity.

DEADLY FORCE IS NEVER AUTHORIZED

Deadly force is never authorized:

1. As a warning shot.
2. From a moving vehicle, **unless deadly force is justified and the consequences of not acting to stop the threat outweigh the risk created by the use of deadly force.** ~~an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm.~~
3. At a moving vehicle unless: ~~an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm or Deadly Force Authorized, paragraph 3, regarding certain felons applies.~~
 - A. **A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or**
 - B. **The vehicle is operated in a manner that reasonably appears deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical).**
4. When its use unreasonably risks the lives of innocent bystanders.

USE OF FORCE TECHNIQUES/INSTRUMENTS

The intentional punching or striking of the trachea creates a substantial likelihood of death and is therefore considered deadly force and shall be used only in accordance with this SOP.

DE-ESCALATION

Whenever safe and feasible, officers will attempt to utilize de-escalation tactics and techniques in a manner consistent with the De-Escalation SOP.

DUTY TO INTERCEDE

Any officer present and observing another officer using excessive force, or engaged in unlawful conduct, or in violation of the Madison Police Department's Code of Conduct has an affirmative obligation to intercede and report.

AFTERCARE

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention.

INVESTIGATION OF THE USE OF DEADLY FORCE

See Madison Police Department Standard Operating Procedure regarding "Officer Involved Critical Incidents".

Original SOP: 03/23/2015
(Revised: 03/26/2015, 05/26/2016, 07/10/2017, 12/06/2017)
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