

UW Whitewater Police



Use of Force

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Special Instructions:

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I. Purpose

The purpose of this policy is to provide UW-Whitewater Police Department personnel guidance in the use of force.

II. Definitions

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

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.

Great Bodily Harm: 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]).

Reasonable Belief: A belief that would be held by an ordinary and prudent person in the same circumstances as the actor.

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

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a nondiscriminatory manner. [Wis. Stat. 175.44 (2)(a)].

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.

Subjects 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.”

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)]

III. Policy

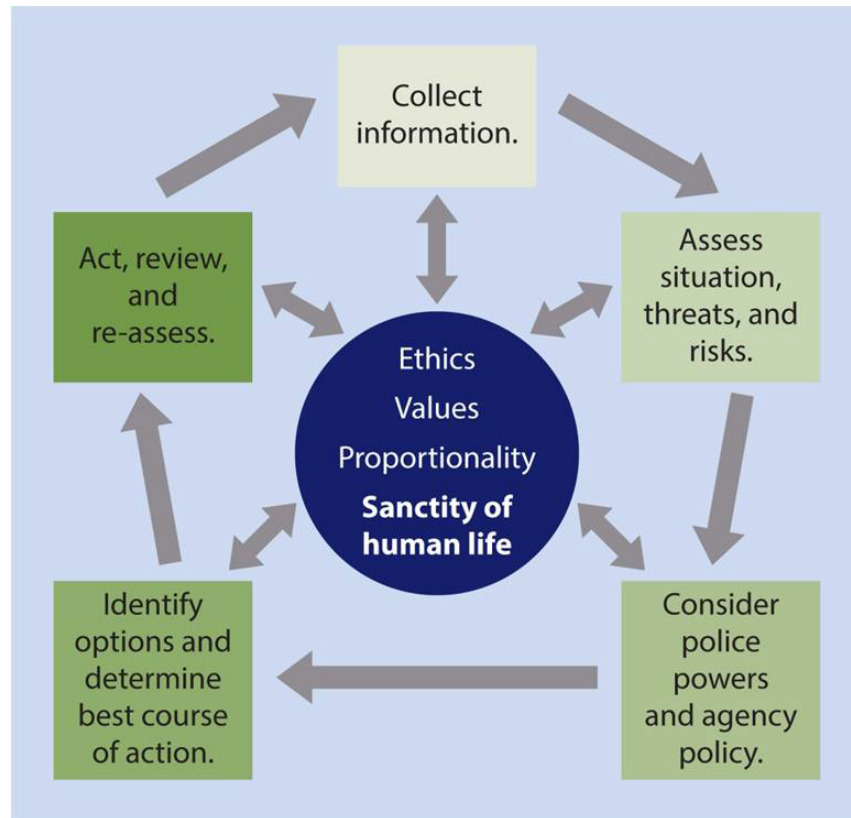
UW-Whitewater Police Department (UWWPD) recognizes and respects the sanctity and paramount value of human life. Consistent with this primary value is the Department’s full commitment to only use force when it is reasonably necessary to accomplish lawful objectives and to apply de-escalation techniques when possible. In determining whether force is reasonably necessary, full consideration must be given to the fact that personnel 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. Reasonable Force: UWWPD personnel will only use the force objectively reasonable to accomplish lawful objectives based on the Critical Decision-Making Model (CDM). Every step of the process is connected to the core, and the core informs and guides agency personnel throughout the five steps. Everything personnel does within the CDM must support the ideals in the center and no action can go against those standards, such as personnel’s ethics, personnel and department values and the sanctity of human life.

1. Personnel actively engaged in the application of force must ensure the use of force does not continue beyond the point that is reasonable.
2. Personnel must continually reassess the situation and ensure the level of force being used meets the objectively reasonableness standard.

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Critical Decision-Making Model (CDM)

B. De-Escalation

1. When safe and feasible under the totality of the circumstances, personnel 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 personnel.
 - 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. Personnel's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing personnel when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.
3. Personnel are trained in Integration Communication and Tactics (ICAT), which trains them on dealing with persons in crisis. Personnel are expected to use the de-escalation tactics mentioned above, including the use of safety devices and resources such as barriers and County crisis workers.

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4. Mitigating the immediacy of a threat gives personnel time to utilize extra resources and increase time available to call more personnel or specialty units.
 5. The number of personnel on scene may increase the available force options and may increase the ability to reduce the overall force used. When feasible, personnel should approach a subject 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.
 6. When possible, personnel should request an on-duty supervisor to be on scene when in a situation that de-escalation tactics are being used. If there is no on-duty supervisor, contact should be made with the on-call supervisor.
- C. Deadly Force (4.1.2):** Personnel may use deadly force when the personnel reasonably believes that the action is in defense of human life, including the personnel'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 personnel have probable cause to believe will pose a significant imminent threat of death or serious physical injury to personnel or others. If both practical and feasible, a verbal warning shall be given prior to using deadly force, where reasonable, appropriate, and not prevented by physical environment, distance, or other situational circumstances.
- D. Chokeholds (4.1.7):** The use of chokeholds, or any technique restricting the intake of oxygen, for the purpose of gaining control of a subject, is prohibited, except in those situations where the use of deadly force is allowed by law.
- E. Vascular Neck Restrictions (4.1.6):** WI DAAT curriculum trains the technique of a vascular neck restriction during the self-defense response portion of active ground fighting when all other escape options have been eliminated, and the subject is actively engaged in a ground fight with agency personnel. This is different than a chokehold as it does not block the airway of a subject it is applied on and only applies pressure on the arteries on each side of the neck. Personnel are trained to apply this force only to the point of gaining compliance with an actively fighting subject and then they must let up on the hold once the subject is no longer fighting, otherwise it would become deadly force. It is not to be used on a passive resistive subject, such as someone protesting by blocking a doorway. Resistive tension from a subject is not enough justification to utilize this technique.
- F. Warning Shots (4.1.3):** Personnel shall not discharge warning shots.
- G. Shooting Firearms at or from Moving Vehicles:**
1. Shooting at a moving vehicle is a very dangerous action as it puts other lives at risk because a bystander or passenger in the vehicle might be accidentally struck or the driver might lose control of the vehicle and strike a bystander.
 2. When personnel are faced with a moving vehicle coming towards them, they should first attempt to get out of the way of the moving vehicle before using any force against the vehicle.
 3. Shooting at a moving vehicle is permitted when personnel reasonably believes the vehicle is being used as a weapon in a deadly force situation or a subject is discharging a firearm from the vehicle at personnel.

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- H. Target Specific Directed Fire:** Personnel are authorized to use target specific directed fire, when the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.
- I. Use of Less-Than-Lethal Weapons (4.1.4):** Personnel are issued and authorized to carry four less-than-lethal weapons.
1. Sworn personnel are issued and authorized to carry four less-than-lethal weapons. They are:
 - a. Oleoresin Capsicum (O.C.) Spray
 - b. Electronic Control Device (ECD)
 - c. Police Baton
 - d. Less Lethal Shotgun
 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 agency personnel's control efforts.
 3. The Police Baton is considered an intermediate weapon and may be used to overcome continued resistance, assaultive behavior or their threats.
 4. The Less Lethal Shotgun is considered an intermediate weapon and may be used to overcome continued resistance, assaultive behavior or their threats. A Less Lethal Shotgun is in the cargo area of each vehicle assigned to patrol that UW-Whitewater Police Department uses. In addition, one is available for the canine cars and supervisor squads in the secure weapons locker.
- J. Medical Aid (4.1.5)**
1. After any law enforcement action that could result in potential injury, appropriate medical aid will be assessed and rendered if needed, as quickly as practical. Scene safety, control of the subject and environmental circumstances may influence these actions and timing of response.
 - a. The emergency medical system will be activated immediately when obvious severe injuries have occurred, medical distress is apparent, or the subject is unconscious. In addition to activating the emergency medical system, immediate medical aid consistent with agency personnel's training should be administered for obvious severe injuries or unconsciousness.
 - b. In other situations, if there is any evidence of injury, or injury is suspected, or the subject who had any type of force directed towards them requests medical attention, UWWPD personnel shall summon first responder medical personnel to the scene. UWWPD personnel shall render appropriate first aid procedures to the subject if they determine they are no longer a threat, until the arrival of medical personnel. These procedures may include:
 - i. Increased observation to detect changes in condition;
 - ii. Flushing chemical agents from the eyes;
 - iii. Applying first aid.
 - c. If the subject refuses medical treatment, this shall be noted in the appropriate police reports.

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- d. Emergency medical personnel shall make the decision whether or not the subject should be transported to the hospital.
- 2. If the probes of an electronic control device are embedded in sensitive areas such as the neck, face, or genital areas, agency personnel shall arrange transport to a medical facility for removal. If the probes are embedded in other “non-sensitive” tissue areas, agency personnel may remove them according to trained procedures. After the probes have been removed, they shall be handled as a bio-hazard.
- K. Transporting Subjects Following Use of Force Incidents (4.1.5):** When transporting subjects involved in contentious police actions or following use of force incidents, agency personnel not directly involved in the action will be used whenever possible.
- L. Use of Force for Non-Sworn Staff**
 - 1. Generally non-sworn staff such as Parking Enforcement Officers, Campus Service Officers and others are not expected to be placed in circumstances where they are required to use force and when possible should deescalate and leave situations when force might be needed.
 - 2. However, they are allowed to use force only in circumstances of self-defense to prevent death or injury to themselves as they attempt to leave the situation. They are trained to contact sworn personnel for any situation that appears to be escalating.