

# UW Whitewater Police



## Use of Force

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### I. Purpose

The purpose of this policy is to provide officers guidance in the use of force.

### II. Definitions

**Deadly force:** is the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

**Subject's behavior that justifies Deadly Force:** "That behavior which has caused or imminently threatens to cause, death or great bodily harm to you, another person, or persons."

**Great bodily harm:** means bodily injury which creates a substantial risk of death or which causes a permanent or protracted loss of impairment of the function of any bodily member or organ or other serious bodily injury. (§[939.22\[14\]](#))

**Concealed:** is to keep an item from being seen, found, observed, or discovered by another individual.

**Force:** is any physical strike, instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of: firearms, Tasers, oleoresin capsicum, taking of a person to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no or minimal resistance.

**Custodial Measures:** are physical techniques beyond simple handcuffing and escort holds to obtain compliance while someone is in an officer's protective care or guardianship.

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## III. Policy

UW-Whitewater Police Department recognizes and respects the sanctity and paramount value of human life. Consistent with this primary value is the Department's full commitment to only use force when it is reasonably necessary. In determining whether force is reasonably necessary, full consideration must be given to the fact officers may be forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force necessary in a particular situation. Excessive force is strictly prohibited.

## IV. Procedure

### A. Necessary Force

Police officers will use only the force objectively reasonable to accomplish lawful objectives based upon the Critical Decision-Making Model (CDM). Every step of the process is connected to the core, and the core informs and guides officers throughout the five steps. Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards.



### B. De-Escalation

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1. When safe and feasible under the totality of the circumstances, officers should attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution. Examples of de-escalation could include, but are not limited to:
  - a. Placing barriers between an uncooperative subject(s) and an officer.
  - b. Containing a threat.
  - c. Decreasing the exposure to a potential threat by using backup, distance/time, or cover/concealment.
  - d. Communication from a safe position intended to gain the subject's compliance, using dialogue.
  - e. Any other tactics and approaches that attempt to achieve law enforcement objectives.
2. An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.
3. Mitigating the immediacy of a threat gives officers time to utilize extra resources and increase time available to call more officers or specialty units.
4. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used. When feasible, officers should approach an individual whom they anticipate may be taken into custody (criminal suspects, potential chapter 51 protective custody/emergency detention, etc.) with back-up present or immediately available.

## **C. Deadly Force (5.1.2)**

Police officers may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of great bodily harm. As a last resort, deadly force may be used to prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others.

## **D. Chokeholds (5.1.3)**

The use of chokeholds is prohibited, except in those situations where the use of deadly force is allowed by law.

## **E. Warning Shots (5.1.4)**

Police officers shall not discharge warning shots

## **F. Use of Less Than Lethal Weapons (5.1.5)**

1. Police officers are issued and authorized to carry three less-than-lethal weapons. They are:

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- a. Oleoresin Capsicum Spray (O.C.)
  - b. Electronic Control Device (ECD)
  - c. Police Baton
2. O.C. Spray and the ECD are considered control devices and can be used to overcome active resistance or its threat. Active resistance involves a subject who is physically counteracting an officer's control efforts.
  3. Only officers trained in the use of ECD may deploy such weapons.
  4. The Police Baton is considered an intermediate weapon and shall be used for the purpose of impeding a subject, preventing him or her from continuing resistance, assaultive, or otherwise dangerous behavior.
  5. The Less Lethal Shotgun is considered an intermediate weapon and shall be used for the purpose of impeding a subject, preventing him or her from continuing resistance, assaultive, or otherwise dangerous behavior. A Less Lethal Shotgun is in the cargo area of each marked squad car that UW-Whitewater Police Department uses.

## **G. Target Specific Directed Fire**

Officers are authorized to use target specific directed fire, when the consequence of not stopping the treat would be worse than the possibility of hitting an innocent person.

## **H. Medical Aid (5.2.1)**

1. Whenever force of any type is directed against a person s/he will be monitored for injury as soon as practical after they are under control. If there is any evidence of injury, or injury is suspected, or the individual who had any type of force directed towards them requests medical attention police officers shall summon first responder medical personnel to the scene. The officer(s) shall render appropriate first aid procedures to the individual if they determine s/he is no longer a threat, until the arrival of medical personnel. If the individual refuses medical treatment, this shall be noted in the appropriate police reports. Emergency medical personnel shall make the decision whether or not the individual should be transported to the hospital.
2. If the probes of a Taser are embedded in sensitive areas such as the neck, face, or genital areas, officers shall arrange transport to a medical facility for removal. If the probes are embedded in other "non-sensitive" tissue areas, an officer may remove them according to trained procedures. After the probes have been removed, they shall be handled as a bio-hazard

## **H. Use of Force Report (5.3.1)**

1. Police officers must notify a supervisory officer and document within their report when they:

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- a. Discharge a firearm, for other than training purposes;
  - b. Take an action that results in, or is alleged to have resulted in, injury or death of another person;
  - c. Apply force through the use of lethal or less-than-lethal weapons; or
  - d. Apply weaponless physical force beyond custodial measures.
  - e. The use of force, shall be reported in a timely, complete and accurate manner by involved officers and any officer who witnesses a use of force, as prescribed by this policy.
  - f. All use of force reports shall specify the actions of the suspect that necessitated the use of force, based on the CDM, the reasons why the officer used force, as well as any suspect complaints of injury, medical treatment received, or refusal of medical treatment.
  - g. An instructor in one of the Use of Force fields will be assigned to work with the officer involved in the use of force to ensure proper documentation, as noted in F. 3., of the use of force within the report, or will immediately review the officer's report, once it is written to ensure proper documentation, as noted in F. 3., of the use of force.
2. In cases where deadly force is encountered or used, it is recognized that a full report may not be required until up to 72 hours after the incident. However, a draft report of the main facts will be provided to the officer's direct supervisor immediately after the use of force incident. Supervisory officers, who become aware of a use of force incident, shall contact the Chief or designee and brief him on the situation as soon as possible.
  3. The police officer must make sure the use of force incident is documented properly in the department's records management system.
- I. Use of Force Review (5.3.2)**
- Upon receipt of the report the immediate supervisor shall ensure that it along with all other documents related to the incident are complete. The supervisor will then forward these documents to the Chief or his/her designee, who will be responsible for administratively reviewing the incident. The intent of the administrative review is to determine whether there are policy, training, weapon/equipment, or discipline issues that should be addressed. The Chief or his/her designee shall, in addition to an incident-by-incident review, conduct a documented annual analysis of all use of force incidents.
- J. Use of Force Administrative Leave (5.3.3)**
- All cases in which the use of deadly force results in or is likely to result in death or serious physical injury, the involved police officer will be placed on mandatory administrative leave with pay upon completion of his/her preliminary report.

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Administrative leave shall include, but is not limited to, the time required for the officer to consult with, and be released by, a psychologist. The police officer may request discretionary administrative leave with pay after an appointed psychologist has released him or her to return to regularly assigned duties. The Chief or his/her designee shall approve discretionary administrative leave in the best interest of the police officer. While on administrative leave, whether mandatory or discretionary, the police officer shall remain available to discuss the incident with the Chief, his/her designee, other supervisory officers or any other legally authorized person conducting an investigation. The police officer may discuss the incident with retained legal counsel but no other outside agency, individual or group without specific permission from the Chief.

## **K. Authorized Weapons and Ammunition (12.1.1.1, 12.1.1.2)**

1. Only weapons and ammunition reviewed and approved by the Chief or his/her designee shall be used by police officers as they perform their on-duty law enforcement responsibilities or carry off-duty weapons. A qualified firearms instructor or armorer shall maintain a record on each firearm approved for official use and shall inspect all firearms approved for use before they are issued to a police officer. A supervisory officer, armorer or firearms instructor shall remove a weapon from duty use if s/he has reason to believe it may be unsafe and shall replace the suspect weapon immediately and be responsible for directing further inspection or repair.
2. Police officers must be armed with authorized and all permanently issued duty weapons when in uniform. Police officers may, but are not required to, carry a firearm while off-duty. They may carry the department issued firearm or a personally owned firearm, but if an officer elects to carry a personally owned weapon, it must first be reviewed and approved by the Chief or their designee. When an officer elects to carry a firearm off-duty it shall be carried concealed, so as not to raise suspicion and fear of the public, and the officer must carry their badge and identification card. Any personally carried ammunition must be commercially available and manufactured ammunition.
  - a. Officers shall not carry a firearm if/when they have been consuming alcohol. If an officer is assigned to an authorized, specialized, undercover unit or detail where the non-consumption of alcohol would place him/her or the investigation in jeopardy, a firearm maybe carried as long as the officer remains under the legally impaired limit of a blood alcohol content of 0.08.
  - b. Officers must report to their immediate supervisor any use of prescription or other medication that they reasonably believe would

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impair their ability or judgment to use a firearm. This includes but is not limited to medication which may induce drowsiness and/or suggests not driving.

- c. Removal of firearms from their holster or other carrying devices for other than authorized purposes— such as tactical use, training and qualification, inspection, or cleaning and maintenance— is prohibited.
3. Police officers assigned to plain-clothes assignments will carry a concealed firearm, their badge and identification card while on duty, with the exception of training. Those individuals attending training may elect to wear a firearm but will not be required unless necessary for the course of instruction.
4. The department shall allow police officers to carry a personally owned knife while on duty, but it shall only be carried if approved and noted on the officer's "Patrol Equipment Inventory." While the knife is not intended to be a defensive weapon it may be used in those situations where the officer is authorized to use deadly force, and when no other alternative is readily available.

## L. **Weapon Proficiency (12.1.2)**

Only police officers demonstrating proficiency in the use of authorized weapons will be approved to carry such weapons. Each police officer must successfully complete the following requirements, which shall be properly documented, before being authorized to carry any weapon:

1. Complete a basic law enforcement academy curriculum approved for certification by the State of Wisconsin; AND
2. Receive, and be instructed in, the Department's written directive regarding the use of force; AND
3. Receive, be instructed in, Wisconsin's system of Defensive and Arrest Tactics (DAAT); AND
4. Receive, and be instructed in, Integrating Communication, Assessment and Tactics (ICAT); AND
5. Qualify with all authorized lethal weapons. Qualification is accomplished through a pass/fail system that takes into account factors including, but not limited to grip, stance, verbalization and number of rounds on the target. The firearms instructor makes the pass/fail determination.

## M. Use of Force Training

1. Police officers, on an annual basis, will receive in-service training and be required to demonstrate proficiency on:
  - a. The department's use-of-force and emergency vehicle operation policies; AND

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- b. The State of Wisconsin's DAAT system principles; AND
    - c. Integrating Communication, Assessment and Tactics (ICAT); AND
    - d. All approved lethal and less-than-lethal weapons.
  - 2. Proficiency training shall be monitored by a certified instructor and shall be properly documented. Police officers unable to demonstrate proficiency during annual weapons in-service training shall be required to successfully complete a remedial training session structured and documented by a certified instructor prior to resuming official duties.
- N. Use of Force Policy Training  
Police Officers authorized to carry lethal and less-than-lethal weapons must be given access to, and be instructed in, the policies described above before being authorized to carry a weapon. The issuance and training shall be documented.
- O. The Training Administrator shall conduct a documented annual analysis of all use of force reports every July of each year. The report shall be forwarded to the Chief for review by August of each year.