
Date Issued: October 1, 2008**Review/Revised: July 2, 2021****Last Review/Revised: May 23, 2023****WILEAG 5.1.1 5.1.2 5.1.2.1 5.1.2.2 5.1.2.3 5.1.2.4 5.1.3 5.1.3.1 5.1.3.2 5.1.4 5.1.5
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The purpose of this section is to establish a policy for the use of force by sworn personnel to affect an arrest or control a person. Proper use of force decisions, based on reasonableness, ensures due process for citizens as well as provides protection for the officer and the department. It is the duty of all law enforcement officer to provide for the safety and security through the preservation of life of all individuals.

127.2 POLICY

- A. It is the policy of the West Milwaukee Police Department that officers shall use only that amount of force that is reasonably necessary to achieve a lawful objective. As in all cases it is preferred the officer will be able to use those skills and de-escalation techniques available to them prior to resorting to physical force.
- B. When force becomes necessary, the force used by an officer should only be the amount reasonably required to overcome the resistance being offered by an offender or the person the officer is trying to control. Force used against individuals who fail to comply with lawful commands should be terminated when it is objectively reasonable that the individual is fully in law enforcement's control.
- C. This policy is based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin as developed by the Training and Standards Board (Department of Justice-Bureau of Training and Standards).
- D. During any use of force incident as prescribed in the DAAT manual, all officers on scene have a duty to take that action necessary to insure only reasonable force is use and shall follow the officer override protocol outlined in the training. A law enforcement officer shall, without regard for chain of command, intervene to prevent or stop another law enforcement officer from using force that does not comply with the standards under §175.44(2) (b) or (c) Wis. Stats. in the course of that law enforcement officer's official duties if all of the following apply:
 - 1) The law enforcement officer observes the use of force that does not comply with the standards under §175.44(2) (b) or (c) Wis. Stats.
 - 2) The circumstances are such that it is safe for the law enforcement officer to intervene.

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(b) A law enforcement officer who intervenes as required under par. §175.44(4) (a) Wis. Stats. shall report the intervention to his or her immediate supervisor as soon as is practicable after the occurrence of the use of such force.

(c) A person who intentionally fails to intervene as required under §175.44(4) (a) Wis. Stats. or intentionally fails to report an intervention as required under §175.44(4) (b) Wis. Stats. may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

- E. An officer who, in the course of his or her duties, witnesses another officer use force that does not comply with the standards outlined in §175.44(2)(b) or (c), Wis. Stats. in the course that officer's official duties, shall report the noncompliant use of force as soon as is practicable after the occurrence of the use of force. This will be reported by the officer in verbal and written documentation utilizing the chain of command. The command member will then inform command staff of the report so that further action can be determined.
- F. No law enforcement officer may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer reported, or is believed to have reported, any noncompliant use of force as required under §175.44(3) or (4) Wis. Stats.; intervened to prevent or stop a noncompliant use of force as required under §175.44(4) Wis. Stats.; initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a noncompliant use of force; or provided any information, or is believed to have provided any information, about noncompliant use of force as required under §175.44 (3) or (4) Wis. Stats.
 - 1) Of note, the statutory requirement to report does not apply to an officer who learns about an event that he or she did not personally witness.
- G. Choke holds are not an authorized or trained tactic through DAAT or department policy. The only condition where it may be an acceptable technique under WI 66.0511(2) is in life-threatening situations or self-defense generally when deadly force is authorized and allowed by law.
- H. All officers will have annual training on the Department's use of force policy and related legal updates. The training will be determined by the Chief of Police or their designee.

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127.3 DEFINITIONS

- A. ***Defense and Arrest Tactics (DAAT)***: This is a system of verbalization skills coupled with physical alternatives. It is the specific System formulated, approved, and governed by the State of Wisconsin Training and Standards Board.
- B. ***Intervention Options***: Trained techniques recognized in the DAAT system. These techniques may include additional techniques trained and authorized by the West Milwaukee Police Department. A list of these techniques shall be attached in the Appendix of this policy.
- C. ***Reasonable Force***: A physical act by a police officer in the performance of duty when it is used to accomplish a legitimate law enforcement goal and the level of force used is reasonable considering all the facts and circumstances known to the officer at the time of the incident.
- D. ***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
- E. ***Objective Reasonableness Standard***: The standard established by the U.S. Supreme Court in *Graham v. Connor* says 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 suspect poses an imminent threat to the safety of officers and/or others.
 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.
- F. ***Reasonably Believes***: Means that an ordinary, prudent and reasonably intelligent police officer believes that a certain fact situation exists and such belief is reasonable under the circumstances known to the officer at the time the officer acted.

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- G. **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 any other serious bodily injury.
- H. **Non-Deadly Force:** An amount of force that under normal circumstances might cause bodily harm but would not be expected to result in great bodily harm or death.
- I. **Hyperactive Delirium:** A state of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, and exceptional strength and endurance without apparent fatigue.
- J. **Conducted Energy Weapon:** A less lethal force weapon utilized by trained personnel that causes Neuro-Muscular Incapacitation to a combative or potentially combative subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.
- K. **Kinetic Energy Impact Projectiles:** Flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or great bodily harm, when compared to conventional projectiles.
- L. **Less-Lethal Force Philosophy:** A concept of planning and force application, which meets operational objectives, with less potential for causing death or great bodily harm than conventional police tactics.
- M. **Deadly Force:** The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.
- N. **PepperBall System:** is an air or CO² powered launcher that can fire projectiles for the purpose of encouraging compliance with a lawful police order, overcoming resistance and preventing serious injury without posing a potential for causing death.
- O. **PepperBall Pellets:** are plastic color-coded spherical projectiles that are normally deployed filled with oleoresin capsicum. When delivered by an air-powered launching device, the pellets burst on impact and release the oleoresin capsicum. The pellets can deliver enough kinetic energy to produce temporary abrasions, bruises, and/or welts.

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- P. **TASER®**: is a Neuro-Muscular Incapacitation weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skills dysfunction to a subject.
- Q. **Drive Stun**: is a secondary function of the TASER to stun a subject by making direct contact with the body after the air cartridge has been expended.
- R. **Air Cartridge**: is a replaceable cartridge for the TASER which uses compressed nitrogen to fire two barbed probes on thin connecting wires, sending a high voltage/low current signal to a subject.
- S. **Data Port**: is the location on the TASER® that enables the department to recover specific usage information whenever the TASER® is deployed.
- T. **Anti Felony Identification Device (AFID)**: are 40 small confetti-like ID tags that are ejected when a cartridge is deployed. Each AFID contains the serial number of the cartridge deployed and allows the cartridge to be linked to the officer to whom it was issued.
- U. **Choke Hold**: WI 66.0511 (1) (a) defines as the intentional and prolonged application of force to the throat, wind pipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces blood flow to the head.

127.4 PROCEDURES

A) *General Guidelines*

1. Officers are required to act in good faith to achieve a legitimate law enforcement objective. Officers shall use only that amount of force that is objectively reasonable to control a situation, effect an arrest, or to control a person. This is in accordance to the Objective Reasonableness Standard. The officer's decisions shall be based on the Intervention Options model.
2. When a confrontation escalates suddenly, officers may use any means or device at hand for self-defense provided that the use of force is reasonable.
3. Officers shall not continue to use force more than is reasonably necessary to maintain control once the subject has stopped resisting and control of the subject has been established.

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4. Once control has been established the officer shall be responsible for monitoring the subject’s condition and welfare. Unless circumstances dictate otherwise, all persons arrested will be handcuffed, searched and then transported in a police vehicle.
5. If an officer uses force listed in the Intervention Options as “Oleoresin Capsicum Aerosol Spray” or greater, the officer shall contact an on-duty supervisor. The officer shall also complete an incident report documenting the incident.
6. A WMPD Use of Force Report should be completed for all uses of force in the Control Alternatives or Higher from Attachment “B” Intervention Options. The officer is responsible for forwarding the report to the Chief of Police. The exception is when the use of force causes great bodily harm or death and the Milwaukee Area Investigative Team (MAIT) is called.
7. Officers will complete an incident report on all uses of force in the Control Alternatives or higher. The exception is when the use of force causes great bodily harm or death in which case the Milwaukee Area Investigative Team will prepare all report of the officers action.
8. An annual review of all use of force reports will be done no later than January 15 of the following year. This review will be conducted by LESB certified instructors from the various disciplines to insure current training and tactics are being used. This review documented the following;
 - The type of force used
 - The number of incidents reported
 - An analysis of the reasonableness of the use
 - Recommendations for training and or remediation
9. A Use of Force and Arrest-Related Death Data (UFAD) will be submitted monthly to the Wisconsin Department of Justice through TracS.

B) Oleoresin Capsicum Spray (OC)

1. Officers who have been trained and certified in the use of OC, shall carry WMPD issued OC while on duty. If the officer has a special duty assignment that does not make carrying OC feasible, the officer may be exempt from carrying OC for the assignment.

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2. OC may be used by trained personnel when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person.
3. Officers may also include in the decision to use this force option, information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
4. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of OC.
5. An officer shall not brandish, display or threaten the use of OC unless he or she can reasonably conclude its' use may become justified and anticipated.
6. Generally, OC should not be sprayed at a person from a distance of less than 3 feet.
7. When OC is used against a person or animal, the user shall notify an on-duty supervisor and shall complete an incident report detailing the circumstances of the incident. The user shall also complete a Use of Force Report and forward it to the Chief of Police.
8. Department personnel who use OC against a person shall ensure the person is decontaminated as soon as practical after he or she is under control.
9. If possible, expose the person to fresh air and flush the exposed area with cold water.
10. Continue to monitor the exposed person for any unusual reactions to the exposure. If the exposed person has an unusual reaction or requests medical attention, transportation to a medical facility shall be arranged.
11. If circumstances permit, and it can be done without endangering department personnel, reasonable efforts to decontaminate animals should be made or the decontamination information conveyed to the animal's owner.

C) Electronic Restraint Device X26 TASER®

1. The TASER® will provide officers with another less lethal technique in the de-escalation of potentially violent confrontations and provide another alternative to the use of deadly force. The TASER® is located on the

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Disturbance Resolution, Intervention Options, under Empty Hand Control. Its' purpose is to cause the immediate cessation of resistive behavior.

2. Consistent with department policy of using only the level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals; the department authorizes the use of the TASER® by trained personnel.
3. The TASER® is viewed as “low” on the intervention options of less lethal force and is authorized as an alternative to using deadly force in situations where time and circumstances exist for its use.
4. There are three separate types of reportable TASER® deployments.
 - **Spark display** – A non-contact demonstration of the TASER®’s ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and avoid TASER® deployment in the drive stun or probe mode. This mode should only be used if the subject is restrained, under control but non-compliant to verbal direction which has the potential to escalate the level of force necessary to accomplish the legitimate law enforcement function.
 - **Drive Stun** – Contact is made by pressing the front of the TASER® into the body of a subject then activating the TASER®. A drive stun can be used in conjunction with a probe deployment when only one probe makes direct contact or if there is inadequate separation of both probes. This type of drive stun occurs while the spent air cartridge remains on the weapon.
 - **Probe** – The TASER® is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper application will result in the temporary immobilization of the subject and provide the officer with an opportunity in which to take the subject safely into custody.
5. Training
 - Only officers who have successfully completed the department’s certification training program are authorized to carry and use the TASER®. Refresher training will be conducted on a regular schedule as determined by current training standards.

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6. Equipment Care and Handling

- All TASER®'s will be stored on the rack above the Reports Room file cabinet when not in use. Trained officers shall obtain a TASER® at the beginning of their shift and return it to the rack at the end of their shift. In the event there is more officers on-duty than there are TASER®'s, the priority for assignment will be patrol personnel first with no more than one unit per patrol vehicle. Officers shall notify the clerk/dispatcher of the last three digits of the serial number of the TASER® they are carrying.
- At the beginning of their shift, officers shall check the TASER® for damage and ensure that the unit is functioning properly. The weapon shall be tested and the digital power magazine will be replaced if there is less than 20% battery life available. If there is any damage or malfunction, the TASER® will not be deployed and the on-duty supervisor will be immediately notified, who will be responsible for notifying a command officer.
- Officers shall carry the TASER® only in department approved holsters (weak side) using a weak side draw or cross-draw technique. An extra cartridge will be issued to every officer and carried in an approved holder.

7. Guidelines for the use of the TASER®.

- The TASER® is one control option available to officers. The TASER®, like the baton, OC spray or empty hand control techniques may not be effective in every situation. Officers must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be deployed. The decision to use the TASER® will be dependent upon the actions of the subject, the threat facing the officer, and the totality of the circumstances surrounding the incident.
- The TASER® can generally be deployed effectively from point blank to a maximum distance of 25 feet. The range of 7 – 15 feet provides the best overall compromise between accuracy and officer safety. The recommended target area for the probes is the subject's center mass, upper body.
- The TASER® is programmed to deliver a five second Neuro Muscular Incapacitation current. Officers can decrease the five-second electrical current by turning the weapon off. However, it is recommended that

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during deployment, the full five-second cycle be delivered to gain maximum effectiveness and compliance of the subject.

- Where possible, when an officer decides to discharge the TASER®, that officer shall notify any other officers at the scene by loudly and clearly announcing the code word “TASER®”.

8. Restrictions on the Use of the TASER®

- The TASER® **shall not** be used:
 - (1) In proximity to flammable liquids or flammable/combustible atmosphere.
 - (2) When it is reasonable to believe that incapacitation of the subject may result in great bodily harm or death.
 - (3) When the subject is in a position where a fall may cause substantial injury or death.
 - (4) Punitively for purposes of coercion or in an unjustified manner.
 - (5) To awaken unconscious or intoxicated individuals.
- The TASER® **should not** be used in the following circumstances (unless there are compelling reasons to do so that can be clearly articulated):
 - (1) Persons in control of a motor vehicle;
 - (2) When the subject is at the extremes of age or physically disabled;
 - (3) When a prisoner is handcuffed;
 - (4) When the subject is visibly pregnant;
 - (5) In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians as necessary;

9. Supervisor Responsibilities

- When the TASER® is deployed, the on-duty supervisor will be notified and respond to the scene. The supervisor shall ensure the subject receives appropriate medical attention, if needed.
- The supervisor shall ensure that all spent cartridges, along with probes and wires, are removed and properly disposed of.

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- The supervisor shall ensure that arrangements are made for the officer to receive a replacement cartridge from the appropriate command officer.

10. Medical Attention

- Officers who use a TASER® on a subject shall ensure the person is monitored for injury or if in need of medical treatment it is received as soon as practical after the person is under control.
- If an adverse reaction to the TASER® occurs; if it appears that the subject is in need of medical treatment, or if medical assistance is requested by the subject, emergency medical personnel shall be summoned. The EMS personnel will make an assessment of the person and transport as appropriate.
- If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin or the breast of a female, officers shall arrange for transport to a medical facility for removal. For all other areas, trained officers, while wearing latex gloves pull the probes from the puncture site, wipe the area with a sterile alcohol swab and apply an adhesive bandage. In a male/female suspect deployment, after probe removal, the female may be asked to clean the puncture site with an alcohol swap, depending upon its location, (i.e.: chest, groin, buttocks). This also applies in the female officer/male suspect deployment. The latex gloves shall be properly disposed of.
- After the probes have been removed, officers shall inspect the probes to ensure that the entire probe barb has been removed. If a probe has broken off and is still imbedded in a subject's skin, the subject shall be conveyed to a medical facility for removal and treatment.
- It is the policy of the Milwaukee County Sheriff's Office that no prisoners will be accepted at the Criminal Justice Facility after a TASER® physical contact unless cleared by medical personnel. CJF medical personnel will not perform any medical clearances. Transport and medical clearance is the responsibility of this agency.

11. Reports

- Whenever a TASER® is deployed, the officer shall notify the on-duty supervisor and promptly file a Use of Force Report. Department authorized training is excluded from this requirement.

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- The deploying officer shall complete the Use of Force Report as soon as practical after the incident.
- In addition to the required Use of Force Report, an incident report is mandatory whenever there is a Drive Stun or Air Cartridge deployment of the TASER®. If the MAIT team is called due to the use of force incident than the exception to the report requirement will kick in.

D) Intermediate Weapons/Impact Weapon

1. Uniformed officers shall be required to have a WMPD approved impact weapon available to them while on duty.
2. The use of authorized batons are permitted against an actively aggressive person when the officer reasonably believes that lesser force options would be ineffective or would subject the officer to bodily harm.
3. Officers may include, in the decision to use this force option, information known to the officer at the time of the incident. Including conduct or statements of the subject or prior history of resistive or assaultive behavior.
4. An officer shall not brandish, display or threaten the use of an impact weapon as a threat unless he or she can reasonably conclude its use may become justified and is anticipated.
5. When a baton is used against the body of a person, the officer will notify an on-duty supervisor and will complete an incident report detailing the circumstances of the incident. The officer will also complete a Use of Force report and forward it to the Chief of Police.

E) Department authorized PepperBall equipment

1. Officers are only authorized to use the **PepperBall** equipment supplied by the department. The department utilizes two types of launchers. The SA200 Launcher is powered by compressed air and equipped with a laser sight. The SA200 has a 180 pellet capacity hopper. The other launcher is the SA10 pistol which is powered by a CO² cartridge system and has a 10 pellet capacity. The launchers are not classified as firearms.

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2. Authorized PepperBall Projectiles (**PepperBall** brand projectiles are referred to as pellets and are differentiated by color code):

- **Red Pellet:** Projectile loaded with oleoresin capsicum that upon impact produces a cloud of powder which can be carried by wind to a subject or bystander.
- **Purple Pellet:** Projectile loaded with inert powder used for training.
- **Green Pellet:** Projectile loaded with green marking colorant. The pellet can freeze solid in cold weather.
- **Clear Pellet:** Projectile loaded with clear water. The pellet can freeze solid in cold weather.
- **Milk Colored Hard Pellet:** A “glass breaker” solid projectile. This projectile shall not be used directly at a person, unless you are defending from an imminent risk of death or great bodily harm to yourself or others. Glass breaking pellets have a tactical application that does not include firing at the body.

3. Training

- All officers shall receive designed training in the use of the **PepperBall** system prior to being authorized to use this equipment in the field.
- Officers will receive periodic training designed to simulate actual deployment situations and conditions to enhance officers' discretion and judgment in using impact projectiles in accordance with this policy.

4. Guidelines for Use of the PepperBall Launcher

- The **PepperBall** system is an intermediate impact weapon in the use-of-force continuum. It is primarily designed to be used on subjects who pose a threat of resistance or assault upon officers, or pose a threat of death or serious bodily injury to themselves or others. The system allows an officer to engage the threat from a safer distance than with a baton.
- Although the **PepperBall** system is considered a less-than-lethal weapon device, the potential exists for serious injury should a **PepperBall** pellet strike the face, head, neck or groin. Officers who deploy the **PepperBall**

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5.1.6 5.1.7 5.1.8 5.2.1 5.3.1 5.3.1.1 5.3.1.2 5.3.1.3 5.3.1.4 5.3.2 5.3.3 5.3.4 12.1.1.1

System should not intentionally fire pellets at the face, head, neck or groin unless a life-threatening situation exists that would justify that degree of force.

- The **PepperBall** system can also be used to deliver oleoresin capsicum indirectly, without any pellets striking the subject. The indirect use of the PepperBall system can be considered as a force option under circumstances where the use of oleoresin capsicum spray would be appropriate but impractical due to weather conditions, distance, concealment or other factors.
- There is a broad range of scenarios in which the use of the **PepperBall** System may be appropriate. Factors to consider when determining if the **PepperBall** System is appropriate to a given situation include but are not limited to:
 - (1) Seriousness of the crime committed by the suspect.
 - (2) Whether a suspect exhibits violent or potentially violent behavior that threatens the safety of others and attempts to subdue the subject by conventional means of persuasion, escort control, use of oleoresin capsicum spray or other self-defense techniques and/or pain compliance measures have not been or reasonably appear unlikely to be effective.
 - (3) Whether the suspect is armed and if so, the threat level present based on the instrument the person is using.
 - (4) The urgency of the situation and potential impact of actions that may be committed by the suspect.
 - (5) When higher use of force options may be justified, but an opportunity exists that does not impact the safety of the officer for the use of the **PepperBall** system before these other options are deployed.
 - (6) To defend one's self or another from an aggressive and/or attacking animal.
 - (7) The potential for collateral damage to property or injury to other persons.

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5.1.6 5.1.7 5.1.8 5.2.1 5.3.1 5.3.1.1 5.3.1.2 5.3.1.3 5.3.1.4 5.3.2 5.3.3 5.3.4 12.1.1.1

5. Deployment of the PepperBall System

- Officers are encouraged to carry the holstered SA10 pistol whenever they respond to calls for service that have a higher potential for a confrontation that would require officers to use force to overcome resistance.
- Where possible, when an officer decides to fire the **PepperBall** System, other police personnel in the immediate area shall be informed so that the shot will not precipitate the use of firearms by the other officers.
- Officers who use the **PepperBall** system shall use the least amount of force needed to overcome resistance or gain control of a person or situation. The use of force shall stop once an officer has overcome the resistance and the situation or the person is under control.
- If an officer is deployed with the **PepperBall** System and is confronted with an imminent deadly force or great bodily harm situation, **PepperBall** pellets may be fired at the head, face, or neck, if the officer can not safely or effectively transition from **PepperBall** to a firearm.

6. Restrictions on the use of PepperBall equipment:

- Use of the **PepperBall** system may not be appropriate for a lone officer during a confrontation. An officer deployed with the **PepperBall** system should always have another officer immediately present who is armed with and in a position to effectively deploy deadly force for the protection of the **PepperBall** officer, citizens and the target subject.
- The **PepperBall** system is not authorized if the suspect is standing in such a position or at a great height that a fall caused by the impact of the **PepperBall** system could cause serious injury or death.

7. Medical Treatment

- Any person struck with the **PepperBall** system will be evaluated at a medical facility on their request.
- After the **PepperBall** system has been deployed and the suspect has been safely taken into custody, officers shall make every reasonable effort to relieve discomfort from the effects of the oleoresin capsicum by flushing the affected areas with cool clean water and exposure to fresh air.

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- If the suspect has any unusual reaction to the effects of the impact of the projectiles or of the oleoresin capsicum, or has not recovered in 40 minutes, the individual should be transported as appropriate to the emergency room of a hospital for medical evaluation.
- Unusual reactions include but are not limited to: Tremors, Convulsions, Seizures, Delirium, Hallucinations, Tactile (feeling bugs on skin) auditory (hearing voices), Violent aggressive behavior, “superhuman” strength, Paranoia, Non-purposeful behavior, Rapid, Slow or irregular pulse rate, High body temperature, Sweating, Confusion, Unusual yelling or screaming, Thrashing after being restrained.

8. Required Reports

- Whenever the **PepperBall** system is used during the normal course of police duties other than training, the circumstances of its use shall be documented in detail in an incident report. In addition, a separate internal 'Use of Force' report shall be completed and forwarded to the Chief of Police as part of the normal review process.

F) Use of Deadly Force

1. The use of deadly force is permissible under the following circumstances:
 - As a last resort, in the defense of one's self when the officer reasonably believes he/she is in imminent danger of death or great bodily harm.
 - As the last resort, in the defense of another person who the officer reasonably believes is in imminent danger of death or great bodily harm and whom the officer reasonably believes is entitled to self-defense.
2. As the final alternative, to affect an arrest or prevent the escape of a fleeing felon whom the officer reasonably believes has committed a felony involving the actual or threatened use of deadly force. The officer shall also have probable cause to believe the suspected felon poses a significant threat of death or great bodily harm to the officer, or others, if not immediately apprehended.
3. As the last resort, to euthanize a dangerous animal or one that is so seriously injured that humanity dictates its removal from suffering, but only after

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5.1.6 5.1.7 5.1.8 5.2.1 5.3.1 5.3.1.1 5.3.1.2 5.3.1.3 5.3.1.4 5.3.2 5.3.3 5.3.4 12.1.1.1**

careful consideration is given to the public's safety and whether other dispositions may be feasible.

4. An officer shall not brandish, display or threaten the use of a firearm unless he or she can reasonably conclude its use may become justified and anticipated.
5. Before using a firearm and when feasible, police officers shall identify themselves and issue a verbal warning of the intent to use deadly force.
6. All sworn officers shall receive this policy and demonstrate their understanding prior to being authorized to carry any firearm.
7. Generally, deadly force shall not be used under the following circumstances:
 - Warning shots are not authorized.
 - From a moving vehicle unless (F.1 Bullet 1&2 apply).
 - At a moving vehicle unless (F.1 Bullet 1&2 apply).
 - When the target of the force is not clearly visible. For example, firing into a building or through a door is not permitted unless officers are being fired upon from within and no alternative means of cover is available.
 - When the officer is in doubt as to whether or not he or she has the legal justification to use deadly force.
8. Pointing of Firearm
 - If an officer points a firearm at a person in the course of duty and does not discharge the firearm, the officer shall complete an incident report or CAD Update detailing the circumstances of the incident. If multiple officers are involved, only the officer assigned the call is required to complete an incident report.

G) First Aid and Medical Assistance

1. Whenever a person is injured as a result of force applied by an officer, officers on the scene will immediately provide first aid and request medical assistance, if necessary, for the injured person as soon as the scene is secure.

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5.1.6 5.1.7 5.1.8 5.2.1 5.3.1 5.3.1.1 5.3.1.2 5.3.1.3 5.3.1.4 5.3.2 5.3.3 5.3.4 12.1.1.1*****H) Required Notifications and Reports upon Use of Force***

1. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on or off duty (other than during firearms training, hunting or participation in sporting or recreational events), or the accidental or intentional use of deadly force by any means, the following notifications and reports shall be made:
 - Used on or directed against a person - the officer shall orally inform his/her on-duty supervisor or the Communications Center as soon as possible. The Communications Center shall immediately notify the officer's on-duty supervisor. The supervisor will then ensure notification of the chain of command is made, including to the Chief of Police. The officer, unless incapacitated, should provide a public safety statement, however they will not complete a written report.
 - Used against an animal - if a firearm is used against an animal, the officer shall notify the Communications Center and his/her supervisor prior to discharge, if possible, or immediately thereafter. The officer shall complete an incident report and Use of Force Report.
 - Accidental discharge without injury - the officer shall immediately notify the on-duty supervisor and complete an interoffice memorandum that date to the Chief of Police regarding the circumstances of the incident.
2. In addition to any other reporting requirements in this policy, whenever an officer uses force against another that results in, or is alleged to have resulted in, serious injury or death to a person, the officer shall not prepare an incident report as the investigation will be handled by the Milwaukee Area Investigative team or a department investigator. If the injury is minor, the officer will prepare a Use of Force Report and document the injuries sustained. All other reports will be handled by MAIT or the department investigator.

I) Departmental Response

1. Pending administrative review, any officer who has taken the life of another person or caused great bodily harm shall be removed from line-duty assignment for a minimum of three days. This action protects both the officer's and the community's interests, until the situation is resolved.

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2. The Chief of Police or his designee shall review all reported uses of force to determine whether:
 - Departmental orders were violated;
 - Relevant departmental policy was clearly understandable and effective to cover the situation; and
 - Departmental training was adequate.
3. The Chief of Police may direct an internal investigation to examine an incident in which force was applied. The internal investigation may also examine training and policy needs.
4. Internal investigations of serious applications of force (usually of compliance techniques and more severe methods) shall be of two types conducted simultaneously; first, an administrative investigation to determine whether department standards were followed; second, a criminal one to detect lawbreaking. A criminal investigation shall be discontinued whenever the department is satisfied that no misconduct occurred.
5. Dual internal investigations shall be conducted on all shootings however the internal investigation will not interfere with the criminal investigation.
6. In all cases where the use of force results in the death or serious bodily harm the on duty supervisor will ensure the MAIT Team to be called as well as activate the chain of command to the Chief of Police. In all officer involved critical incidents where death occurs WI State Statue 175.47 requires an outside agency to investigate.

J) Psychological services

1. Following a shooting resulting in a death, the officer shall not return to duty until a psychological evaluation has been conducted, and the officer has received counseling.

K) Supervisor on scene

1. It is the on scene supervisor's responsibility to ensure that any scene where an officer involved shooting has occurred is secured properly. To assist in this function Appendix A has been included.

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L) Policy Distribution and Training

1. A copy of the USE OF FORCE policy, including all future amendments or revisions there to, shall be distributed electronically to all sworn personnel.

2. The Firearms Coordinator shall conduct training to all sworn personnel, at least annually, as part of the firearms training and qualification program of the appropriate use of deadly and non-deadly force by officers pursuant to the terms of this policy.

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5.1.6 5.1.7 5.1.8 5.2.1 5.3.1 5.3.1.1 5.3.1.2 5.3.1.3 5.3.1.4 5.3.2 5.3.3 5.3.4 12.1.1.1**

Appendix A- Supervisory Responsibilities In Deadly Force Investigations

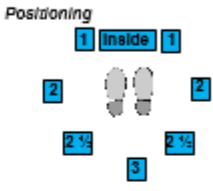
- 1) Assume responsibility for security, preservation and investigation of the scene.
- 2) Remove the involved officers from, but accessible to, the scene. Officers shall not be left alone.
- 3) Notify the following people in the order listed as necessary:
 - A) Chief of Police
 - B) Assistant Chief of Police
 - C) Lieutenant
 - D) District Attorney
 - E) Coroner
 - F) Police Chaplain (MPD) if available
- 4) Check the weapons of all officers who were at the scene at the time of the incident.
- 5) IN A PRIVATE SETTING, Retrieve and document firearms which remain in the officer's possession. Handle ammunition (including casings) and weapons still at the scene as evidence.
- 6) Identify all witnesses, and arrange for statements.
- 7) Arrange for officer interviews and statements. An experienced interviewer shall be assigned who does not have direct involvement. Additional personnel will be called in as required.
- 8) Prepare a report which includes no less than the following:
 - A) Date, time and day of the week of the incident
 - B) Date of death or injury
 - C) Age, sex and race of subject
 - D) Age, sex and race of officer
 - E) Relationship of subject to officer
 - F) Officer's status at time of incident (i.e. on duty, in or out of uniform, undercover etc.)
 - G) Weapon Used (i.e. firearm, type, manufacturer, caliber, serial number)
 - H) Circumstances surrounding the incident.
- 9) Replace all weapons obtained from officers with another from the department inventory.

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5.1.6 5.1.7 5.1.8 5.2.1 5.3.1 5.3.1.1 5.3.1.2 5.3.1.3 5.3.1.4 5.3.2 5.3.3 5.3.4 12.1.1.1

Defense and Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives.			
DAAT Concepts: <ul style="list-style-type: none"> Control is a perception based on an officer's training, experience and the fact situation. Control is not a 50/50 proposition. Proper police action balances safety and efficiency. Legal standards govern and limit the use of force 		DAAT Rules: <ul style="list-style-type: none"> No officers are injured No suspects are injured needlessly No one is accepted/detained or released improperly 	
When Can Officers Use Force? <ul style="list-style-type: none"> To achieve and maintain control of resistive subjects. To detain persons reasonably suspected of criminal behavior. To make lawful arrests. In defense of self or others. To prevent escapes. 	Key Rules for Use of Force: <ul style="list-style-type: none"> The purpose is control. Escalation does not need to follow step by step through intervention options. (Preclusion) You can always disengage and/or escalate. Once control is achieved, you must de-escalate the level of force to that needed to maintain control. You must always maintain a position of advantage. 	Categories of Force: <ul style="list-style-type: none"> A trained technique. A dynamic application of a trained technique. Not trained by justified under the circumstances. 	
INCIDENT RESPONSE (RESPOND) REPORT <ul style="list-style-type: none"> Become aware Plan response Arrive/Assess Alarm/Inform EVALUATE <ul style="list-style-type: none"> Look for Dangers Determine back up needs Enter when appropriate/ tactically sound STABILIZE <ul style="list-style-type: none"> Subject/s Scene PRE SERVE <ul style="list-style-type: none"> Life <ul style="list-style-type: none"> Conduct an initial medical assessment Treat to level of training Continue to monitor subject Evidence ORGANIZE <ul style="list-style-type: none"> Coordinate additional responding units (if necessary) Communicate with dispatch and others Organize the collection of evidence (if appropriate) NORMALIZE <ul style="list-style-type: none"> Provide for long term monitoring (as appropriate) Restore scene to normal Return radio communications to normal DOCUMENT/DEBRIEF <ul style="list-style-type: none"> Debrief self, others, subjects Document incident appropriately 	DISTURBANCE RESOLUTION 1. APPROACH CONSIDERATIONS A. Decision-Making <ul style="list-style-type: none"> Justification Desirability B. Tactical Deployment <ul style="list-style-type: none"> Control of Distance Relative Positioning Relative Positioning with Multiple Subjects Team Tactics C. Tactical Evaluation <ul style="list-style-type: none"> Threat Assessment Opportunities Officer/Subject Factors Special Circumstances Level/Stage/Degree of Stabilization 	CONTROL OF DISTANCE <ul style="list-style-type: none"> Public >12 ft Social 4-12 ft Personal 1.5-4 ft Intimate 0-1.5 ft Danger Zones <ul style="list-style-type: none"> Unarmed – Less than 10 ft Club or Edged Weapon – Any distance where the officer reasonably perceives an imminent threat of death or great bodily harm Firearm – In the line of sight unbroken by cover (something that would stop the bullet). THREAT ASSESSMENT OPPORTUNITIES <ul style="list-style-type: none"> Level of Resistive Tension (agitation in a person's body) Early Warning Signs Pre-attack Postures Indications of mental illness, emotional disturbance, or medically significant behavior Weapon Control Factors OFFICER/SUBJECT FACTORS <ul style="list-style-type: none"> Numbers Age Size Relative Strength Skill Level SPECIAL CIRCUMSTANCES <i>Factors or situation that may justify rapid escalation of force or selection of higher force options</i> <ul style="list-style-type: none"> Reasonable perception of threat Special knowledge of subject Sudden assault Subject's ability to escalate force rapidly Your physical positioning Injury or exhaustion Equipment or training Availability of backup Other special circumstances LEVEL/STAGE/DEGREE OF STABILIZATION <ul style="list-style-type: none"> Presence stabilization Verbal stabilization Standing stabilization Wall stabilization Ground stabilization Special restraints 	Positioning  3 Types of EDP's: <ul style="list-style-type: none"> Short term Long Term Chemical Abuser EARLY WARNING SIGNS <i>Signals or certain behaviors provided by the subject that are often associated with a high level of danger to officers</i> <ul style="list-style-type: none"> Conspicuously ignoring Excessive emotional attention Exaggerated movement Ceases all movement Known violent history PRE-ATTACK POSTURES <i>Behaviors that may indicate imminent danger of physical assault</i> <ul style="list-style-type: none"> Boxer Stance Hand set Shoulder Shift Target Glance Thousand Yard Stare

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5.1.6 5.1.7 5.1.8 5.2.1 5.3.1 5.3.1.1 5.3.1.2 5.3.1.3 5.3.1.4 5.3.2 5.3.3 5.3.4 12.1.1.1

<p>INTERVENTION OPTIONS</p> <p>MODE</p> <p>A. Presence 1. Open Stance 2. Ready Stance 3. Defensive Stance</p> <p>B. Dialogue 1. Search Talk 2. Persuasion 3. Light Control Talk 4. Heavy Control Talk</p> <p>C. Control Alternatives 1. Escort Holds • Blanket the Arm • Escort Position 2. Compliance Holds • Come Along • Pressure Points • Mandibular Angle • Hypoglossal 3. Control Devices (OC/ECED) • Oleoresin Capsicum • Electronic Control Devices 4. Passive Countermeasures • Secure the Head • Hug Yourself • Lower Your Center • Pull In-Push Down</p> <p>D. Protective Alternatives 1. Active Countermeasures • Vertical Stuns • Focused Strikes • Reaction Hand Strike • Reaction Forearm Strike • Strong Hand Strike • Strong Forearm Strike • Reaction Front Kick • Reaction Knee Strike • Strong Angle Knee Strike • Strong Angle Kick 2. Incapacitating Technique • Diffused Strike from the front • Diffused Strike from the rear 3. Intermediate Weapons • Baton • Baton Jab • Baton Jab-Multiple Strikes • Angle Strike • Angle-Cross Strike • Multiple/Overload Strikes</p> <p>E. Deadly Force</p>		<p>PURPOSE (In bold) GOAL (In italics)</p> <p>To present a visible display of authority</p> <p>To verbally persuade</p> <p>To overcome passive resistance, active resistance, or their threats</p> <p>To safely initiate physical contact</p> <p>To overcome passive resistance</p> <p>To overcome active resistance or its threat</p> <p>To Decentralize</p> <p>To overcome continued resistance, assaultive behavior, or their threats</p> <p>To create dysfunction</p> <p>To cause immediate temporary cessation of violent behavior</p> <p>To impede</p> <p>To stop the threat</p>	<p>REACT</p> <ul style="list-style-type: none"> Request Cooperation Explain Reason Allow Choice Check Decision (Is there anything I can say to?) Take Action <p>De-escalation:</p> <ul style="list-style-type: none"> An officer's use of time, distance and relative positioning in combination with Professional Communication Skills to attempt to stabilize a situation and reduce the immediacy of threat posed by an individual. 	<p>DONE</p> <ul style="list-style-type: none"> Danger Overriding Concern No Progress Escape <p>G.U.N.</p> <ul style="list-style-type: none"> Grab Undo Neutralize <p>Use of force restrictions</p> <ul style="list-style-type: none"> US Constitution WIs State Stats WIs Admin Code Agency Policy
		<p>Color Codes:</p> <p>White – Unaware Yellow – Relaxed and alert Orange – Ready to act RED – Action State Black – Blind Panic</p>		
		<p>Passive Resistance: Non-threatening and non-complaint behavior</p>		
		<p>Active Resistance: Behavior which physically counteracts an officers control efforts and which creates risk of bodily harm to the officer, subject and/or other person.</p>		
		<p>Continued Resistance: Maintaining a level of counteractive behavior that is not controlled by an officer's current efforts.</p>		
		<p>Graham Vs. Connor Use-of-Force must be objectively reasonable</p>		
		<p>Deadly Force Definition: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.</p>		
		<p>Deadly Force Justification: Behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.</p>		
		<p>Great Bodily Harm: Bodily injury that 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.</p>		
		<p>Imminent Threat Criteria: Imminent means "about to happen." Suspect displays: • Intent • Weapon • Delivery System</p>	<p>Target Requirements:</p> <ul style="list-style-type: none"> Acquisition: The process of locating your adversary. Identification: The process of recognizing the subject as the adversary placing you/others in "Imminent Danger". Isolation: The process of separating the subject from innocent persons. 	
		<p>Preclusion: The officer reasonably believes all other options have been exhausted or would be ineffective.</p>		
		<p>Greater Danger Exception: Shooting without Target Isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person's.</p>		
		<p>Defense of Self or Others: You may use deadly force when a subject poses an imminent threat of death or great bodily harm to you or to another person or persons.</p>		
<p>FOLLOW-THROUGH CONSIDERATIONS</p> <p>A. Stabilize Application of restraints, if necessary</p> <p>B. Monitor/Debrief</p> <p>C. Search If appropriate</p> <p>D. Escort If necessary</p> <p>E. Transport If necessary</p> <p>F. Turn-Over/Release Removal of restraints, if necessary</p>		<p>STABILIZE</p> <ul style="list-style-type: none"> Presence stabilization Verbal stabilization Standing stabilization Wall stabilization Ground stabilization Special restraints 	<p>Monitor/Debrief</p> <ul style="list-style-type: none"> Calm self and partner Calm subject Provide initial medical assessment Reassure the subject Rebuild subjects self esteem 	