

RESOLUTION

No. 17361

RESOLUTION TO ADOPT THE POLICY TO PROHIBIT THE USE OF EXCESSIVE FORCE AND THE BARRING OF ENTRANCES/EXITS FOR NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHLAND

POLICY TO PROHIBIT THE USE OF EXCESSIVE FORCE AND THE BARRING OF ENTRANCES/EXITS FOR NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS

WHEREAS Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 69 §5304) prohibits the State from expending or obligating any Community Development Block Grant funds to any unit of general local government that does not have or adopt a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS it is in the interest of the City of Ashland to pursue Community Development Block Grant Funds and to adopt policy that complies with Section 104 (L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 USC 69 §5304);

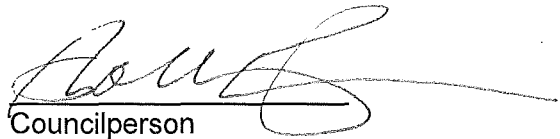
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ASHLAND:

It is POLICY of the City to prohibit the use of excessive force by law enforcement agencies within the City's jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.


It is POLICY of the City to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within the City's jurisdiction.

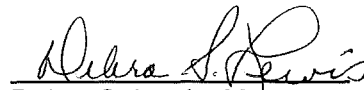
The officials and employees of the City shall assist in the orderly prevention of all excessive force within the City of Ashland by implementing the authority and enforcement procedures set forth in Title I of the Housing and Community Development Act of 1974.

The City Council directs the Ashland Police Chief to implement this Resolution by amending applicable Ashland Police Department procedures.



Councilperson

PASSED: May 9, 2017

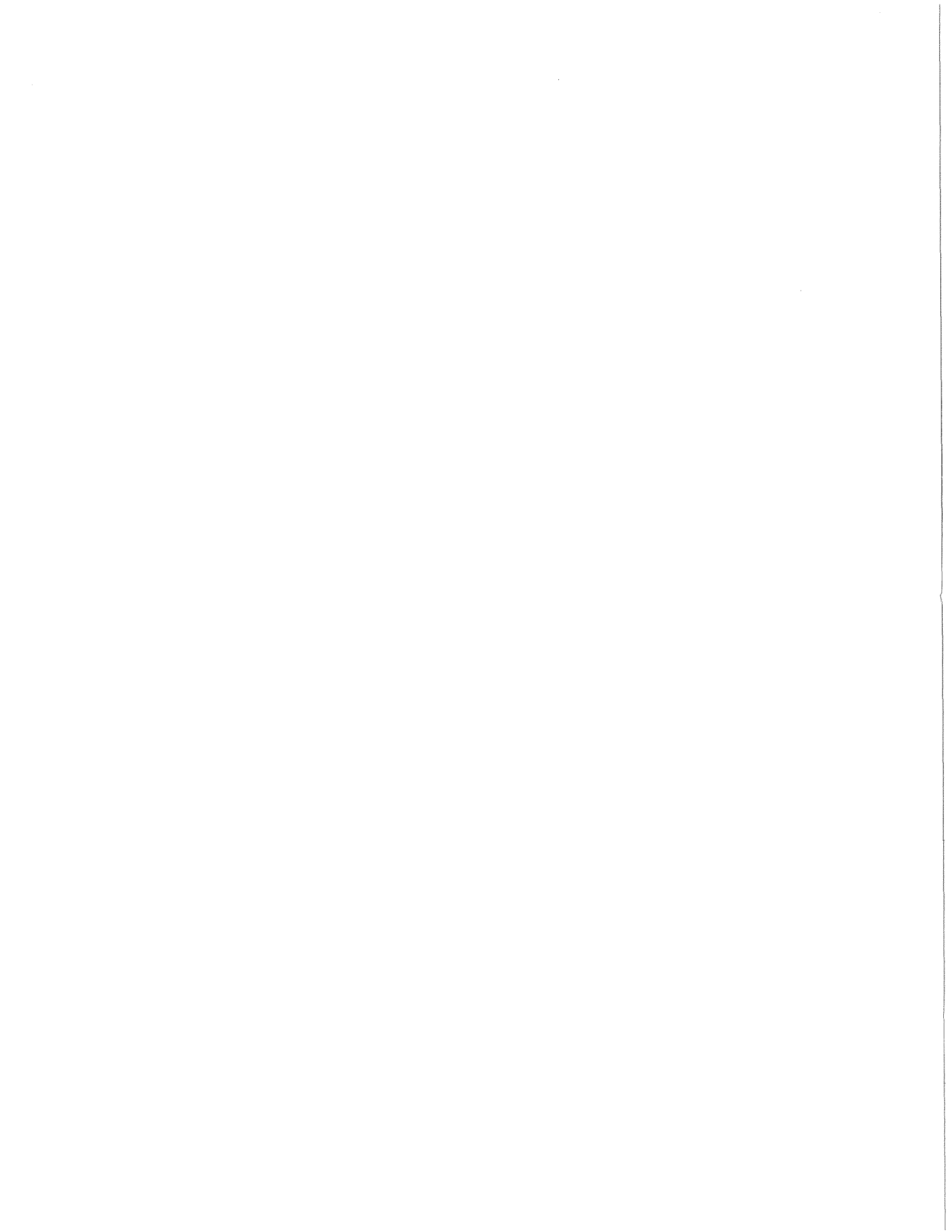
ATTEST: 
Denise Oliphant, City Clerk


Debra S. Lewis, Mayor

APPROVED AS TO FORM:


David Siegler, City Attorney

(Reso2218)





Article XIX. USE OF FORCE

Effective Date: November 7, 2014		
Subject: USE OF FORCE		
Reference:	Special Instructions:	
Distribution:	Re-evaluation Date: November 2014	

Section 19.01 PHILOSOPHY STATEMENT

A. It is the policy of the City of Ashland that officers will use only the force that is reasonably necessary to bring an incident under control effectively while protecting the lives of officers and others, as well as protecting the constitutional rights of each individual. An officer’s use of force must be objectively reasonable. The officer must use only that force which a reasonably intelligent and well-trained police officer would use under the same or similar circumstances. Officers may escalate their use of force when a lower force option has failed, or when a lower force option would be clearly ineffective. Officers may use force legitimately when it is needed to achieve control in five specific situations:

1. Maintain control of resistive subjects
2. Detain persons reasonably suspect of criminal behavior
3. Make lawful arrests
4. Defend themselves or others
5. Prevent escape

B. The City of Ashland recognizes Wisconsin’s system of Defensive and Arrest Tactics (DAAT) as the standard for the use of force in the state of Wisconsin. The department also recognizes that this is a recruit level standard, and that advanced standing training in techniques outside of Wisconsin’s DAAT system may be authorized, provided the techniques and tactics are found to be objectively reasonable. The City of Ashland Police Department recognizes that in certain confrontations where an officer’s safety is in jeopardy, techniques outside of Wisconsin DAAT system may be used. When an officer of the City of Ashland Police Department uses force as part of their law enforcement duties, their use of force must fit into one of these categories:



1. Trained technique
2. Dynamic application of a trained technique
3. Technique not trained, but justifiable under the circumstances

Section 19.02 POLICY APPLICATION

This directive is for Departmental use only and does not apply in any criminal or civil proceeding. The Department's policy should not be construed as creation of higher legal standards of safety or care in any sense, especially with respect to third party claims. Violations of this directive will only form the basis for Departmental administrative review and/or sanctions.

Section 19.03 DEFINITIONS

DEADLY FORCE: *The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.*

NON-DEADLY FORCE: *The use of any weapon or instrument, or any other action by the officer, which does not fall under the definition of deadly force, but could result in bodily harm.*

DANGEROUS WEAPON: Any firearm or device designed as a weapon capable of producing death or great bodily harm; any electric weapon as defined in 941.295 (4); 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.

DEFENSIVE AND ARREST TACTICS (DAAT): A system of verbalization skills coupled with physical alternatives.

GREAT BODILY HARM: Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. (WSS 939.22(14))

IMMINENT DANGER: The criteria for the use of deadly force in situations of self-defense, defense of another or the community at large, when an action of another would likely result in a high probability of death or great bodily harm.

OBJECTIVELY REASONABLE: *This term means that, 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 seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

OFFICER PRESENCE: The visible display of authority of an officer in uniform and/or identified by a badge, police identification, police vehicle, or other form of police identification such as a raid jacket.

PRIVILEGE: The City of Ashland Police Department recognizes Wisconsin State Statute 939.45 Privilege as the definition.

The concept of privilege is very important. What it means is as a law enforcement officer, if you are acting in good faith and seeking to achieve legitimate law enforcement objectives (including making arrests), you can legally use force which could otherwise be considered a criminal act. Naturally, if you use force for some unauthorized purpose-such as to retaliate against someone-your use of force is not privileged, and you may be subject to criminal charges. (Source: State of Wisconsin DAAT Manual

SHOOTING INCIDENT: Shooting incidents are all instances during which an officer of the Department has discharged a firearm; except in training or qualification or lawful hunting or sporting events.

USE OF FORCE REPORTING: The inclusion in a Department report narrative section of the specific actions of a violator which resulted in the use of force by the officer. The officer will accurately document his actions taken to overcome the resistance of the violator, to effect the arrest, or to protect life or prevent injury.



Section 19.04 DISTURBANCE RESOLUTION MODEL

B. DISTURBANCE RESOLUTION MODEL

DISTURBANCE RESOLUTION: The City of Ashland Police Department uses the Disturbance Resolution model as provided by the State of Wisconsin in the DAAT Manual as the model in which Deadly and Non-Deadly Force is used. The City of Ashland Police Department also recognizes that the Disturbance Resolution Model can be modified to accommodate additional advanced standing training techniques and weapons.

See Appendix A

Section 19.05 NON-DEADLY FORCE APPLICATIONS

- A. Non-deadly force may be used in instances where a police officer reasonably believes it is immediately necessary to take physical action to:
1. Maintain control of resistive subjects
 2. Detain persons reasonably suspect of criminal behavior
 3. Make lawful arrests
 4. Defend themselves or others
 5. Prevent escape
- B. Officers will use only that amount of force that is objectively reasonable to accomplish their lawful purpose.
- D. In non-deadly force situations, the use of force will generally begin with officer presence and may progress through the disturbance resolution model alternatives. However, officers may immediately use any authorized option or level when justified.
- E. Upon applying force by any means, the officer will render appropriate medical aid following established training guidelines.
- F. Officers will document use of force in the Department report's narrative section.

Section 19.06 DEADLY FORCE APPLICATIONS

- A. Use of Deadly Force



1. The definition of subject behavior that justifies an officer's use of deadly force is any behavior that an officer reasonably believes has caused or imminently threatens to cause death or great bodily harm to you or another person or persons. (Source: State of Wisconsin DAAT Manual)
 - a. Imminent (Source: State of Wisconsin DAAT Manual) The word imminent means, "about to happen." For a subject's threat to be considered imminent, it must meet three criteria:
 - 1) Intent
 - 2) Weapon
 - 3) Delivery system
 - b. Preclusion (Source: State of Wisconsin DAAT Manual) An officer may use deadly force to respond to behavior, but only if no other reasonable option is available (Preclusion). Deadly force is a last resort. An officer must be able to articulate that, if possible, they attempted to escalate through other modes and tactics, and that all options except deadly force had failed, or would have been clearly ineffective. This law enforcement agency recognizes that in many deadly force situations, an officer will not have the time or the ability to try other force options.
 - c. Target Requirements (Source: State of Wisconsin DAAT Manual) If an officer has determined that they face a threat that meets the requirements to permit the use of deadly force, and they have decided to shoot, they must still fulfill three target requirements:
 - 1) Target acquisition
 - 2) Target identification
 - 3) Target isolation

One exception to the requirement for target isolation is called the greater danger exception. Essentially, this exception allows an officer to shoot without target isolation if the consequences of not stopping the threat would be worse than the possibility of hitting an innocent person.



WITH A SUBJECT PRESENTING AN IMMINENT THREAT OF GREAT BODILY HARM OR DEATH TO THE OFFICER OR OTHERS AND OTHER INTERVENTION, THE CITY OF ASHLAND POLICE DEPARTMENT DIRECTS ITS OFFICERS TO STOP THE SUBJECT'S THREAT BY USING DEADLY FORCE.

- A. Deadly force, including the discharge of a firearm, may be used by an officer when:
 - 1. The officer reasonably believes it is necessary to defend himself or another person from what the officer reasonably believes to be the use of, or imminent use of deadly force; or
 - 2. The officer has exhausted all other reasonable means and the officer reasonably believes it is necessary to affect an arrest, or prevent the escape from custody, of a person whenever the officer knows:
 - a. the suspect has committed a felony involving the use, or threatened use of a deadly weapon or the use of deadly force; and
 - b. through past or present conduct of the person, which is known by the officer, that there is an imminent and great risk the person is likely to cause death or inflict serious physical injury to another unless apprehended without delay.
- B. Before using deadly force, the officer should first identify himself and give a warning to the person, if the warning is feasible under the circumstances and does not increase the risk to the officer or another person.
- C. Officers will not fire warning shots under any circumstances.
- D. Officers will only shoot at the operator or passenger of a moving motor vehicle when:
 - 1. The individual to be shot at is using deadly force against the officer or others, by any means including the vehicle; and
 - 2. All other reasonable means of defense have failed.
- E. Officers will not position themselves in front of an oncoming vehicle with the sole intent of justifying the use of deadly force.
- F. Officers will not shoot at a moving motor vehicle when all or part of the vehicle is the primary target.
- G. Officers will only shoot from a moving motor vehicle when all other reasonable means of defense have failed or would likely fail.



- H. Officers will immediately notify a supervisor of their use of deadly force and will document the use of deadly force in the Department report as soon as it is practical.

Section 19.07 USE OF FORCE ON ANIMALS

- A. If time permits, officers shall notify the appropriate agency, i.e., animal warden, DNR, etc., of the existence of an aggressive or seriously injured animal and request assistance.
- B. When officers encounter aggressive or violent animals, officers will utilize the level of force deemed necessary to stop the animal's aggressive actions.
- C. Deadly force will not be used against aggressive animals unless necessary for the immediate self-defense of the officer or another person.
- D. Officers may use a firearm to kill a seriously injured animal when other forms of disposition are impractical and with advance supervisory approval. In these situations the officer will complete an "Information" DR documenting the circumstance and the use of force.

Section 19.08 USE OF FORCE OR ENFORCEMENT ACTIONS WHILE OFF-DUTY

- A. Sworn officers are authorized, but not required, to carry a concealed firearm off-duty with all of the following stipulations:
 - 1. The weapon and officer must meet the criteria set down in this chapter for approved firearms and their use.
 - 2. They must be in possession of Department identification that shows they are police officers for the City of Ashland.
 - 3. They must not be impaired by alcohol or drugs following the guidelines established in 6.500, Alcohol and Substance Abuse. Impairment means having a blood alcohol concentration of 0.04% (343.305(5d)) or higher or physical or mental indicators observed or documented by others that would indicate a decreased ability to perform the employee's assigned duties.
- C. Sworn officers are permitted to take enforcement action while on duty anywhere within the State of Wisconsin, if they observe an emergency or felony in progress or are requested to assist another agency under mutual aid. See Wisconsin Statutes 66.305; 66.315; 895.35; 895.46, 175.40(6).
- D. Officers who are off-duty have the same authority in the City as on-duty officers, however they should normally not take police action on misdemeanors or ordinance violations and



should not attempt to police their own quarrels, those of their families, friends or neighbors unless serious circumstances exist.

- E. Officers in plain clothes must properly identify themselves before taking police action.
- F. Officers will promptly report off-duty enforcement action to an on-duty supervisor. The supervisor will generate a memorandum to the Operations Commander outlining the incident. The employee will be considered on-duty during the entire time of the enforcement action, must follow all Department policies, and will be paid for the time.

Section 19.09 USE OF FORCE REPORTING

- A. Use of force will be reported in the narrative section of the Department report (DR) by each employee who:
 - 1. Takes an action that results in, or is alleged to have resulted in, any injury or death of another person; or
 - 2. Applies force through the use of:
 - a. Control alternatives or higher level of force
 - b. a discharge of firearm on or off-duty
 - c. a diversionary device
 - d. apprehension by a canine
 - e. deadly force
- B. In circumstances where an officer is injured, a verbal report may take the place of a written report, until the officer is able to complete the written report.
- C. When more than one officer is involved in the use of force, each officer who uses force will complete a supplement documenting his actions and the actions of the violator.
- D. When personnel assigned to a tactical operation participate in both a pre-operational briefing and post-operational debriefing, each officer is not required to complete a supplement documenting his actions. **NON-SHOOTING USE OF FORCE INVESTIGATIONS**
 - A. The Operations Commander will investigate all use of force complaints, or when appropriate designate an investigating supervisor, following the guidelines of 2.600 Administrative Investigations.



- B. Supervisors will review all DRs submitted by Department personnel. Those that contain documented use of force will be copied and forwarded to the Operations Commander for review and inclusion in an annual use of force summary.

Section 19.10 OFFICER INVOLVED SHOOTING/DEADLY FORCE INVESTIGATIONS

- A. **POLICY:** It is the policy of the Ashland Police Department to investigate any shooting incident involving a firearm that is used or carried by an Ashland police officer and all deadly force incidents.
- B. **DEFINITIONS:**
 - 1. *BIFURCATE:* as it relates to this policy, means to divide the investigation into two distinct areas, criminal and administrative.
 - 2. *CLASS I SHOOTING INCIDENT:* Any unintentional discharge of a weapon which does not injure or kill a person.
 - 3. *CLASS II SHOOTING INCIDENT:* Any deliberate shooting or attempted shooting of an object or animal other than a person, whether or not such object or animal is actually struck.
 - 4. *CLASS III SHOOTING INCIDENT:* Any incident in which either of the following has occurred:
 - a. A person is injured or killed by a bullet fired from a weapon used by an Ashland Police Officer.
 - b. An attempt is made to shoot a person by discharging a weapon.
- C. **PROCEDURE:** All shooting incidents and deadly force incidents involving officers of this department will be investigated by the Operations Commander or his designee. The Chief of Police may request the assistance of the Wisconsin Department of Criminal Investigation (DCI) or another area police agency at any time. In addition to this administrative investigation, the Detective Unit will conduct criminal investigations as appropriate.
- D. **GENERAL CONCERNS**
 - 1. In any shooting incident or other deadly force incident, the officer involved will arrange for the care of any injuries and notify a supervisor when scene is secure. The employee will also notify the appropriate law enforcement agency if the shooting



occurs in another jurisdiction. After briefly determining the facts, the supervisor will make a preliminary classification of the incident and make required notifications.

2. The Detective Unit is responsible for criminal investigations related to officer involved shootings or deadly force incidents.
3. The Operations Commander is responsible for any administrative investigations related to officer involved shootings or deadly force incidents. (2.600 Administrative Investigations)
4. If both units are involved during the bifurcated investigation of any incident, the criminal investigation will have precedence. Some phases of the investigation may be conducted dually and some phases may be conducted individually. While the Operations Commander may observe all phases of the criminal investigation, the Detective Unit will be excluded from the administrative investigation.
5. Officer involved shootings and deadly force incidents occurring outside Ashland's city limits will be administratively investigated by the Operations Commander. The Detective Unit will assist if directed by the Chief of Police. The duty supervisor will make all administrative notifications normally required for a shooting or deadly force incident.
6. Officers involved in any shooting, weapon discharge, or deadly force incident will:
 - a. Leave all weapons undisturbed if possible
 - b. Not disturb any item of evidence such as expended cartridges, leather gear, and/or clothing
 - c. Refrain from discussing the incident until the arrival of the Operations Commander.

Section 19.11 CLASS I, II, AND III SHOOTINGS

- A. CLASS I SHOOTINGS: These incidents will be investigated administratively by the duty supervisor at the direction of the Operations Commander. A Department report (DR) shall be completed containing the following information:
 1. The involved employee's name, serial number, duty assignment, work days and hours.
 2. Details of the incident which will include:



- a. Reason for shooting
- b. Location of occurrence
- c. Date and time
- d. Weapon used (make, model, and caliber)
- e. Ownership of weapon
- f. Type of ammunition used
- g. Number of shots fired
- h. Impact locations
- i. Injuries or damage that includes a description of any animals involved and a list of the name and address of the owner of damaged property/injured animal
- j. Statements of witnesses
- k. Photographs if applicable
- l. Other information unique to the investigation
- m. Related DR numbers.

3. The Detective or his designee may be used to document and process the scene and to impound any evidence.

B. CLASS II SHOOTINGS:

1. Criminal Investigation: These incidents may be investigated criminally by the Detective Unit or by the duty supervisor. A determination will be made by the Operations Commander. The same procedure will be followed as for Class I shootings.
2. Administrative Investigation: These incidents will be investigated administratively by the Operations Commander or his designee.

C. CLASS III SHOOTINGS AND/OR DEADLY FORCE INCIDENTS

1. Criminal Investigation: A Class III shooting shall be criminally investigated by the Detective Unit who may be assisted by the State's DCI or an outside agency at the direction of the Chief of Police.
2. Administrative Investigation: The Operations Commander will conduct the administrative investigation.



- a. The officer(s) involved will arrange for care of the injured and notify a supervisor. The officer(s) will also apprehend any suspects and secure the scene.
- b. If uninvolved, the first supervisor on the scene will be briefed by the involved officer(s). This information may be used to extend the crime scene, attempt to apprehend any suspects, and/or make additional notifications.
- c. The duty supervisor is responsible for notification of:
 - 1) Detective Unit Commander
 - 2) Operations Commander
 - 3) Chief of Police
- d. The officer/s involved will be transported by an uninvolved supervisor to the station or other suitable location. The supervisor will stay with the employee at all times to ensure the integrity of the investigation.
- e. The Detective Unit and the Operations Commander will conduct interviews with the officer/s involved. The involved officer/s will refrain from discussing the incident with anyone until after the preliminary interviews by detectives and the Operations Commander. Miranda Warnings in criminal cases and Garrity Warnings in administrative cases will be used in accordance with the appropriate sections of the Manual of Policy and Procedures.
 - 1) A portion of this interview process will include a "walkthrough" of the scene if possible.
 - 2) The employee will be allowed to contact a family member or friend. Department transportation may be provided for the friend or family member to join the officer.
 - 3) The employee will be allowed to contact an attorney, if desired, as soon as requested and when it can logistically be accomplished.
 - 4) The employee may also contact or have time with a peer counselor or member of an area critical incident stress debriefing team when appropriate and time allows in the investigative process.



- f. Except under exigent circumstances, an officer involved shooting or deadly force incident scene will be kept intact and protected.
- g. Expended cartridges, magazines, and weapons will be left undisturbed. Fired weapons should be holstered and retained by the officer until the arrival of detectives. Other firearms or weapons will be given to the responding supervisor or detective as soon as it is practical. Weapons and magazines should not be handled or examined once secured, except by detectives. If Detectives or Supervisor believes it's needed, all of the officer's equipment, including leather gear, will be taken by detectives at a location away from the scene if possible. Variations may be made by the investigator or the on-scene supervisor due to medical conditions or investigative concerns.
- h. Witnesses should be separated until the arrival of the detectives. All officers and other witnesses will be interviewed by the detectives.
- i. Officers involved in the shooting will be photographed and should remain in their current attire when possible.
- j. The detective sergeant will notify the Ashland County District Attorney's Office, as appropriate, and request assistance and/or response to the scene. The entire criminal investigation will be submitted for review and filing of any charges.
- k. The Detective or his designee will process the scene as directed by the on-scene Supervisor in charge.
- l. In any incident in which an officer is shot or injured, an officer will be dispatched to the hospital and will act in a liaison role between medical personnel and Department personnel. This officer will be responsible for:
 - 1) Contacting appropriate family members.
 - 2) Organizing and maintaining the flow of information between the hospital and the Department.
 - 3) Arranging security details if appropriate.
 - 4) Preservation of evidence.
 - 5) Not releasing the name of the injured or deceased officer.



- 6) Not releasing the location where the injured officer is taken.
- m. The supervisor at the scene will arrange for the identification of all civilian witnesses, police, medical, or fire personnel and their vehicles. If possible, the supervisor should have all civilian witnesses voluntarily transported to the station to be interviewed by detectives. Immediate family members of wounded or deceased persons, who may be witnesses, should be identified. Considering the emotional impact of the situation, brief facts should be obtained to determine the extent of their knowledge of the incident, if possible. This information will be communicated to the detectives who will determine the need to interview family members.
- n. In all shootings involving death or serious injury, or deadly force incidents, the officer who fired their weapon will be given administrative leave until they are cleared to return to work by the Chief of Police. At the discretion of the Chief, officers involved in a Class III shooting or deadly force incident will remain on administrative duty until a preliminary report of the incident is completed by detectives and the Operations Commander. [1.3.8]
- o. Unless precluded by the criminal investigation, the Range Instructor will issue the involved officer a replacement duty weapon and ammunition prior to the officer going home.
- p. Within two days following the incident, the Operations Commander will arrange a meeting between a police psychologist (when possible) and any officer who has been significantly involved in a Class III shooting or deadly force incident.
 - 1) This is to provide each officer with the opportunity to discuss the incident in a completely confidential environment.
 - 2) Any subsequent counseling is voluntary, unless warranted.
 - 3) The psychologist will confirm that the first appointment was kept, but will not provide any information on subsequent visits, other than when the officer is fit to return to duty, unless the officer authorizes such disclosures.



- 4) The psychologist will forward a letter to the Operations Commander stating the employee is fit for duty.
 - 5) A psychologist may conduct group briefings if requested.
- q. Once the psychologist has determined that the employee is fit to return to duty and the administrative and criminal investigations have preliminarily revealed a justified shooting or deadly force incident, the officer may return to duty with authorization from the Chief of Police.
 - r. Class III incidents in which there is no injury shall be investigated through the appropriate steps of this order.

Section 19.12 DEADLY FORCE REVIEW BOARD

- A. Upon completion of the administrative investigation and the criminal investigation if any, a review board may be convened to review the investigations and findings as ascertained by the investigative segments. A board will not be convened for accidental traffic fatality investigations. A board may be convened at the direction of the Chief of Police when a motor vehicle was used as a means of deadly force. Members of the board will be selected by the Chief of Police.
- B. The senior member of the board will be designated as the chairman. The chairman will preside at all meetings of the board and will vote only in case of a tie.
- C. The board will review the reports and facts submitted. The board will not hear any direct testimony from involved personnel or witnesses. If additional information relating to the facts of the incident is determined to be necessary, the board may request that additional interviews be conducted by the appropriate personnel. Upon completion of the review of reports, the board will submit to the Chief of Police a written report indicating its concurrence or non-concurrence with the investigation of the incident. The board will review the criminal investigative report if any, and the board's report will state the specific reasons for concurrence or non-concurrence.
- D. The board will also make a report to the Chief of Police evaluating the quality of supervision prior to, during, and after the incident, the quality of the post-shooting investigative process, and recommend the establishment or revision of any training, policy, or procedure determined during its review to be necessary.



Section 19.13 REQUIRED EQUIPMENT

Every employee will only carry and/or use that equipment for which he is trained in its use. Each employee is responsible for maintaining required certifications and demonstrating proficiency through appropriate training classes scheduled in conjunction with the training supervisor. Employees will only use approved and/or issued equipment, firearms, and ammunition in their law enforcement responsibilities, both on and off duty. [1.3.9]

A. ALL SWORN OFFICERS: All on-duty officers will carry, or have available, a minimum of:

1. Issued badge and photo identification
2. Issued Glock firearm
3. 40 rounds of ammunition
4. Impact weapon
5. Handcuffs
6. OC spray or a stun device
7. A ballistic vest

B. BASED ON ASSIGNMENT

1. Uniformed officers will:
 - a. Carry on their person:
 - 1) Issued badge and photo identification.
 - 2) Issued Glock firearm.
 - 3) 40 rounds of ammunition.
 - 4) Handcuffs.
 - 5) Radio.
 - 6) OC spray and/or a stun device.
 - 7) Ballistic vest
 - b. Carry or have an impact weapon available in their vehicle.
2. Except when in a secure police facility, on-duty detectives or other non-uniformed personnel will carry:
 - a. Issued badge and photo identification.
 - b. Issued Glock firearm.
 - c. 14 rounds of ammunition



- d. Handcuffs.
 - e. Radio if available
3. Except when in a secure police facility, administrative personnel or other non-uniformed personnel in non-enforcement situations will carry:
- a. Issued badge and photo identification.
 - b. Authorized Glock firearm.
 - c. 14 rounds of ammunition.

Section 19.14 ELECTRONIC CONTROL WEAPONS (ECW)

- A. **PURPOSE:** The purpose of this policy is to provide Officers with the guidelines for use of Electronic Control Weapons through techniques, which are designed to allow them to defend themselves and others against physically aggressive subjects or to compel uncooperative subjects to obey a legal order.
- B. **POLICY:** This policy is intended to be used within the guidelines established in the Department's Use of Force Policy-General Orders and will be applicable to all members of the Department while on duty and engaged in their official duties.
- C. **DEFINITIONS:**
- 1. *ELECTRONIC CONTROL WEAPON (ECW):* A weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.
 - 2. *ELECTRO-MUSCULAR DISRUPTION (EMD):* A direct involuntary contraction of the muscles that disrupts neuro-motor control.
 - 3. *ANTI FELONY IDENTIFICATION DEVICE (AFID):* Every time a Taser cartridge is deployed, 40 small confetti-like identification tags called AFIDs are ejected. Each AFID contains the serial number of the cartridge deployed allowing supervisors to identify which Officer deployed the cartridge.
- D. **PROCEDURES**
- 1. **AUTHORIZED USERS:** Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry ECWs.
 - 2. **WEAPON READINESS**



- a. The device will be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.
- b. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
- c. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
- d. Only agency-approved battery power sources shall be used in the ECW.

3. DEPLOYMENT

- a. The ECW is generally analogous to oleoresin capsicum(OC) spray on the Disturbance Resolution Model(See Appendix A), and decisions to use an ECW involve the same basic justification. As such, it is forbidden to use the device as follows:
 - 1). In a punitive or coercive manner.
 - 2). On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
 - 3). On any suspect who does not demonstrate an overt intention (1) to use violence or force against the officer or another person, or (2) to flee in order to resist or avoid detention or arrest (in cases where officers would pursue on foot).
 - 4). In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).



- 5). In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure).
- b. As in all uses of force, certain individuals maybe more susceptible to injury. Officers should be aware of the greater potential for injury when using an ECW against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.
- c. Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
- d. The subject should be secured as soon as practical while disabled by ECW power to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
- e. In preparation for firing, the ECW shall be pointed in a safe direction, taken off safe, and then aimed. Center mass of the subject's back should be the primary target where reasonably possible; center mass of the chest or the legs are the secondary targets.
- f. Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
- g. The device may also be used in certain circumstances in a "touch stun" mode. This involves removing the cartridge and pressing the unit against an appropriate area of the body based on training. It is important to note that when the device is used in this manner, it is:
 - 1). Primarily a pain compliance tool due to a lack of probe spread.
 - 2). Minimally effective compared to conventional cartridge-type deployments.
 - 3). More likely to leave marks on the subject's skin.
 - 4). Subject to the same deployment (use) guidelines and restrictions as those of the ECW in cartridge deployments.



- h. The ECW shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.

4. AFTERCARE

- a. The ECW darts may be removed from the subject after the subject is restrained following procedures outlined in training.
 - b. Wherever reasonably possible, individuals who have been incapacitated by an ECW should be taken to an emergency medical facility for evaluation.
 - c. The following persons shall be transported to a medical facility for examination following exposure to an ECW. Any person who:
 - 1). requests medical attention; -officers shall ask persons if they desire medical attention,
 - 2). is hit in a sensitive area (e.g., face, head, female breasts, male groin),
 - 3). from whom officers have difficulty removing the probes (owing to probe or barb separation),
 - 4). does not appear to recover properly after being hit,
 - d. When the device has been used operationally, the officer shall collect the cartridge, wire leads, darts, and AFIDs as evidence.
5. Reporting: The deploying officer shall notify his or her supervisor as soon as practical after using the device, and complete the appropriate use-of-force report.

E. AUTHORIZATION

- 1. The carrying and use of this device is optional for all trained sworn officers.
 - 2. Officers are responsible for the security and maintenance of the stun device. Officers will ensure that the device is fully functional at all times.
 - a. No employee will alter, tamper, abuse or repair the device.
 - b. Only Department issued batteries will be used.
- F. TRAINING: Before carrying a stun device, officers will be knowledgeable as to its proper use, the most effective bodily contact points and its effect on the human nervous system.



G. SPECIFICATIONS

1. Officers will carry only a Department issued stun device in a department approved carrying case on the duty belt.
2. Stun device serial numbers shall be recorded by the Operations Commander/ or designee.

H. APPLICATIONS: The stun device is a non-lethal weapon that when applied, interrupts the neuromuscular impulses that travel through the body to control and direct voluntary muscle movements. This interruption causes disorientation, loss of balance, and a passive condition that can last for several minutes.

1. This device is used to affect an arrest of a combative or aggressively resisting person and bring this person under control without serious injury.
2. The stun device may be used to overcome physical resistance, to calm a detention facility situation, and for crowd control when there is an immediate threat of physical danger.
3. This device will not be used against passive resistance, as a prod, as a method to awaken intoxicated or sleeping subjects, or to elicit information.
4. This weapon will remain holstered unless the potential for use is apparent.
5. Officers may not authorize another to use or handle the stun device, except in an emergency situation.
6. Officers will not use this weapon as a means of "horse-play".

Section 19.15 POLICE BATON

A. AUTHORIZATION

1. Carrying a baton is mandatory for all uniformed officers in enforcement situations when its use can reasonably be anticipated. The officer must be properly trained.
2. A baton is optional for other trained sworn officers.

B. TRAINING

1. Officers who carry batons must satisfactorily complete a basic baton course (straight or expandable) taught by a certified DAAT instructor. Recruits will receive basic baton training while in the academy.



C. SPECIFICATIONS

1. **Straight Baton:** Constructed of black wood or nylon graphite, a straight baton may have a foam handle that is permanently attached. It will be 1 to 1 1/4 inches in diameter and 26 inches in length. It will have a grommet or similar device to allow the baton to be carried on the uniform belt. No lanyards, straps or similar devices will be attached to the baton.
2. **Expandable Baton:** Expandable batons authorized for Department use are limited and must be approved by the Department's DAAT instructor. This baton must be carried on the uniform belt in the baton holder designed specifically for it. The expandable baton may be carried in lieu of any other baton.

D. APPLICATIONS

1. Officers should attempt to strike muscle mass in the suspect's arms or legs, knee or elbow joints, or lower abdomen.
2. The Wisconsin System of Defensive and Arrest Tactics (DAAT) instructs baton techniques that are targeted in the lower abdominal area and knee or elbow area.. The Department accepts these guidelines and directs its officers to limit their actions accordingly.
3. Unless justified to use of deadly force officers will avoid intentionally striking suspects on the head, neck, sternum, spine, groin or kidneys, due to the possibility of causing severe injury or death.

Section 19.16 **FLASHLIGHTS**

- A. **AUTHORIZATION:** Like many objects, flashlights are designed for use as something other than weapons. However, due to the likelihood that an officer may have a flashlight in hand when facing assault, the flashlight may be used as an impact weapon in the same way a baton is used. Officers are cautioned that striking points for a flashlight are the same as for a baton. Blows to the head and other potentially fatal points are strictly forbidden unless deadly force is authorized.
- B. **TRAINING:** Officers trained in the use of a straight baton have met the training requirement for the use of a flashlight as an impact weapon under unusual or emergency conditions.
- C. **SPECIFICATIONS:** Officers may carry any type of professional looking, black metal or plastic, flashlight.



- D. APPLICATIONS: A flashlight may be used in a baton-like manner if empty hand control techniques have failed or are not possible under the circumstances and the officer is under attack. Unless justified to use deadly force, officers will avoid intentionally striking or jabbing suspects on the head, neck, sternum, spine, groin, or kidneys. [1.3.7]

Section 19.17 CHEMICAL AGENTS

A. DEFINITIONS

1. *OC SPRAY*: Oleoresin capsicum spray may be carried by all trained personnel and is not considered a chemical agent in this section. Officers will follow the directives of the DAAT training module in their use of OC spray and care of exposed individuals.
- B. AUTHORIZATION: The use of chemical agents will be limited to those officers and supervisors specifically authorized and trained in their use.
- C. TRAINING: The Defense and Arrest Tactics (DAAT) instructor is responsible for chemical agent training and will maintain a roster of officers who are certified, trained, and have demonstrated proficiency in employing chemical agents. [1.3.10] [33.6.1]

Section 19.18 DIVERSIONARY DEVICES, SPECIALIZED EQUIPMENT AND TACTICS

- A. AUTHORIZATION: Specialized firearms such as rifles, shotguns, and/or automatic-fire capable weapons will be authorized only for employees who are qualified and whose assignments require such weapons.
- B. TRAINING: The use of diversionary devices is strictly limited to officers who are specifically trained and equipped for their use. [1.3.10] [33.6.1]
- C. SPECIFICATIONS: All specialized weapons, equipment, and devices must be approved by the Chief of Police.

Section 19.19 FIREARMS QUALIFICATIONS

A. AUTHORIZATION

1. Officers are only authorized to carry a firearm in a law enforcement capacity after they have been issued and trained in the requirements of 5.100, Use of Force. Training in the Use of Force policy will take place annually. [1.3.11] [1.3.12]
2. A peace officer authorized to carry a firearm shall qualify each calendar year in a firearms qualifications course presented by a certified instructor who shall



administer the firearms qualification course prescribed by the State of Wisconsin LESB (Law Enforcement Standards Board). [1.3.11a]

B. TRAINING

1. Sworn personnel will be required to qualify annually with their duty weapon. Annual qualification will also be required with the shotgun, AR-15 Rifles and off-duty/secondary weapons. All qualifications will be conducted at the police Department's designated range.
2. Courses to emphasize both night and day shooting will be established and may include the use of special weapons and equipment.
3. PRIMARY HANDGUN QUALIFICATION STANDARD:
 - a. Except in the event of equipment malfunction, only two attempts at qualification will be allowed per shooting session. No "warm up" shooting will be permitted.
 - b. The qualification course of fire will be the State of Wisconsin LESB Course.
 - c. Officers must pass the qualification course.
 - d. Upon completion of the qualification shoot or any other shooting exercise, a range officer will evaluate the officer's performance and will be responsible for the actual evaluation of all targets. The Range Instructor will maintain an official record of shooting exercises and officers who qualify.
 - e. Officers who fail to qualify will be given additional training by a range officer. The officer will be allowed to shoot the qualification course a second time.
4. FAILURE TO QUALIFY
 - a. Officers who fail to qualify will not be authorized to carry any firearm in any capacity as a peace officer. The officer will not be allowed to work any off-duty employment in a police capacity during this period.
 - b. The Range Instructor will notify the Operations Commander when an officer has failed to qualify after the second attempt. This notification will be followed by a memorandum to the involved officer and the Operations Commander.



- c. The officer may be assigned to administrative duties until he has received additional instruction. If the officer still fails to pass, his employment will be terminated for failure to maintain required standards as an essential job function.

5. SHOTGUN/RIFLES QUALIFICATION STANDARDS

- a. Except in the event of equipment malfunction, only two attempts at qualification will be allowed per shooting session. No "warm up" shooting will be permitted.
- b. Qualification course of fire will be the LESB authorized Shotgun/rifle Qualification Course.
- c. Officers must demonstrate proficiency for continued authorization to use Department shotguns/rifles.
- d. Upon completion of the qualification shoot, range officers will be responsible for the evaluation of all targets. The Range Instructor will maintain an official record of shooting exercises and officers who qualify.
- e. Officers failing to qualify will receive additional training from a range officer. The officer will shoot the qualification course a second time for the purpose of qualifying.

6. FAILURE TO QUALIFY

- a. Officers who fail to qualify will not be authorized to deploy or use a Department shotgun/rifle until they qualify at a scheduled session in the future
- b. The Range Instructor will notify the Operations Commander when an officer has failed to qualify on the second attempt. This notification will be followed by a memorandum to the involved officer and the Operations Commander.
- c. The immediate supervisor will ensure that a shotgun/rifle is not deployed or used by the concerned officer until the supervisor receives written notification that the officer's authorization has been restored by the Range Instructor.

7. OFF-DUTY/SECONDARY WEAPON QUALIFICATIONS STANDARDS



- a. Except in the event of equipment malfunction, only two attempts at qualification will be allowed per shooting session. No "warm up" shooting will be permitted.
- b. Qualification course of fire will be the Department course.
- c. Officers must qualify in order to carry off duty or secondary weapons.
- d. Upon completion of the qualification shoot or any other shooting exercise, a range officer will evaluate the officer's performance and will be responsible for the actual evaluation of all targets. The Range Instructor will maintain an official record of shooting exercises and officers who qualify.
- e. Officers failing to qualify will be given additional training by a range officer, after which a second attempt will be made to qualify.

8. FAILURE TO QUALIFY

- a. Officers who fail to qualify on the second attempt will not be authorized to carry an off-duty/secondary weapon until they qualify at a scheduled session in the future.
- b. The Range Instructor will notify the officer's immediate supervisor and Operations Commander when an officer has failed to qualify after the second attempt. This notification will be followed by a memorandum to the involved officer and the Operations Commander.
- c. The immediate supervisor will be responsible to ensure that the concerned officer does not carry a secondary weapon on duty until the supervisor receives written notification that the officer's authorization has been restored by the Range Instructor.

9. RANGE DOCUMENTATION: The Range Instructor will maintain the range shooting qualification records for primary, off-duty/secondary weapons and shotguns/rifles and will notify the Operations Commander when officers have not qualified or have failed to report to the range for qualification or remedial training. Officers who have failed to report will be disciplined and may be required to attend special make-up qualification shoots in order to maintain their certification and meet Department standards.

C. SPECIFICATIONS:



1. The only authorized Ashland Police Department firearms are those weapons issued by the department or weapons inspected by the Range Instructor and approved by the Chief of Police. The Range Instructor will maintain a weapon safety inspection record for each approved weapon. Department issued ammunition is the only ammunition authorized for on-duty and official police-use weapons.
 - a. Approved primary firearm and holsters:
 - 1) After successfully completing the qualification course, officers will carry the Department-issued Glock, Model 21, .45 caliber, semi-automatic pistol as the primary weapon.
 - 2) The primary firearm will be carried in a Department-approved holster whenever the officer is on-duty or acting in an official capacity.
 - a) Uniformed personnel will use one of the following:
 - 1) A Department-issued holster,
 - 2) Other Level 2 retention holsters approved by the Chief of Police.
 - b) Non-uniformed officers will use:
 - 1) A holster approved by the Chief of Police. When the weapon is visible to the public, the Department badge will be placed on the belt, necklace/lanyard, clearly visible and adjacent to the firearm.
 - 2) While on duty, holsters will be worn on the strong-hand side at the waist/belt level.
 - 3) The Operations Commander may issue written permission to deviate from this section to individual officers based on the necessity to conceal the firearm in another type or style of holster. However, the individual officer will use this same holster at practice and qualification ranges.
 - b. Approved secondary firearms:



- 1) A secondary firearm is carried concealed on the person of an on-duty officer for use as an emergency back-up weapon in the event the primary firearm is not available or not functional. A secondary firearm will be approved by the Chief of Police and Range Instructor
 - 2) Secondary weapons must be inspected by the Range Instructor.
 - 3) The officer must successfully complete the qualification course with this weapon prior to utilizing it in a law enforcement capacity.
- c. Off-Duty Firearms Carried in a Law Enforcement Capacity
- 1) Off-duty weapons must be approved by the Chief of Police.
 - 2) Approved off-duty weapons must be inspected and registered with the Range Instructor.
 - 3) The officer must successfully complete the qualification course with this weapon prior to carrying it in a law enforcement capacity.
 - 4) Off-duty firearms must be carried concealed or the badge must be displayed on the belt next to the weapon.
- d. Shotguns
- 1) Shotguns will have 4 rounds of "00 buckshot" in the magazine tube with the safety in the safe position and the chambers empty and the slide lock closed. No round will be chambered unless the immediate use of the shotgun is deemed necessary. Rifled slugs will not be carried in the shotgun unless their use is deemed necessary.
 - 2) Shotguns/rifles will be cleaned by range officers who have been trained in proper cleaning procedures. Shotguns/rifles will be cleaned and inspected quarterly by Department range officers.
 - 3) Rifles (AR-15's) will be secured in the "Squad Ready" Status. The fire selector will be in the "Safe" position. The Chamber will be empty with the action closed. The 30 round magazine will be loaded.
- e. General Firearms Regulations.



- 1) Primary, secondary and off-duty firearms will be registered with the Range Instructor including manufacturer, model, serial number, caliber, type, barrel length and finish.
 - 2) Carrying a secondary or off-duty firearm is not mandatory. No disciplinary action will be taken should an officer fail to qualify with this firearm. However, the failure will prohibit the officer from carrying it in a law enforcement capacity.
- f. Approved Ammunition.
- 1) The Range Instructor will determine the brand and type of ammunition purchased for use by Department personnel in Department weapons. Department issued ammunition is not for personal use.
 - 2) Only high quality ammunition approved by the Range Instructor will be used in any Department issued firearm.
 - 3) Only approved ammunition will be used on or off duty when acting in a law enforcement capacity.
- g. All hand-held weapons will be carried fully loaded while on duty. Semi-automatic pistols will be carried with one round in the chamber and the maximum number of rounds in the magazines.
- h. All weapons carried by officers or issued to officers will be maintained in a clean and serviceable condition.
- 1) Failure to report lost, stolen or damaged firearms as soon as is practicable constitutes grounds for disciplinary action up to and including dismissal. Replacement cost for loss incurred by officer negligence will be borne by the officer responsible, at the normal retail costs of replacement or repairs.
 - 2) Only certified armorers will repair or otherwise work on a Department-owned firearm.
 - 3) Weapons in need of repair will be returned to the Range Instructor and will be accompanied by a memorandum listing the weapon make,



model and serial number, how the weapon was damaged, and what repairs are needed.

- 4) Any weapon that has discharged a gas projectile will be taken as soon as possible to a range officer for cleaning.
 - 5) Officers are responsible for presenting all weapons carried in a law enforcement capacity to the Range Instructor for a scheduled annual inspection. An inspection record, to include type of weapon, serial number and condition, will be completed and retained by the Range Instructor.
 - 6) A privately owned weapon that is repaired or modified in any way must be inspected and approved by the Department's designated armorer before being carried in a law enforcement capacity.
2. A request for replacement of an approved, registered firearm will be submitted to the Operations Commander. The memorandum will include the weapon make, model and serial number, and the reason a replacement is needed. Replacement or reimbursement for weapons will be made at no cost to the employee if the firearm was stolen or damaged and there is no evidence of negligence on the part of the employee.
3. PROHIBITED WEAPONS:
- a. On-duty employees will not carry on their person, possess ready at hand, or transport in a city vehicle (except impounded property) any of the below listed prohibited weapons:
 - 1) Slapper.
 - 2) Blackjack.
 - 3) Sap.
 - 4) Weighted gloves.
 - 5) Brass knuckles.
 - 6) Boot knives (straight blade weapons).
 - 7) Unauthorized chemical products.
 - 8) Unauthorized firearms.
 - b. Off-duty personnel will not carry a fully automatic firearm concealed or in a law enforcement capacity.



D. APPLICATIONS: Officers are responsible for the security and maintenance of their assigned firearm. They will ensure it is fully functional and cleaned. Officers will not attempt to modify or authorize another to modify the issued firearm. No officer is authorized to permit a civilian to handle or use his assigned firearm. Officers will ensure the firearm is secured at all times when not in use. Officers will comply with all firearms policies of the Department while on and off duty.

E. EMPLOYEE PURCHASED WEAPONS

1. Qualified employees may purchase approved weapons from firearms distributors who conduct business with the City of Ashland. The weapons will be purchased with the intent that the employee use the weapon for work related purposes, either as a back-up handgun or a specialized weapon for which the employee has been trained. The weapon will not be resold by the employee for a minimum of two years.
2. The Operations Commander will assist the interested employee in completing the required paperwork to obtain the desired firearm. If the request involves a specialized weapon, such as a rifle, the request will be forwarded to the Chief of Police for review and approval.
3. Like all weapons, these firearms carried in a law enforcement capacity are subject to the provisions of this chapter.

Section 19.20 LAW ENFORCEMENT OFFICER'S FLYING ARMED

A. PROCEDURES FOR FLYING ARMED

1. The Office of Law Enforcement/Federal Air Marshal Service maintains oversight of the Law Enforcement Officers flying armed program under Title 49 Code of Federal Regulation (CFR) § 1544.219 Carriage of Accessible Weapons. To qualify to fly armed, Federal Regulation states that an officer must meet the following basic requirements:
 - a. Be a Federal Law Enforcement Officer (LEO) or a full-time municipal, county, or state LEO who is a direct employee of a government agency.
 - b. Be sworn and commissioned to enforce criminal statutes or immigration statutes.



- c. Be authorized by the employing agency to have the weapon in connection with assigned duties.
 - d. Have completed the training program, “Law Enforcement Officers Flying Armed.”
2. In addition to the above requirements, the officer must need to have the weapon accessible from the time he or she would otherwise check the weapon until the time it would be claimed after deplaning. The need to have the weapon accessible must be determined by the employing agency, department, or service and be based on one of the following:
 - a. The provision of protective duty, for instance, assigned to a principal or advance team, or on travel required to be prepared to engage in a protective function.
 - b. The conduct of a hazardous surveillance operation.
 - c. On official travel required to report to another location, armed and prepared for duty.
 - d. Employed as a Federal LEO, whether or not on official travel, and armed in accordance with an agency-wide policy governing that type of travel established by the employing agency by directive or policy statement.
 - e. Control of a prisoner, in accordance with Title 49 CFR § 1544.221, or an armed LEO on a round trip ticket returning from escorting, or traveling to pick up a prisoner.
3. State, Local, Territorial, Tribal, and approved Railroad LEOs flying armed must submit a National Law Enforcement Telecommunications System (NLETS) message prior to travel. The NLETS message replaces the Original Letter of Authority, commonly referred to as the “Chief’s Letter.” Failure to use the NLETS message will result in denial to the sterile area for failure to comply with the “Letter of Authority.” More information on this procedure is contained in the training program. The Law Enforcement Officers Flying Armed training is a 1.5 to 2 hour block of instruction that is comprised of a structured lesson plan, slide presentation, FAQs, NLETS procedures, and applicable codes of federal regulation. This material is provided to Federal, State, Local, Territorial, Tribal, and approved Railroad Law Enforcement



agencies and departments to properly instruct their officers on the subject of flying on board commercial aircraft while armed. The training includes protocols in the handling of prohibited items, prisoner transport, and dealing with an act of criminal violence aboard an aircraft. T

The program training material may be obtained by emailing the Office of Law Enforcement/Federal Air Marshal Service, Office of Training and Workforce Programs, at leofatrn.trn@dhs.gov. To request this training material you must:

- a. Be a full-time law enforcement officer meeting the instructor qualification standards of the agency, academy, or department in which you are employed.
- b. Send the request from a governmental email address.
- c. Include the following information in the body of the email:

Your name and contact information.

Your department's name and address.

Your supervisor's name and contact information.

If you are not a qualified instructor, please request a member of your training staff to contact us by email.

4. For general questions or guidance related to Law Enforcement Officers flying armed or for time sensitive training requests, please contact the Office of Law Enforcement/Federal Air Marshal Service at (855) FLY-LEOS (359-5367) or LEOFA@dhs.gov. The links on this web page should only be used by law enforcement agencies and departments who are seeking information on the subject of flying on board commercial aircraft while armed. Please do not submit inquiries about employment opportunities to the above e-mail addresses.

- A. **PROHIBITED ITEMS:** We would like to remind federal officers and agents, whether on official or non-official travel, and state and local officers and agents on official travel not to transport prohibited items, which are not necessary for the performance of their official duties, through security checkpoints or onboard aircraft while traveling armed. Regulations surrounding prohibited carry-on items and associated security checkpoint procedures are covered in the training material. Particular attention should be given to the prohibition



against carrying hazardous materials, such as pepper spray or mace, in carry-on bags. For more information read our prohibited items section.

Demonstrations/Special Events in the City of Ashland

I. Demonstrations/Special Events

A. The Ashland Police Department is charged with protecting the constitutional rights of all persons.

B. The Ashland Police Department recognizes the rights of all citizens to free speech and assembly, while ensuring that public order is maintained and the lives and property of others is protected.

C. The Ashland Police Department, in striving to uphold its responsibilities, shall monitor, analyze, and evaluate such special events as:

1. Block parties
2. Labor-management controversies
3. Open air public meetings
4. Parades
5. Picketing situations
6. Public Demonstrations
7. Races
8. Strikes
9. Processions, except funerals
10. Other special events/activities occupying or marching on any street or public place.

D. The Ashland Police Department, in fulfilling its aforesated responsibilities, shall comply with City of Ashland Ordinances and its policy and procedures.

II. SPECIAL EVENT NOTICE/PERMITS

A. Activities Requiring a Notice/Permit

1. Any activity occupying or marching on any street (defined, for purposes of this order, as that portion of any publicly maintained way which is open to the use of the public for vehicular traffic in the village) except funerals.

2. Any activity involving persons occurring in a public place, which is not a street, and which interferes with the rights of the public to use that public place.

B. Activities Not Requiring a Notice/Permit

1. Information concerning such activities should be documented on an appropriate police field report.

C. Permit applications

1. Permit applications, which contain specific instructions
2. Block parties
 - a. Block party permits are separate and distinct from the permits required for parades, open air public meetings, races, etc.
 - b. Block party permits shall be maintained in the Police Department
 - c. Block party permits are reviewed and approved/not approved by the Police Department and the Fire Department
 - e. Block parties that impede any traffic flow must utilize barricades provided by public works (specific instructions are located on the permit).
3. All completed block party permit applications shall be maintained by the Police Department and forwarded to appropriate agencies within the City of Ashland.

III. DEPARTMENT PERSONNEL RESPONSIBILITIES.

1. Ensure that the following conditions are observed:
 - a. Pedestrian and vehicular movement are not impaired.
 - b. The public right-of-way is not impeded.
 - c. Private property is not damaged or violated.
 - d. No City ordinance defined nuisance is created.
 - e. No City, State or Federal statutes are violated.
2. Take prompt law enforcement action whenever public order, civil rights, life or property are threatened or violations of law occur.

B. The Officer in Charge shall:

1. Monitor, analyze, and evaluate conditions at the scene
2. Provide functional supervision of department personnel assigned to the scene
3. Maintain continuing police services throughout the City of Ashland
4. Establish and maintain communication and liaison with:
 - a. Labor and management officials
 - b. News media
 - c. Law enforcement agencies
 - d. Public and private sources of information

C. The Officer in Charge shall:

1. Be prepared to initiate further measures, should the situation escalate into violence or mob action, in accordance with the guidelines set forth in:
 - a. Policy regarding Use of Force
 - b. Policy regarding mutual aid
2. File a complete report of any situation involving action by police personnel beyond the monitoring, analyzing, and evaluating of the situation.