

UW Whitewater Police



Use of Force Reporting

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4.2

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7

Special Instructions:
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Approved By:
Chief Kiederlen

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9

I. Purpose

The purpose of this policy is to provide agency personnel with guidance in reporting use of force.

II. Definitions

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

Deadly Force [Wis Stat. 175.44(2)(c)]: 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.

Force: 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, electronic control device, 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.

Serious Physical Injury: A physical injury that creates a substantial risk of death or that causes serious disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

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. [Wis. Stat. 175.44(2)(b)]

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III. Policy

It is the policy of the UW-Whitewater Police Department (UWWPD) that all use of force will be reported as outlined by this general order.

IV. Procedure

A. Use of Force Report (4.2.1)

1. The use of force shall be reported in a timely, complete and accurate manner by involved employees and any employee who witnesses a use of force, as prescribed by this policy.
2. **Supervisor Notification – Time Sensitive Verbal Notification:** When any of the following occurs, information concerning the use of force must be verbally reported to either the supervisor on duty or the supervisor on-call during the shift and included in an incident report:
 - a. A firearm is discharged for other than training or recreational purposes or to euthanize an animal;
 - b. An action is taken that results in, or is alleged to have resulted in, injury or death to the subject or officer;
 - c. A nonlethal weapon, less lethal, or lethal weapon is used on a person;
3. **Supervisor Notification – Time Sensitive Emailed Notification:** When any of the following occurs, information concerning the incident must be emailed to supervisors before they end their shift and included in an incident report:
 - a. Pointing a firearm or electronic control device (ECD) at a subject, displaying oleoresin capicum (OC) or a baton to gain compliance.
 - b. Weaponless physical force beyond custodial measures.
4. Pointing a firearm or electronic control device at a subject, displaying OC, or displaying a baton to gain compliance must be reported to a supervisor during the shift due to providing awareness to upper administration in case the pointing/display of a firearm, ECD, OC or a baton is registered as a complaint or reported as an alleged excessive use of force.
5. **What to Include in the Incident Report:**
 - a. Incident reports of any use of force greater than compliant handcuffing shall include the following: date, time and location of the incident; arrestee, witness and suspect information; actual resistance encountered; force used by the officer to overcome the resistance; weapon used; actual or alleged injuries to either the officer or the subject; and pictures or other documentary evidence of any injuries received.
 - b. All use of force reports shall specify the actions of the suspect that necessitated the use of force, based on the CDM (see Attachment A), the reasons why personnel used force, as well as any complaints of injury, medical treatment received, or refusal of medical treatment.

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- c. If personnel involved in the use of force is not an instructor in one of the Use of Force fields, one will be assigned to work with the employee to ensure proper documentation of the use of force within the report, or will immediately review the employee's report once it is written to ensure proper documentation of the use of force.
- d. In cases where deadly force is encountered or used, it is recognized that a full statement may not be required until up to 72 hours after the incident. However, a statement of the main facts will be provided to the employee's direct supervisor immediately after the use of force incident.

6. Documenting in the Records Management System:

- a. Officers will complete the Use of Force Reporting Form (attachment B) and attach it to the purple sheet for the case.
- b. Administrative personnel will enter the information from the Use of Force Reporting Form into the Police Force Used section of the case data screen in Pro Phoenix.
- c. The supervisor reviewing the use of force will complete the information in the Use of Force screen in Pro Phoenix.

7. Supervisor Responsibilities:

- a. If a supervisor is on duty at the time any incidents described in the Supervisor Notification sections above take place, the supervisor will respond to the scene.
- b. If a supervisor on-call is notified of any incidents described in the Supervisor Notification sections above, the supervisor shall contact the Chief or designee and brief him on the situation as soon as possible.

B. Use of Force Administrative Review (4.2.2)

- 1. Upon receipt of the report, the immediate supervisor shall ensure that it, along with all other documents related to the incident, are complete.
- 2. The Chief or their designee will assign a supervisor who will be responsible for the administrative review of 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.
- 3. The use of force review will include:
 - a. A summary of the incident facts;
 - b. Race, gender and age of the subject in which force was applied;
 - c. The date, time, location and circumstances requiring force;
 - d. Documentation of any injuries (personnel, subjects or by-standers);
 - e. Medical treatment provided and;
 - f. Any actions taken by the supervisor after the review.
- 4. After the supervisor completes the administrative review, it will be provided to the Chief of Police for final action.
- 5. All supervisors will receive training on how to complete a use of force investigation once promoted.

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C. Yearly Analysis of Use of Force Activities (4.2.4)

The Chief or their designee shall, in addition to an incident-by-incident review, will conduct a documented annual analysis of all use of force incidents and an analysis of policies and practices currently in place. The data collection period will be from July 1 to June 30th of each year. The analysis will be completed during the summer and a report is due by August 1 each year to the Chief of Police. The report will include at least the following information, if available;

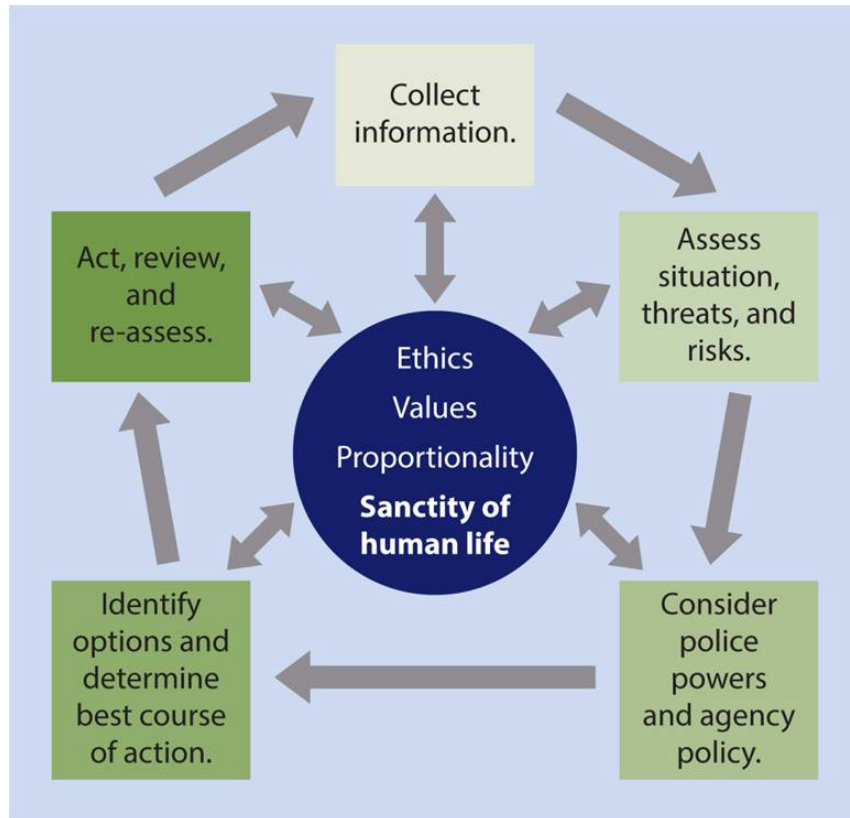
1. Date and time of all incidents;
2. Type of encounters resulting in use of force;
3. Trends or patterns related to race, age and gender of subjects involved;
4. Trends or patterns resulting in injury to any person including UWWPD personnel;
5. Impact finding on policies, practices, equipment and training.

D. Use of Force Administrative Leave (4.2.3)

1. All cases in which any action results in or is likely to result in death or serious physical injury, the involved personnel will be placed on mandatory administrative leave with pay until the investigation is complete.
2. This will also include motor vehicle collisions that are intentional or not, that result in or is likely to result in death or serious physical injury.
3. Administrative leave shall include, but is not limited to the time required for the employee to consult with, and be released by a psychologist.
4. The employee 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 designee shall approve discretionary administrative leave in the best interest of the employee.
5. While on administrative leave, whether mandatory or discretionary, the employee shall:
 - a. Remain available to discuss the incident with the Chief, his/her designee, other supervisory personnel or any other legally authorized person investigating.
 - b. The employee may discuss the incident with retained legal counsel but no other outside agency, individual or group without specific permission from the Chief.
6. A supervisor will be assigned by the Chief of Police to complete an administrative review of the incident.
7. Once the administrative review is completed, it will be sent to the Chief of Police for final review.

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Attachment A. Critical Decision-Making Model (CDM)



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Attachment B.

UWWPD Use of Force Reporting Form

Case Number and Officer Reporting: _____

Supervisor Notified (Name and When): _____

Officer Signature: _____

Instructions:

1. This form must be attached to your Purple Sheet/Cover Sheet prior to the end of your shift.
2. Any display/use of force listed on this form needs to be reported to the supervisor on-duty or on-call during the shift where the display/use of force took place by following Supervisor Notification procedures outlined in GO 4.2 Use of Force Reporting.
3. **Please only write one of the listed words for each of these categories on this form, and use the specific descriptions in your report.**

Did the use of force result in: ☐ **Death** ☐ **Injury** ☐ **Not Reported at time of incident**

Physical Force

- ☐ Strike (write one of the following, if used: hand strike, elbow/forearm/SPEAR strike, diffused strike, knee strike, decentralization, kick, vertical stun, come along, pressure point, not effective):
_____.
- ☐ Decentralization Technique (write one of the following, if used: hand strike, elbow/forearm/SPEAR strike, diffused strike, knee strike, decentralization, kick, vertical stun, come along, pressure point, not effective):
_____.
- ☐ Compliance Holds: (write one of the following, if used: hand strike, elbow/forearm/SPEAR strike, diffused strike, knee strike, decentralization, kick, vertical stun, come along, pressure point, not effective):
_____.

Weapons Used/Displayed

- ☐ O.C. Spray (write one of the following if applicable: displayed, deployed successfully, ineffective):
_____.
- ☐ Less Lethal (write one of the following if applicable: 12-gauge bean bag, 40mm, pepper ball, other):
_____.
- ☐ Electronic Control Device (write one of the following if applicable: displayed, drive stun, cartridge discharge, stun cuff):
_____.
- ☐ Baton (write one of the following if applicable: effective, not effective):
_____.
- ☐ Discharge of a Firearm- Not at a Person

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K9

- ☐ K9 (write one of the following if applicable: bark, bite, tackle, other):

_____.

- ☐ K9 (write one of the following if applicable: bark, bite, tackle, other):

_____.

Vehicle Force

- ☐ Ramming (write one of the following if applicable: ramming, pursuit intervention technique, moving road block, complete road block, partial roadblock, channelization, stop sticks, pursuit):

_____.

- ☐ Road Block (write one of the following if applicable: ramming, pursuit intervention technique, moving road block, complete road block, partial roadblock, channelization, stop sticks, pursuit):

_____.

- ☐ Tire Deflation Device (write one of the following if applicable: ramming, pursuit intervention technique, moving road block, complete road block, partial roadblock, channelization, stop sticks, pursuit):

_____.

- ☐ Other (write one of the following if applicable: ramming, pursuit intervention technique, moving road block, complete road block, partial roadblock, channelization, stop sticks, pursuit):

_____.

Deadly Force

- ☐ Hand Gun (write one of the following if applicable: euthanize animal, deadly force against person):

_____.

- ☐ Long Gun (write one of the following if applicable: euthanize animal, deadly force against person):

_____.

- ☐ Baton (write one of the following if applicable: euthanize animal, deadly force against person):

_____.

- ☐ Vehicle (write one of the following if applicable: euthanize animal, deadly force against person):

_____.

- ☐ Other (write one of the following if applicable: euthanize animal, deadly force against person):

_____.

Date Administrative Entered: _____

Signature: _____

Date Supervisor Entered: _____

Signature: _____