



POLICY & PROCEDURE

UW-GREEN BAY POLICE DEPARTMENT

| | | | |
|----------------------|---|-------------------|--|
| SUBJECT: | USE OF FORCE | SCOPE: | All Employees |
| CHAPTER: | 5 Management of Resistance & Aggression | NUMBER: | 5.1.1 |
| DISTRIBUTION: | Policy Manual | EFFECTIVE: | 1/28/2012 |
| APPROVED: | Tony Decker, Chief of Police | REVIEWED: | 6/20/12, 8/15/17, 4/1/20 |
| REFERENCE: | §66.0511(2), §939.22, | REVISED: | 10/17/2017, 04/03/2020 09/08/2020, 05/01/2022, 10/10/2022, |

I. PURPOSE

This policy is mandated by State Statute §66.0511(2).

The purpose of this policy is to establish guidelines for the use of force by sworn personnel in the performance of their official duties. Proper use of force decisions, based on reasonableness, ensure due process for citizens and provide protection for officers and the Department.

This policy is based on the Defensive and Arrest Tactics (DAAT) program established by the Wisconsin Department of Justice – Law Enforcement Standards Board.

II. POLICY

It is the policy of the University of Wisconsin Green Bay Police Department that officers shall use only the amount of force reasonably necessary to achieve a lawful objective.

III. DEFINITIONS

- A. Active Resistance: Behavior which physically counteracts an officer's control efforts and creates a risk of bodily harm to the officer, subject, or other persons.
- B. Assaultive Behavior: Direct action or conduct that generates bodily harm.
- C. Bodily Harm: Physical pain or injury, illness, or any impairment of physical condition, but less severe than great bodily harm.
- D. Deadly Force: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- E. Defensive and Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the Wisconsin Department of Justice – Law Enforcement Standards Board.

- F. Electronic Control Device: An electronic device that uses propelled wires and probes or direct contact to deliver electricity for the purpose of affecting the sensory and motor functions of the human and animal nervous system. The intended purpose of this device is to incapacitate and help control threatened or active resistance and/or violent persons or animals.
- G. Excited Delirium Syndrome: A state of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, and exceptional strength and endurance without apparent fatigue.
- H. Great Bodily Harm: as defined in Wis. Stat. §939.22
- I. Intervention Options: Trained techniques for intervening and gaining control in a disturbance. The techniques are categorized into five modes; presence, dialogue, control alternatives, protective alternatives, and deadly force, each reflecting the need for an increasing level of control. A list of trained intervention options can be found in Appendix A of this policy.
- J. Less Lethal System: A shotgun or other launching device used exclusively for the launching of less lethal impact or chemical rounds, such as a CTS Super-Sock™ or OC/CS round.
- K. Non-deadly Force: An amount of force that, under normal circumstances, would not be expected to result in great bodily harm or death.
- L. Objective Reasonableness Standard: The standard established by the U.S. Supreme Court in *Graham v. Connor* 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.
- M. Officer Override: The procedure in which an officer replaces the primary officer, abruptly taking over as primary or removing them from a contact due to an imminent or perceived excessive use of force, the officer's loss of emotional control, or an officer safety concern.
- N. Passive Resistance: Non-compliant and non-threatening resistance to lawful orders.
- O. Reasonable Belief: A conclusion reached by an ordinary, prudent and reasonably intelligent police officer that a certain fact situation exists under the totality of circumstances perceived by the officer at the time the officer acted.
- P. Reasonable Force: A physical act by a police officer in the performance of their duty used to accomplish a legitimate law enforcement goal and which is objectively reasonable under the totality of circumstances as perceived by the officer at the time the officer acted.

IV. PROCEDURE

A. General Guidelines

1. Officers shall use only that amount of force that is objectively reasonable

to control a situation, control a person, or effect a seizure. Force decisions shall be based on the Disturbance Resolution Model and the Intervention Options incorporated in the DAAT system.

2. In deciding whether to use force, including which intervention option is appropriate, officers are permitted to consider all information known to the officer at the time of the incident, including conduct or statements made by the subject and prior history of resistive or assaultive behavior.
3. Officers shall not continue to use force beyond that which is objectively reasonable to establish and then maintain control once the subject has stopped resisting.
4. During a use of force event, all officers are responsible for ensuring that no officer's use of force is excessive, exceeding or continuing beyond what is objectively reasonable. All officers are permitted to conduct an "officer override" to immediately de-escalate and/or terminate any perceived **excessive** use of force by a fellow officer, regardless of their rank or positional authority.
 - a. Any officer override conducted for a perceived use of excessive force shall be reported to a member of the command staff immediately.
5. Uniformed Officers are required to carry on their person a minimum of one approved less lethal weapon.

B. Choke Holds

1. The use of choke holds, which compresses the soft area of a subject's neck with hand(s), limb(s), or objects is known to have inherent safety dangers. The intentional use of choke holds is prohibited, unless there is an imminent danger of death or great bodily harm or when it's the only reasonable alternative to using deadly force.
 - a. The unintentional use of hands, limbs, or objects on the soft area of the neck without intentional compression, is not a choke hold.

C. Electronic Control Device

1. Officers who have successfully completed a department approved training course for ECD use are authorized to carry the device.
2. An electronic control device may be used when a subject is threatening to actively resist, is actively resisting, or the subject poses an articulable threat of bodily harm to an officer or another person. It may also be used when the subject poses an articulable threat of physical harm to themselves.
3. Under the following conditions the risk of injury to a subject by exposing

them to an ECD is reasonably seen as increased, thus ECD deployment should be carefully balanced against its immediate use benefit.

- a. Presence of flammable materials
 - b. Subject located in an elevated position
 - c. Subject operating a vehicle
 - d. Subject running
 - e. Subject obviously, or known to be, pregnant
 - f. Subject in water of sufficient depth to drown
 - g. Subject obviously frail or infirm
4. Lethal cover should be deployed prior to ECD deployment in all cases in which the subject possesses a weapon capable of causing death or great bodily harm.
 5. ECD Deployment Methods
 - a. The primary deployment method is to discharge the ECD cartridge, propelling the probes and wires.
 - b. The back-up deployment method is to firmly drive the attached fired ECD cartridge into the subject's body (drive stun).
 6. ECD Deployment Cycles
 - a. Officers shall deliver only the number of deployment cycles or duration of cycling reasonably necessary to control the subject.
 - b. If cover officers are available, they should attempt to control the subject during the deployment cycles, if practicable.
 - c. If multiple cycles have been delivered and the subject still cannot be controlled, officers should consider an escalation of force or should disengage.
 7. When an ECD is used against a person the custodial officer shall monitor them for injury or adverse reaction. If more than two (2) ECD cycles or fifteen (14) seconds were delivered, an adverse ECD reaction occurs, or its requested by the person, transport to a medical facility for clearance shall be made.
 8. If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or the breast of a female, officers shall arrange transport to a medical facility for removal. Probes that are imbedded in other non-sensitive tissue areas, a may be removed by a trained officer according to the trained procedures.

- a. Officer(s) should photograph probe hits on the subject's body before and after removal, if practical and not in a sensitive tissue area.
 - b. Officer(s) should photograph any additional injuries on the subject's body which were caused during an ECD deployment.
9. The probes shall be treated as a contaminated biohazard and officers removing the probes shall use appropriate **personal protective equipment**.
10. Forensic ECD evidence collection shall occur under any of the following circumstances:
 - a. Great bodily harm occurs to the subject or officer during or following the use of an ECD.
 - b. The ECD is not effective, which leads to the use of deadly force.
 - c. The subject dies following the use of an ECD.
 - d. The ECD is used on a subject displaying behaviors consistent with "Excited Delirium" (elevated risk of sudden custody death).
11. When an ECD is used against a person, the Use of Force form shall include the serial number of the deployed unit so the deployment information may be downloaded.
12. An ECD's use against a person or animal is considered to occur when an officer uses the ECD to complete a drive stun or fires the probes, whether the probes hit the intended target or not.
13. Only ECDs and accessories approved by the Chief or Police or their designee shall be permitted for carry and use by members of the department.

D. Oleoresin Capsicum Spray (OC)

1. Officers, who have been trained and certified in the use of OC may carry department issued OC while on duty.
2. Trained personnel may use OC when a subject is threatening to actively resist, is actively resisting, or poses an articulable threat of bodily harm to an officer or another person. Mere passive resistance does not warrant the use of OC.
3. Generally, officer should avoid use at a distance of less than 4 feet because of increased risk of eye injury from the pressure of the spray.
4. Department personnel who use OC against a person shall ensure the person is decontaminated as soon as practicable after he or she is under control.

- a. If possible, the person should be exposed to fresh air and the contaminated site flushed with cool water.
 - b. Officers should continue to monitor the exposed person for any unusual reactions and if the exposed person has an unusual reaction or requests medical attention, arrange transport to a medical facility for care.
 5. If circumstances permit, and it can be done without endangering department personnel, reasonable efforts to decontaminate domesticated animals should be made or decontamination information conveyed to the animal's owner.
- E. Intermediate Weapons/Impact Weapon: (expandable and straight baton)
1. The use of batons is permitted against a person to impede a subject, preventing him or her from continuing active resistance or assaultive behavior.
 2. Officers who have successfully completed University of Wisconsin-Green Bay Police Department's advanced baton training may use an authorized baton as additionally trained.
- F. LESS LETHAL ALTERNATIVES: The following procedures shall govern the use of less lethal projectiles during patrol operations:
1. Less lethal impact projectiles are not approved for use against crowds but may be used directly against an individual.
 2. Dedicated less lethal launch systems and **impact** projectiles are to be deployed for use by sworn personnel subject to the following conditions:
 - a. At no time shall officers possess any conventional lethal ammunition which is capable of being launched in any less lethal launch system while on duty, other than when possessed as part of a lawful detention or seizure.
 - b. The launch systems and projectiles shall be secured unloaded inside equipped patrol vehicles. Personnel using the patrol vehicle are responsible for the operational status of the system.
 - c. Officers shall visually and physically verify the less lethal launch system is unloaded prior to loading any less lethal round into the system.
 - d. Officer shall verify each round as being a less lethal round as it is being loaded into the launcher.
 - e. Only officers trained in the proper use of less lethal impact or chemical projectiles may launch them, and their use shall be consistent with departmental training.

- f. Less lethal impact projectiles are not a substitute for deadly force. In a deadly force situation, officers may not arm themselves with a less lethal system unless another officer present has the immediate ability to deliver deadly force.
 - g. The officer utilizing the less lethal launching device should, when practical, notify officers at the scene as well as dispatch that a less lethal system is on scene. Just prior to launching a less lethal projectile the officer should state "Bean Bag! Bean Bag! Bean Bag!" to alert nearby officers. This announcement is an attempt to avoid the sympathetic use of deadly force by other officers.
 - h. The officer employing a less lethal projectile should deploy it to the appropriate target areas for a 12ga CTS Super-Sock™ ("bean bag") round, which are the lower arms, thighs, buttocks, and lower legs.
- 3. Dedicated less lethal launch systems utilizing **chemical** projectiles may be deployed for use by sworn personnel subject to the following conditions:
 - a. Only at the direction of the Chief of Police, or his incident specific designee, and used for Crowd Control, Crowd dispersal, or against a barricaded suspect.
 - b. Fire personnel should be summoned to the area, if practical, prior to the use of chemical munitions to control any fires and assist in providing medical aid if needed.
- 4. The firing of less lethal projectiles must be evaluated using the criteria of this policy and the State of Wisconsin Intervention Options. Firing of less lethal projectiles at non-vital areas is not considered deadly force and falls just above baton strikes (at the upper range of the "impact weapon" category) in the Protective Alternatives.
- 5. The intentional deployment of less lethal projectiles at the face, head, or neck is considered deadly force.
 - a. The use of CTS SuperSock™ 2581 or similar round at distances of less than 12ft presents a significant risk of death or great bodily harm.
 - b. The deployment of a CTS SuperSock™ 2581 or similar impact round should occur between distances of 12ft and 50ft into an approved target area.
- 6. All subjects who have a launched less lethal system deployed on them shall be examined by medical staff and receive medical clearance for incarceration, if taken into custody after the deployment.

G. Use of Deadly Force

1. The intentional use of deadly force is permissible under the following circumstances:
 - a. Consistent with the principle of preclusion as a last resort, in the defense of one's self, or another person, when the officer reasonably believes he or she, or another person, is in imminent danger of death or great bodily harm.
 - b. As the final alternative, to effect an arrest or prevent the escape of a person whom the officer reasonably believes has committed a felony involving the actual or threatened use of deadly force and there is probable cause to believe the suspected felon poses an imminent threat of death or great bodily harm if not immediately apprehended.
2. Whenever feasible, officers shall identify themselves and issue a verbal warning before using deadly force.
3. The decision to discharge a firearm under the following circumstances shall be guided by Section 1, above; however, it should be reasonably avoided as it may create an increased risk to the officer or others.
 - a. From a moving vehicle
 - b. At a moving vehicle
 - c. When the target of the force is not clearly visible.
4. Officers shall not discharge a firearm as a warning.
5. Officers are permitted to euthanize a dangerous attacking animal or one that is so seriously injured or sick that humanity dictates it be dispatched to alleviate further suffering, but only after careful consideration is given to the public's safety and whether other alternatives may be feasible.

H. Pointing of Firearm

1. If an officer intentionally points a firearm at a person, the officer shall complete a case report detailing the circumstances of the incident. If multiple officers are involved, the primary officer assigned the call is required to complete a case report. Any other officers shall prepare and submit a supplemental details within the report.
2. A University of Wisconsin Green Bay Police Department Use of Force form is not required for the mere drawing or pointing of a firearm, when no person is the subject of their action. This would include actions such as clearing a building or vehicle, where no person is found.

I. First Aid and Medical Assistance

1. Officers who use force against a person shall ensure the subject is treated for injury, if any injuries are present, as soon as practical.
2. If an injury reported by the person, officers shall provide first aid and/or request medical assistance as needed.
3. Officers should be observant for indicators that the subject is experiencing medically significant behavior, such as excited delirium syndrome.
4. Officers shall, as soon as it is reasonably believed safe to do so, render all reasonable lifesaving medical aid to any person whom deadly force was used against. In the event of multiple adversary incidents, an officer may triage care between individuals.

J. Required Notifications and Reports upon Use of Force

1. Whenever an officer is responsible for the intentional or unintentional discharge of a firearm that is not done recreationally or as part of training, they are required to make the following notifications:
 - a. If on duty, a supervisor as soon as practical. The officer shall inform the supervisor of the basic circumstances surrounding the discharge.
 - b. If off duty, a supervisor as soon as practical. The officer shall inform the contacted supervisor of the basic circumstances surrounding the discharge.
 - c. If discharged at a person, or where a person is injured, the law enforcement agency of jurisdiction of where the discharge occurred as soon as practical.
2. When an officer uses force of a control alternative or greater, excluding an approved escort hold, he or she shall contact a supervisor as soon as practicable after the use of force. The officer shall also complete an incident report documenting the incident.
3. In addition to any other reporting requirements in this policy whenever an officer uses any amount of force against another person that results in, or is alleged to have resulted in injury or death to a person, he or she shall contact a supervisor as soon as practicable after the use of force.
4. Each officer whose individual use force qualifies as reportable shall complete a Use of Force form. When completing a Use of Force form, officer(s) should only document their own use of force but may detail other observed uses of force in their case report.
5. Whenever a supervisor is notified of a use of any force as outlined in this policy, he or she shall conduct a preliminary review of the incident. They will notify their supervisor and also review each submitted Use of Force

form to preliminarily determine if the use of force complies with department policy.

6. The Chief, or their designee, shall review each incident to determine if a Use of Force Review Team is to be convened under this policy or if the circumstances of the incident warrant an investigation into the officer's use of force.
7. The Training Supervisor shall maintain a written list of all incidents involving the use of physical force by officers.

K. Use of Force Review Team

1. The Use of Force Review Team shall consist of the following personnel:
 - a. 1st Line Patrol Supervisor (Chairperson)
 - b. 2nd Level Administrative Supervisor (Vice-Chairperson)
 - c. A LESB certified DAAT or Firearms instructor, who's not (a) or (b)
 - d. Any person or persons which are a subject matter expert, upon majority agreement by the resident committee.
2. If the officer involved in a use of force incident is a supervisor, the Chief of Police or another supervisor who is not subordinate to the involved supervisor will chair the Use of Force Review Team.
3. If the Chief of Police is the officer involved, the training supervisor will coordinate with the Vice Chancellor of Business and Finance and/or the Assistance Vice Chancellor of Policy and Compliance to determine who will chair the review team or if a request will be made to an outside law enforcement agency.
4. The Use of Force Review Team shall conduct an administrative review of the following uses of force:
 - a. The use of deadly force by an officer, whether or not injury or death occurs.
 - b. All incidents involving the accidental or intentional discharge of a firearm, excluding the use to dispatch an animal unless its use causes great bodily harm or death to a person.
 - c. All incidents resulting in great bodily harm to a person by an officer's use of force.
 - d. Any additional situations as directed by the Chief of Police.
5. This administrative review shall be separate from any other investigation and is strictly to determine whether the use of force was consistent with

the policies of the department.

6. Upon conclusion of the review, the Use of Force Review Team shall a written report of their findings and conclusions. The report shall include a description of how the review was conducted, a listing of all facts established by the review, any minority dissents, and the final disposition.
7. The Use of Force Review Team report shall include the final disposition finding that the officer's use of force was either:
 - a. Within policy
 - b. Outside of policy
 - c. Outside of policy, with extenuating circumstances
8. Any officer who uses force which results in death or great bodily harm to another person may be assigned to administrative duties, or may be placed on administrative leave at the discretion of the Chief of Police or Department of Human Resources, pending the completion of the use of force review and final action of the Chief of Police.



October 5, 2022

TONY DECKER, CHIEF OF POLICE

This policy shall become effective either immediately upon my signature or on the last date noted in the Revised Date field of page one. When a revision becomes effective, it shall be the standard and shall supersede all previous versions of the policy. Historical policies shall be maintained for no less than 7 years.