



GENOA CITY POLICE DEPARTMENT POLICY		TITLE: General Order 13 Force	
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AUTHOR: Chief Bappert		SPECIAL INSTRUCTIONS: See Defense and Arrest Tactics Manual WI SS 175.44, 165.85(2)(c), Act 75, Appendix A, B, C, D	

I. PURPOSE

Our community, the Wisconsin State Legislature, the judiciary and the Genoa City Police Department place great value on safety and preservation of life. You carry weapons capable of delivering deadly force to protect you or others from immediate threats of death or serious bodily harm. Your basic responsibility to protect life calls for you to exhaust other reasonable means for control in most instances before using deadly force. Treat your choices to use force with utmost seriousness. Your assessment, knowledge and judgment must dictate use of force... not emotions. In seconds you will make decisions that others may review for days. Exceeding reasonable applications of force may expose you to disciplinary action, civil liability and criminal prosecution.

II. POLICY

Safety and protection of human life are primary aims of the Genoa City Police Department. Within that context officers may meet force with force to a level necessary for the circumstances. Force is sometimes necessary to effect lawful purposes, to protect the lives of officers, or to protect the lives of the public. Objective Reasonableness; In *Graham v. Connor* the U.S. Supreme Court sets forth a guide to the objectively reasonable standard to determine whether the force applied was excessive. The "objective reasonableness" test:* Judgment and Level of Force -- A situation may call for immediate force at any level. Good judgment dictates application of force. Escalate force only if the level tried was inadequate, or the situation escalates.

III. DEFINITIONS

Definitions related to this policy include:

Active Countermeasures - These are a series of unarmed hand strikes, foot strikes, forearm strikes, knee strikes or body stuns that an officer may choose from to gain control of a subject who is offering active physical resistance or attack. Active Countermeasures are tactics whose purpose is to create dysfunction. They are located in the Protective Alternatives mode under Intervention Options.

Active Resistance – Behavior which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.

Assaultive Behavior – Direct actions or conduct that generates bodily harm or the potential for bodily harm.

Baton - This is an intermediate defensive weapon authorized and issued by the Department. It is designed as an impact weapon, and that is its function.

Chemical Aerosol Restraint - A personal defense spray used to control subjects by causing momentary loss of orientation and/or temporary incapacitation. This is normally carried on the duty belt or person of the officer.

Choke Hold - The intentional and prolonged application of force to the throat, windpipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces blood flow to the head. (Wis. Stat. § 66.0511(1)(a))

Control – The purpose for any use of force is to gain control of a subject in pursuit of a legitimate law enforcement objective.

Critical Incident - Any incident such as hostage situation, barricaded person, or other unique situation in which police officers are required to respond in a manner which requires skill knowledge and training beyond that which is expected from employees working in primary line and support functions. Also see the separate General Order on Critical Incident Handling.

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

Defense and Arrest Tactics (DAAT)- This is a system of verbalization skills coupled with physical alternatives. It is a specific System, formulated, approved and governed by the State of Wisconsin Training and Standards Bureau.

Electronic Control Device – A non-lethal force weapon utilized by trained personnel that cause Neuro-Muscular Incapacitation (NMI) 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.

Excessive Force – The use of more force than is reasonable will not affect the validity of the arrest. It will expose the officer to civil suit, discipline or both, and in aggravated circumstances possible criminal liability also.

Great Bodily Harm (Wisconsin State Statute 939.22(14)) - "Great bodily harm" means 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.

Imminent Danger - The criteria for the use of deadly force. This would include self-defense, defense of another, or defense of the community at large, when an action of another would result in a high probability of death or great bodily harm. There are three components that comprise "immanency". These components must be present: intent, weapon, and delivery system.

Impact Weapon - See "Baton".

Intervention Options – are divided into five modes, each reflecting the need for an increasing level of control. The five modes are presence, dialog, control alternatives, protective alternatives and deadly force. Each mode consists of one or more tactics to accomplish specific purposes.

Non-deadly Force - An amount of force which under normal circumstances might cause bodily harm but would not be expected to result in death or serious bodily harm.

Passive Counter Measures - These are decentralization techniques, which are used to direct subjects, who can not be controlled in a standing, seated and/or kneeling position to the ground.

Passive Resistance – Non-compliant and non -threatening behavior.

Specialty Impact Munitions (S.I.M.S.) – Alternative munitions designed to de-escalate a potentially dangerous situation with a reduced probability of causing death or great bodily harm or serious injury to all parties involved without jeopardizing the officer(s)' safety. These munitions are designed to deliver energy to inflict blunt trauma to cause physical discomfort for mental distraction, pain compliance, and/or possible incapacitation.

Use of Force Review Supervisor – Supervisor charged with ensuring that use of force reports are reviewed and tracked.

IV. PROCEDURE

A. Objective Reasonableness

It shall be the policy of the Genoa City Police Department:

- To maintain a profound respect for the value of all human life and the personal safety of all citizens.
- To avoid the use of force if reasonably possible.
- To utilize reasonable force when carrying out the command of the law in the protection of the public interest.
- To utilize methods of force which are the most effective, humane, and safest under the particular circumstances.

- The amount of reasonable force on the part of an officer making an arrest depends on the facts in a particular case. The reasonableness of the force used must be judged in the light of the circumstances as they appeared to the officer at the time he or she acted, and the measure is generally considered to be that which an ordinarily prudent and intelligent police officer would have deemed necessary under the circumstances.
1. The use of force is the legal entitlement conferred by law upon a police officer. Specifically, Wisconsin Statutes 939.45(2) and (4), 939.47 and 939.48 address these legal entitlements. Force may be used only to the extent reasonably necessary.
 2. Force should only be used to accomplish lawful objectives, and when all other appropriate alternatives are exhausted.
 3. Law enforcement officers are entitled to use force in the performance of their legal duties. This use of force by a law enforcement officer is governed by the general principle that the amount of force used by the officer must be reasonable and not excessive. However, in any given situation, whether in making an arrest, conducting a search, protecting other persons and property, preventing crime, or acting in self-defense, the law enforcement officer must substantiate his/her use of force as being reasonable.
 4. The use of force against another for the purpose of affecting an arrest is privileged if all the conditions are met. The principal condition is that although force is privileged to affect an arrest, it is not privileged if the means employed are in excess of those which the actor reasonably believes to be necessary. Although a police officer's privilege of self-defense is pertinent to this issue, a police officer in making or attempting to make an arrest for a criminal offense is acting for the protection of the public interest and is permitted even a greater latitude than when he acts in self-defense and the police officer is not liable unless that means which are used are clearly excessive. The principle is clear that one who has police authority to maintain the peace has a privilege to use force and the question then becomes simply whether the force was excessive for the accomplishment of the purpose. The reasonableness of the force depends upon the facts of each case.
 5. If a suspect has what the officer believes to be contraband in their mouth, the officer should attempt to verbally direct the person to open their mouth and/or spit out the substance.
 - a. If the suspect fails to cooperate, and the officer believes the suspect has swallowed drugs, the suspect should be transported to the emergency room.

- b. Upon arrival at the hospital, the officer should tell the ER staff that they believe the suspect has swallowed drugs. The concern is for the suspect's health and not evidence gathering. If the ER decides to pump the stomach, then emesis may be searched for drug evidence.
- c. It is understood that officers may retrieve less evidence and that some evidence will be lost. The emphasis must be placed upon securing the safety of the person in our custody and control

B. DEFENSE TACTICS AND ARREST MECHANICS

- 1. The Genoa City Police Department hereby adopts the State of Wisconsin's system of defensive tactics and arrest mechanics. This system includes Intervention Options, which provides the general guidelines that define the degree and type of force to be used in controlling suspects. In accordance with the theory of this System, the following guidelines shall be observed:
- 2. Under no circumstances shall an officer continue to use force against an individual who has ceased to resist.
- 3. Only sworn personnel who have successfully completed the State of Wisconsin system of defensive tactics and arrest mechanics training are authorized to carry and use department issued non-lethal weapons (typically OC and baton). Equivalent training from other states may be substituted with the approval of the Chief of Police.
- 4. Sworn personnel may use only the amount of physical force necessary to consummate an arrest based on probable cause for a violation of a state law or municipal ordinance. Necessary force may also be used in the apprehension of a violent emotionally or mentally disturbed person, or in the subduing and restraining of an unruly, combative, or abusive person.
- 5. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers are permitted to use whatever force is reasonable and necessary to protect themselves or others from bodily harm. **The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and may subject the officer to disciplinary action, criminal, and civil liability.**

6. Department training on Defensive Tactics and Arrest Mechanics will be conducted at least biennially.

C. INTERVENTION OPTIONS

***See APPENDIX A of this policy for Intervention Options Table**

1. While primary target areas have been identified in Intervention Options, the Department recognizes that sudden or dynamic movement on the part of the suspect may cause inadvertent strikes to non-target areas. Officers will be required to fully explain the circumstances of such a strike in their report.
2. In utilizing Intervention Options, the officer uses force in reaction to other people's behavior and selects the appropriate response from the modes and tactics provided in the intervention options.
3. Force is to be applied on an individual basis. Each officer, upon his/her evaluation of the conflict must decide for themselves based on knowledge, training, experience, personal limitations, and/or subject factors what level of force will result in control.
4. It is recognized that an officer may choose the appropriate tactic in the intervention options to gain control. It is not necessary for the officer to attempt each lesser level of force first before applying another level of force if it would be inappropriate to do so.
5. It is recognized that an officer would want to evaluate the amount of force being displayed by a subject and choose an appropriate intervention option response to gain control. Taking into consideration officer/subject factors, environmental factors, and special circumstances, it is further recognized that an officer may need to respond with a force option that is higher than the force being displayed by the subject in order to gain control. However, once control is attained, the officer must de-escalate and select the appropriate intervention option to maintain control.
6. Generally, strikes to the head are not acceptable. Because of the higher propensity of injury, strikes (punches) to the head (face) are reserved for special situations. The only force option trained to strike the head is the reaction hand strike to the chin. Its purpose is to stop forward momentum, set up follow-up strikes or to provide a momentary distraction to give an officer time to create

distance to disengage and/or escalate. Face strikes (punches) may also be used as dynamic applications on highly aggressive and assaultive subjects and/or subjects that have a decided advantage over the officer and the officer does not have the time or the ability to access the trained force option. However, untrained strikes to the head are not to be used for the sole purpose of persuading resistive subjects to place their hands behind their backs. Nor are they to be employed on subjects in lieu of trained force options and the officer is not defending himself or herself and they have the time and ability to access other appropriate and trained force responses.

D. USE OF DEADLY FORCE

1. An officer may use deadly force only when he/she reasonable believes that:
 - a. Deadly force is necessary to prevent imminent death or great bodily harm to themselves or another person, or
 - b. Deadly force is necessary to prevent escape of a suspect and the officer has exhausted all other reasonable means, and
 1. The officer reasonably believes that the person to be arrested has used deadly force in the commission of a felony and,
 2. The person to be arrested can reasonably be thought to be intent on endangering human life, or upon inflicting great bodily harm, unless arrested without delay, and the officer reasonably believes that the person to be arrested has the means to do so.
2. Deadly force shall only be used as a last resort.
3. A firearm shall not be discharged:
 - a. As a warning, such as by firing a warning shot.
 - b. From a moving vehicle, unless the officer believes that either he/she or another person(s) is in danger of death or great bodily harm, and it can be accomplished with due regard for target

isolation, target acquisition, and target identification.

- c. At a moving vehicle, unless the officer has reason to believe that he/she or another person(s) is in danger of death or great bodily harm, and it can be accomplished with due regard for target isolation, target acquisition, and target identification.
 - d. In any misdemeanor cases, unless the officer has reason to believe that he/she or another person(s) is in danger of death or great bodily harm.
- 4. Before using deadly force, the officer should, if reasonably possible, identify himself/herself, and give some warning of the imminent use of deadly force.
 - 5. Choke holds, as defined by Wis. Stat. § 66.0511 and this policy, are extremely dangerous maneuvers that can result in great bodily harm or death. Therefore, Village of Genoa City officers are prohibited from using choke holds except in life threatening situations or in self-defense.
 - 6. Officers may also have a need to use their firearms to end the life of a dangerous, injured, sick, diseased, or similarly suffering animal. The officer will not do so unless it can be done with a maximum of safety, and with due regard for the people in the area, the terrain, and the site at which the animal is located

E. DRAWING AND DISPLAY OF FIREARM

- 1. An officer will draw and display a firearm in the low-ready position, only when there are reasonable grounds to believe that he/she or others are in possible danger.
- 2. An officer will only point a firearm (target acquisition) at a subject when the officer has a reasonable belief that danger is imminent, and that deadly force may be necessary.

F. WEARING OF AND USING THE AUTHORIZED IMPACT WEAPON

- 1. Authorized Police Impact Weapons

- a. WOODEN BATON - Officers will have the option of carrying a department approved 26" wooden baton with a baton ring.
 - b. EXPANDABLE BATON - Officers will have the option of carrying a department approved expandable baton.
- 1. Officers will wear a baton when on duty, and assigned to a function whose primary responsibility is enforcement, or those directly responsible for supervising enforcement personnel.
 - a. The department requires that investigators assigned Detective Bureau, Court Officer, and School Resource Officers wear the issued expandable baton.
 - b. Those officers who are operating in covert or undercover assignments are exempt from this requirement.
 - c. Officers who are trained and authorized to use the Genoa City Police Department's Electronic Control Device (ECD) are exempt from this requirement provided they are equipped with a functional ECD while on-duty. However, ECD equipped officers, while on-duty, may maintain their wooden or expandable baton, along with riot helmets and gas masks, in their squad car, for crowd control and other emergency situations.
- 2. When not in use, the wooden baton shall be worn on the belt, opposite of the firearm, and carried in a ring for the 26 inch wooden baton. The expandable baton will be carried on the officer's belt or vest in an approved baton holster. The baton will be carried securely upon the officer's person, and should only be engaged and/or placed in the loaded position if the use of the baton appears necessary.
- 3. The baton may be used only when the application of a lesser degree of force would be unreasonable or inadequate to control the subject.
- 4. The Wisconsin System of Defensive and Arrest Tactics instructs baton techniques that are targeted at an area below a line from armpit to armpit. The department accepts these guidelines and directs its officers to limit their actions accordingly.

G. SPECIALTY IMPACT MUNITIONS (S.I.M.S)

1. Only trained and authorized personnel who have been trained and are currently qualified in Specialty Impact Munitions are authorized to use Specialty Impact Munitions in situations authorized in this policy and consistent with departmental training.
2. Authorized personnel must meet qualification standards, as established by the Chief or his/her designee, annually.
3. Personnel who are authorized and qualified are eligible to be issued and responsible for the deployment of the department's designated shotguns for Specialty Impact Munitions. These designated weapons shall be assigned for patrol availability on a daily basis by a shift supervisor. They will be stored in the department armory when not in use or assigned out to an authorized supervisor or operator. The shift supervisors shall ensure that at least one of these weapons with authorized munitions is available during each patrol shift. Additional weapons and munitions may be assigned as personnel are available. It is the intent of this procedure that these weapons will be checked out by the supervisor(s) on the shift and be secured in their vehicles until such time as they are needed for deployment. A supervisor can assign authorized and qualified personnel to deploy with one of these weapons if the situation warrants. If a situation depicts the immediate deployment of the weapon and a supervisor is not on scene, the qualified officer deploying with S.I.M.S. will notify the shift supervisor via radio traffic of deployment, prior to deploying with the weapon.
4. The approved munitions will be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious injury to all persons involved. When deploying approved S.I.M.S. munitions, the deploying officer should have lethal force cover. The approved munitions should be deployed to the target areas based on training and manufacture guidelines.
5. Deployment of approved Specialty Impact Munitions should be deployed at ranges based on training and manufacture guidelines.
6. Post Specialty Impact Munitions Deployment Considerations: Suspects who are impacted with a SIMS munitions should be restrained and evaluated with respect to possible injury. All suspects who are impacted will receive medical treatment at an emergency medical care facility. Medical staff will receive full disclosure on impacted areas and other applied force so that an accurate medical assessment may be conducted.

7. Documentation Required: Officers who deploy a SIMS munition at a suspect (hit or miss), will notify their supervisor as soon as possible. The supervisor will then contact the Chief of Police. The incident will be fully documented in an official police report. This type of shooting will be treated as a serious use of force incident and a force review will take place as soon as practical.

H. USE OF CHEMICAL AEROSOL RESTRAINT

1. The aerosol chemical restraint authorized by the department contains the chemical agent Oleoresin Capsicum (OC). No other aerosol chemical restraint is authorized or allowed. (This excludes CN or CS based "mace" products from use or aerosol chemical restraints that blend OC with CN and/or CS.)
2. Officers will take into consideration the position of police officers before using aerosol chemical restraint.
3. Officers shall be trained in the use of aerosol chemical restraint. This shall be done from time to time as determined by the Chief of Police or OC training officer and will meet the training requirements set forth by the Department.
4. Chemical aerosol spray shall be placed in Control Alternatives of the Intervention Options.
5. After use of an aerosol chemical restraint on a subject, and after the subject is under control, the officer will assess the medical needs of the person. Removing the subject to an area of fresh air and flushing the affected area with soap and water should be sufficient immediate care. If additional care is needed, the officer should request paramedics and will promptly notify his/her supervisor.
6. Officers will wear the issued chemical aerosol restraint when on duty and assigned to a function whose primary responsibility is enforcement, or those directly responsible for supervising enforcement personnel.
 - a. Exception - Those officers who are operating in covert or undercover assignments are exempt from this requirement.
7. Use of aerosol chemical restraint will require a written incident report detailing the circumstances of its application.

I. ELECTRONIC CONTROL DEVICE (ECD)

An ECD may be utilized by trained personnel to cause neuro-muscular incapacitation of 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.

1. An ECD may be utilized by trained personnel to overcome active resistance, its threat; or assaultive behavior, or its threat, and the officer can articulate the reasons why the subject poses a threat of bodily harm to the officer or another.
 - a. Active resistance involves a subject who is physically counteracting an officer's or other officer's control efforts, under circumstances in which the behavior itself, the environment in which the behavior occurs, or officer/subject factors create a risk of bodily harm.
 - b. Passive resistance, without posing a threat of bodily harm to the officer or others, is not sufficient to justify the use of an electronic control device on a subject.
 - c. Officers may consider other information known at the time of the incident, including prior conduct or statements by the subject, or prior history of resistive or assaultive behavior, in deciding whether use is justified.
 - d. Additional factors taken into consideration by the officer should include:
 1. the severity of the alleged crime at issue
 2. whether the subject poses an imminent threat to the safety of Genoa City Police Officers or others;
 3. whether the subject is actively resisting arrest or attempting to evade arrest by flight.
2. The ECD may also be used when the subject poses a threat of harm to himself or herself, such as self-inflicted injury or a suicide attempt.
3. Only ECDs issued or approved by the Chief of Police may be carried on duty.
4. An ECD is not a substitute for deadly force. In cases where a subject is believed to be armed with a dangerous weapon, an officer should not arm themselves solely with an ECD unless another law enforcement officer at the scene has the immediate ability to deliver deadly force.

5. Additional consideration and caution should be given when deploying the ECD in the following circumstances:
 - a. Against handcuffed subjects.
 - b. Against subjects fleeing on foot or in motion.
 - c. Against subjects operating a motor vehicle.
 - d. Against small children.
 - e. Against elderly people.
 - f. Against pregnant women.
 - g. Against those in elevated positions or in the water.
6. An ECD shall not be used under the following circumstances:
 - a. For coercion or intimidation.
 - b. To escort or prod subjects.
 - c. To awaken unconscious or intoxicated subjects.
7. ECD probes shall not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Department personnel who use an ECD against a subject shall ensure the probes are removed and the subject is monitored for injury as soon as practical after the subject is under control.
 - a. If an adverse reaction occurs, visible injury to the subject is observed, or if requested by the subject, the officer should arrange for medical attention for the subject by emergency medical services or at a medical facility.
 - b. If the probes are embedded in sensitive tissue areas (e.g., neck, face, groin or breast) officers shall arrange removal of the probes by emergency medical services or at a medical facility.
 - c. If the probes are embedded in non-sensitive tissue areas, an officer may remove the probes according to training guidelines.
 - d. If the subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of fifteen (15) seconds or more, officers shall arrange for medical attention for the subject by emergency medical services or at a medical facility.
9. After the probes have been removed from the subject, the probes shall be handled as a biohazard and packaged according to training guidelines. The probes, wires, and cartridge shall be retained by the officer who deployed the taser or another officer/officer at the scene and retained for at least thirty (30) days after the completion of the criminal case or at least thirty (30) days after the ECD deployment if no criminal charges are filed.

10. After an intentional ECD deployment, the officer or another officer on scene shall notify a supervisor, and the officer deploying the ECD shall document the use-of force in a report in accordance with this policy. The supervisor shall arrange for the ECD to be inspected and downloaded by the Chief of Police or his/her designee as soon as practical to retain the data.

J. USE OF FORCE DOCUMENTATION

***See Appendix C in this policy for Use of Force form**

1. In any of the situations listed below, the officer who used force or another officer on scene shall notify their supervisor immediately when the scene has been stabilized and is practical to do so. The employee shall document the use of force in their arrest report AND a Genoa City Use of Force Report (see appendix C). If any force greater than an escort hold is used, photographs or video will be taken of the area on the suspect where the force was applied. The officer, or another officer from this agency, will obtain documentation of any medical treatment or decontamination and a copy of the jail medical clearance if applicable.
 - a. Whenever an officer uses non-deadly force that results in injury or a complaint of an injury to a person.
 - b. Whenever an officer uses oleoresin capsicum (OC) aerosol spray or electronic control devices (ECDs) against a person.
 - c. Whenever an officer uses a tactic or technique in the protective alternatives mode of the Intervention Options that includes active countermeasures, incapacitating techniques, baton, or impact projectiles weapons.
 - d. Whenever an officer uses a tactic or technique, whether or not death or great bodily injury occurred, would generally be considered deadly force.
 - e. Whenever an officer uses decentralization techniques or compliance holds/pressure points that overcome active resistance, and which are beyond routine handcuffing and arrest procedures. Decentralization techniques include physically directing someone to the ground when the officer encounters active or passive resistance.

Active resistance includes behavior that physically counteracts an officer's control efforts and that creates a risk of bodily harm to the officer, subject, and/or other person.

Passive resistance includes non-threatening and non-compliant behavior. Decentralization techniques do not include ordering someone to the ground or assisting a compliant person to the ground.

K. APPLICABLE STATUTES ADOPTED BY THIS POLICY

1. WI § 175.44(2)(a) The Sanctity of Human Life

The sanctity of human life. In serving the community, law enforcement officers shall make every effort to preserve and protect human life and the safety of all persons. Law enforcement officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner.

2. WI § 175.44(2)(b) Use of Force

Use of force. When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to use force that is objectively reasonable based on the totality of the circumstances, including: 1. The severity of the alleged crime at issue. 2. Whether the suspect poses an imminent threat to the safety of law enforcement officers or others. 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

3. WI § 175.44(2)(c) Deadly Force

Deadly force. A law enforcement officer may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. If both practicable and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

4. WI § 175.44(3) Duty To Report Noncompliant Use of Force Act 75

Duty to Report Noncompliant Use of Force. (a) A law enforcement officer who, in the course of his or her law enforcement duties, witnesses another law enforcement officer use force that does not comply with the standards under sub. (2) (b) or (c) in the course of that law enforcement officer's official duties shall report the noncompliant use of force as soon as is practicable after the occurrence of the use of such force. (b) A person who intentionally fails to report a noncompliant use of force as required under par. (a) may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

5. WI § 175.44(4) Duty to Intervene Act 75

Duty To Intervene. (a) 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 sub. (2) (b) or (c) 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 sub. (2) (b) or (c). 2. The circumstances are such that it is safe for the law enforcement officer to intervene. (b) A law enforcement officer who intervenes as required under par. (a) 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 par. (a) or intentionally fails to report an intervention as required under par. (b) may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

6. WI § 175.44(4) Whistleblower Protections Act 75

Whistleblower Protections. 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 sub. (3) or (4); intervened to prevent or stop a noncompliant use of force as required under sub. (4); 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 sub. (3) or (4).

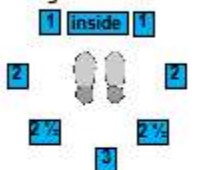
*Officer Acknowledgement Page to follow appendix C

***Appendix A**

INTERVENTION OPTIONS

Mode	Tactic	Purpose
Presence	Professional Presence	To present a visible display of authority
Dialog	Tactical Communications	To verbally persuade
Control Alternatives	Escort Holds	To safely initiate physical contact
	Compliance Holds (Pressure points & wrist compression)	To overcome passive resistance
	Oleoresin Capsicum (OC Aerosol Spray)	To overcome active resistance or its threat
	Electronic Control Device	To overcome active resistance or its threat
	Passive Countermeasures	To decentralize
Protective Alternatives	Active Countermeasures (Hand, forearm, knee, foot strikes & body stuns)	To create dysfunction
	Incapacitating Techniques (Diffused strike)	To cause the immediate, temporary cessation of violent Behavior
	26" wooden baton Expandable baton 12 gauge SIMS	To impede a subject
Deadly Force	Firearm or other instrument, the use of which would result in a high probability of death Choke Hold	To stop the threat

*Appendix B

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 PRESERVE <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 <p>A. Decision-Making</p> <ul style="list-style-type: none"> Justification Desirability <p>B. Tactical Deployment</p> <ul style="list-style-type: none"> Control of Distance Relative Positioning Relative Positioning with Multiple Subjects Team Tactics <p>C. Tactical Evaluation</p> <ul style="list-style-type: none"> Threat Assessment Opportunities Officer/Subject Factors Special Circumstances Level/Stage/Degree of Stabilization <p>2. INTERVENTION OPTIONS</p> <p>3. FOLLOW THROUGH CONSIDERATIONS</p>	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 	Positioning 
		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 Firearms – In the line of sight unbroken by cover (something that would stop the bullet). 	3 Types of EDP's: <ul style="list-style-type: none"> Short term Long Term Chemical Abuser
		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 	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
		OFFICER/SUBJECT FACTORS <ul style="list-style-type: none"> Numbers Age Size Relative Strength Skill Level 	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
		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 	

*Appendix B continued

INTERVENTION OPTIONS MODE		PURPOSE (in bold) GOAL (in italics)
A. Presence 1. Open Stance 2. Ready Stance 3. Defensive Stance		To present a visible display of authority
B. Dialogue 1. Search Talk 2. Persuasion 3. Light Control Talk 4. Heavy Control Talk		To verbally persuade
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		To overcome passive resistance, active resistance, or their threats To safely initiate physical contact To overcome passive resistance To overcome active resistance or its threat To Decentralize
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		To overcome continued resistance, assaultive behavior, or their threats To create dysfunction To cause immediate temporary cessation of violent behavior To impede
E. Deadly Force		To stop the threat
FOLLOW-THROUGH CONSIDERATIONS A. Stabilize B. Monitor/Debrief C. Search D. Escort E. Transport F. Turn-Over/Release		Application of restraints, if necessary If appropriate If necessary If necessary Removal of restraints, if necessary
REACT • Request Cooperation • Explain Reason • Allow Choice • Check Decision (Is there anything I can say to?) • Take Action		DONE • Danger • Overriding Concern • No Progress • Escape G.U.N. • Grab • Undo • Neutralize Use of force restrictions • US Constitution • Wis State Stats • Wis Admin Code • Agency Policy
De-escalation: • 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.		Color Codes: White – Unaware Orange – Ready to act Black – Blind Panic Yellow – Relaxed and alert RED – Action State
Passive Resistance: Non-threatening and non-complaint behavior		Active Resistance: Behavior which physically counteracts an officer's control efforts and which creates risk of bodily harm to the officer, subject and/or other person.
Continued Resistance: Maintaining a level of counteractive behavior that is not controlled by an officer's current efforts.		Graham Vs. Connor Use-of-Force must be objectively reasonable
Deadly Force Definition: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.		Deadly Force Justification: Behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
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.		Imminent Threat Criteria: Imminent means "about to happen." Suspect displays: • Intent • Weapon • Delivery System Target Requirements: • 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.
Preclusion: The officer reasonably believes all other options have been exhausted or would be ineffective.		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.
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.		STABILIZE • Presence stabilization • Verbal stabilization • Standing stabilization • Wall stabilization • Ground stabilization • Special restraints Monitor/Debrief • Calm self and partner • Calm subject • Provide initial medical assessment • Reassure the subject • Rebuild subjects self esteem

*Appendix C

Case# _____

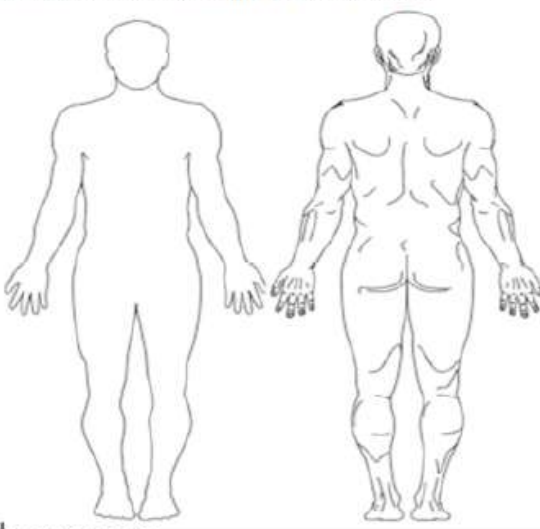


GENOA CITY POLICE DEPARTMENT

OFFICER USE OF FORCE REPORT

INCIDENT INFORMATION					
Reporting Officer:			Name of Supervisor Notified: (Supervisor Use of Force needed)		
Officer Injured? <input type="checkbox"/> Yes <input type="checkbox"/> No (LEOKA form to be filled out if Officer injury was caused with intent by subject)					
Other Officer(s) Involved in Use of Force: (Use of Force Form needed)			Other Officer(s) Present during Use of Force:		
Date:	Time:	Location:	Offense(s):	Disposition:	
SUBJECT INFORMATION					
Last Name:		First Name:		MI:	
Sex:	Race:	Date of Birth:	Age:	Height:	Weight:
Home Address:				Phone Number:	
Reason for Force Deployed: Check all that apply			Was subject resisting arrest? <input type="checkbox"/> Yes <input type="checkbox"/> No		
<input type="checkbox"/> TO EFFECT AN ARREST <input type="checkbox"/> DEFENSE OF SELF OR ANOTHER			<input type="checkbox"/> LEGAL DETENTION <input type="checkbox"/> SUBJECT'S SAFETY <input type="checkbox"/> PREVENT ESCAPE <input type="checkbox"/> OTHER (explain): _____		
Subjects Condition: Check all that apply			<input type="checkbox"/> APPEARED NORMAL <input type="checkbox"/> SUSPECTED UNDER THE INFLUENCE OF ALCOHOL <input type="checkbox"/> SUSPECTED UNDER THE INFLUENCE OF DRUGS <input type="checkbox"/> MENTALLY OR EMOTIONALLY IMPAIRED (see indicators) <input type="checkbox"/> OTHER(explain): _____		
Injuries claimed by subject:			Possible injuries observed by Officer:		
Photos of claimed or observed injuries taken by: _____					
Medical Treatment Provided? <input type="checkbox"/> Yes <input type="checkbox"/> No			If yes, Medical Waiver Signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Place of Treatment:		Transported by:		Attending Physician:	
Result of Treatment: _____					
# of Resistive Subjects: _____ (fill out a Use of Force Report for each individual subject and each Officer involved)					
Special Circumstances? (explain): _____					
CHECK ALL THE FOLLOWING THAT APPLY:					
EARLY WARNING SIGNS: <input type="checkbox"/> CONSPICUOUSLY IGNORES <input type="checkbox"/> EXCESSIVE EMOTIONAL ATTENTION <input type="checkbox"/> CEASES ALL MOVEMENT <input type="checkbox"/> KNOWN VIOLENT HISTORY		PRE-ATTACK POSTURES: <input type="checkbox"/> FIGHTING STANCE <input type="checkbox"/> HANDS SET <input type="checkbox"/> SHOULDER SHIFT <input type="checkbox"/> TARGET GLANCE <input type="checkbox"/> THOUSAND YARD STARE		WEAPON CONTROL FACTORS: <input type="checkbox"/> SUBJECT IS ARMED <input type="checkbox"/> HAVE INFO SUBJECT IS ARMED <input type="checkbox"/> SUBJECT'S HANDS NOT VISIBLE <input type="checkbox"/> YOUR WEAPON ACCESSIBLE TO SUBJECT	
INDICATORS OF MENTAL ILLNESS, EMOTIONAL DISTURBANCE OR MEDICALLY SIGNIFICANT BEHAVIOR: <input type="checkbox"/> ABRUPT ONSET <input type="checkbox"/> EXTREME AGITATION OR EXCITEMENT <input type="checkbox"/> CONFUSION/IMPAIRED THINKING OR PERCEPTION <input type="checkbox"/> BIZARRE, OFTEN VIOLENT BEHAVIOR DIRECTED TOWARDS OBJECTS, ESPECIALLY GLASS <input type="checkbox"/> EXTREMELY HIGH BODY TEMPERATURE/PROFUSE SWEATING/REMOVES CLOTHING					
DEGREE OF STABILIZATION PRIOR TO FORCE: <input type="checkbox"/> NONE <input type="checkbox"/> PRESENCE <input type="checkbox"/> VERBAL <input type="checkbox"/> STANDING <input type="checkbox"/> WALL <input type="checkbox"/> GROUND <input type="checkbox"/> HANDCUFFED <input type="checkbox"/> SUPPLEMENTAL RESTRAINT <input type="checkbox"/> PRESENT FA/ECD/OC				COMPLIANCE: <input type="checkbox"/> YES <input type="checkbox"/> NO	
LEVELS OF RESISTANCE BY SUBJECT: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> NON-RESPONSIVE (IGNORING) <input type="checkbox"/> RESISTIVE TENSION (TIGHTENS MUSCLES) <input type="checkbox"/> AGGRESSIVE RESISTANCE (APPROACHING OFFICER) <input type="checkbox"/> GREAT BODILY HARM ASSAULT - LEOKA FORM NEEDED <input type="checkbox"/> LIFE THREATENING WEAPON ASSAULT - LEOKA FORM NEEDED </div> <div> <input type="checkbox"/> DEAD WEIGHT TACTICS (INTENTIONAL) <input type="checkbox"/> DEFENSIVE RESISTANCE (PULLS AWAY/FLEES) <input type="checkbox"/> PHYSICAL ASSAULT (HANDS/FEET) LEOKA FORM NEEDED <input type="checkbox"/> LIFE THREATENING ASSAULT - LEOKA FORM NEEDED </div> </div>					
POST FORCE RESTRAINTS: <input type="checkbox"/> NONE <input type="checkbox"/> HANDCUFFS <input type="checkbox"/> LEG RESTRAINTS <input type="checkbox"/> FLEX CUFFS <input type="checkbox"/> HOBBLE STRAPS <input type="checkbox"/> PROTECTIVE HELMET <input type="checkbox"/> OTHER (explain): _____					

***Appendix C continued**

LEVELS OF CONTROL BY OFFICER: (Presence Assumed) Check all that apply <input type="checkbox"/> DIALOG/TACTICAL COMMUNICATIONS <input type="checkbox"/> COMPLIANCE HOLDS <input type="checkbox"/> WRIST COMPRESSION(1) <input type="checkbox"/> PRESSURE POINT(2) <input type="checkbox"/> CONTROL DEVICE <input type="checkbox"/> CONTROL ENERGY DEVICE(3) <input type="checkbox"/> OC SPRAY(4) <input type="checkbox"/> PASSIVE COUNTERMEASURE(5) <input type="checkbox"/> ACTIVE COUNTERMEASURE <input type="checkbox"/> HANDS(6) <input type="checkbox"/> FEET(7) <input type="checkbox"/> FOREARM(8) <input type="checkbox"/> KNEE(9) <input type="checkbox"/> STUN(10) <input type="checkbox"/> DIFFUSED STRIKE <input type="checkbox"/> FRONTAL APPLICATION(11) <input type="checkbox"/> REAR APPLICATION(12) <input type="checkbox"/> INTERMEDIATE WEAPON <input type="checkbox"/> BATON(13) <input type="checkbox"/> LLIMS(14) <input type="checkbox"/> OTHER(15) (explain): _____ <input type="checkbox"/> K-9 BITE(16) (Name of K-9): _____ <input type="checkbox"/> DEADLY FORCE(17)	FORCE APPLICATION AREAS: Use assigned numbers from levels of control by Officer to indicate type and location of force. 
CONDUCTED ENERGY DEVICE (CED)	
ECD SERIAL #:	DEPLOYMENT TYPE: <input type="checkbox"/> PROBE <input type="checkbox"/> DRIVE STUN
SUBJECT CLOTHING: <input type="checkbox"/> HEAVY <input type="checkbox"/> LIGHT <input type="checkbox"/> LOOSE FIT	# OF CYCLES: _____ DEPLOYMENT DISTANCE: _____ PROBE SKIN PENETRATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
EFFECTIVENESS OF ECD: <input type="checkbox"/> TOTAL INCAPACITATION <input type="checkbox"/> PARTIAL INCAPACITATION <input type="checkbox"/> NO EFFECT/MISS	
<input type="checkbox"/> FURTHER CONTROL METHODS NEEDED (explain): _____	
PROBES REMOVED BY: _____	
OC SPRAY	
DISPERSION TYPE: <input type="checkbox"/> STREAM <input type="checkbox"/> MIST/FOG <input type="checkbox"/> FOAM	# OF BURSTS: _____ SPRAY DISTANCE(S): 1 ST 2 ND 3 RD 4 TH 5 TH
EYE EFFECTS: <input type="checkbox"/> NONE <input type="checkbox"/> CLOSURE <input type="checkbox"/> TEARS	NOSE EFFECTS: <input type="checkbox"/> NONE <input type="checkbox"/> DISCHARGE <input type="checkbox"/> IRRITATION
SKIN EFFECTS: <input type="checkbox"/> NONE <input type="checkbox"/> REDNESS <input type="checkbox"/> BURNING	
LUNG EFFECTS: <input type="checkbox"/> NONE <input type="checkbox"/> COUGHING <input type="checkbox"/> LABORED BREATHING	
EFFECTIVENESS OF OC SPRAY: <input type="checkbox"/> STOPPED RESISTANCE <input type="checkbox"/> REDUCED RESISTANCE <input type="checkbox"/> NO EFFECT/MISS	
<input type="checkbox"/> FURTHER CONTROL METHODS NEEDED (explain): _____	
TREATMENT TYPE: <input type="checkbox"/> MEDICAL <input type="checkbox"/> COOL WATER <input type="checkbox"/> AIR/FAN <input type="checkbox"/> NONE RECOVERY TIME: _____	
LESS LETHAL IMPACT MUNITIONS (LLIMS)	
PROJECTILE TYPE:	WEAPON SERIAL #: _____ ROUNDS DEPLOYED: _____ DISTANCE(S) (feet): 1 st 2 nd 3 rd 4 th 5 th
EFFECTIVENESS OF LLIMS: <input type="checkbox"/> TOTAL INCAPACITATION <input type="checkbox"/> PARTIAL INCAPACITATION <input type="checkbox"/> NO EFFECT/MISS	
<input type="checkbox"/> FURTHER CONTROL METHODS NEEDED (explain): _____	
LESS LETHAL COVER OFFICER :	
FIREARM DEADLY FORCE AGAINST ANIMAL CHECKLIST	
TYPE OF CALL: <input type="checkbox"/> DOG BITE <input type="checkbox"/> VICIOUS DOG <input type="checkbox"/> LOOSE DOG <input type="checkbox"/> BARKING DOG <input type="checkbox"/> OTHER: _____	
BREED: _____	SIZE: _____ SEX: _____ DEGREE OF CONTAINMENT: <input type="checkbox"/> NONE <input type="checkbox"/> PARTIAL <input type="checkbox"/> COMPLETE
THREAT PERCEPTIONS (Check all that apply): <input type="checkbox"/> BITING <input type="checkbox"/> GROWLING <input type="checkbox"/> SHOWING TEETH <input type="checkbox"/> CHARGING <input type="checkbox"/> HOLDING GROUND <input type="checkbox"/> FOAMING MOUTH <input type="checkbox"/> HEAVY DROOLING <input type="checkbox"/> BACK HAIR UP <input type="checkbox"/> CONFUSED/DISORIENTED <input type="checkbox"/> KNOWN VIOLENT HISTORY <input type="checkbox"/> INJURIES <input type="checkbox"/> OTHER: _____	
LOCATION: (yard, driveway, field, road, porch, etc.)	OTHER TRAFFIC: <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> VEHICLE <input type="checkbox"/> OTHER ANIMALS
PRECLUDED OTHER OPTIONS: <input type="checkbox"/> Yes <input type="checkbox"/> No	TARGET REQUIREMENTS: <input type="checkbox"/> ACQUISITION <input type="checkbox"/> IDENTIFICATION <input type="checkbox"/> ISOLATION TARGET FACTORS: <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING
DESCRIBE BACKSTOP: _____	INITIAL SHOT DISTANCE: _____ ROUNDS DEPLOYED: _____ CASINGS RECOVERED: _____
COLLATERAL DAMAGE: _____	CARCASS REMOVED BY: _____

*Officer Acknowledgement Page to follow

OFFICER ACKNOWLEDGEMENT of policy as outlined in policy 13 – **FORCE - Version 5/1/24**

Print Clearly

_____	_____	_____
Print Name	Date	Signature
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