

300 - USE OF FORCE

I. PURPOSE

To provide conservation wardens with guidelines on the use of force and ensure the safety of the officer and others while carrying out their law enforcement duties.

II. POLICY

This department recognizes and respects the value and dignity of all human life. Investing conservation wardens with the lawful authority to use force to protect themselves, the public, and to carry out statutory law enforcement duties, a careful balancing of all human interests is required. Therefore, it is the policy of this department that conservation wardens shall use only that level of force that is reasonably necessary to effectively bring an incident under control, while protecting the lives and safety of the officer and other persons.

Conservation wardens are authorized to use objectively reasonable force in performance of their duties in accordance with the procedures of this policy. A conservation warden who is assisting another law enforcement agency remains under the direction and control of the Department of Natural Resources and must follow these guidelines.

III. DEFINITIONS

Active Countermeasures – Techniques to create a temporary dysfunction of an actively resistive or assaultive person.

Active resistance or **actively resisting** or **actively resistive** – Behavior of a person who is physically counteracting a conservation warden's control efforts; under circumstances in which the behavior itself, the environment in which the behavior occurs, or officer/person factors create a risk of bodily harm to the officer or another person. Examples of active resistance include but are not limited to: attempting to pull away from the officer's grasp, running away, or getting up after being directed to the ground. [NOTE: Bodily harm is defined in s. 939.22(4) Wis. Stats. as "...physical pain or injury, illness, or any impairment of physical condition."]

Assaultive behavior or **assaultive** – Direct actions or conduct by an individual that generates bodily harm to a conservation warden or another person.

Choke hold – Has the meaning found in s. 66.0511(1)(a), Wis. Stats., which reads: "...means 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." (NOTE: This definition includes techniques referred to as a Lateral Vascular Neck Restraint or LVNR).

Continued resistance – An individual maintaining a level of counteractive behavior that is not controlled with an officer's current level of force.

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 a threat posed by an individual(s). The merging of Professional Communication Skills, including crisis intervention, and sound tactical positioning can be instrumental in generating the needed time, options, and resources to gain willful cooperation and ensure everyone's safety.

Disturbance resolution – A model or set of guidelines of how a conservation warden should proceed when responding to any sort of disturbance or potential disturbance. Disturbance Resolution includes 3 elements: Approach Considerations, Intervention Options and Follow-through Considerations.

Force – The attempt to intentionally establish control of a person.

Imminent threat – Imminent threat does not mean immediate or instantaneous, but an action is or may be pending. Thus, a person may pose an imminent threat even if they are not at that moment pointing a weapon at or attacking an officer or another person.

Impact weapon – An instrument, through which force is manifested by striking, not limited to but including such instruments as a flashlight, club, or baton.

Incapacitating technique – Technique to cause the immediate, temporary cessation of violent or assaultive behavior.

Intervention options – An element of Disturbance Resolution in DAAT containing five modes with which a conservation warden can intervene with a person. Each mode reflects the need for an increasing level of control. It includes trained techniques recognized in the DAAT system. Intervention options may include additional techniques trained and/or authorized by the Department and untrained techniques when their use is objectively reasonable based on the circumstances.

Passive countermeasures – Techniques designed to overcome active resistance or the threat of active resistance.

Passive resistance – Refusal of a person to comply with a directive or command from an officer, but without behaviors likely to cause bodily harm to the officer or another person.

Physical injury – Includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising, or great bodily harm, as defined in s. 939.22(14), Wis. Stats.

Preclusion – An officer reasonably believes all other options have been exhausted or would be ineffective.

Professional communication skills – A set of verbal and non-verbal communication skills taught during the Professional Communications (PCS) module of the Department of Justice's Law Enforcement Academy and used by an officer with the goal of de-escalating or keeping a situation from escalating depending on the circumstances.

IV. PROCEDURES

The Department of Natural Resources uses the DAAT system as approved by the Wisconsin Law Enforcement Standards Board. This system, through the Intervention Options of Disturbance Resolution, is used for self-defense, defense of others and control of persons, and provides general guidelines that define the level and type of force to be used by conservation wardens (see Appendix A). In addition, the department will teach and authorize the use of self-defense and arrest tactics, techniques or other systems allowed to assist conservation wardens in defending themselves or others, making arrests, and securing persons.

In making the decision to use force, the conservation warden must comply with the provisions of s. 175.44 (2)(b), Wis. Stats., which requires:

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.*

Furthermore, pursuant to s. 175.44(2)(c), Wis. Stats., “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.”

While remaining within the criteria of s. 175.44, Wis. Stats, conservation wardens may use force when it is objectively reasonable and:

- To achieve and maintain control of resistive persons

- To control and detain persons reasonably suspected of engaging in or having previously engaged in illegal behavior
- To make a lawful arrest
- To defend themselves or others
- To prevent escape of a lawfully detained person

A. LEVEL OF FORCE

A conservation warden, who is justified to use force, is expected to maintain a position of advantage. This means the officer may escalate the level of force used in order to gain and maintain control of a person. An officer may use a reasonable level of force higher than that used or threatened to be used against them or another person. A reasonable level of force is only that level needed to gain and maintain control. Once control has been established, an officer must de-escalate back to the lowest level of force needed to maintain control.

B. USE OF FORCE OTHER THAN DEADLY FORCE

The use of force, other than deadly force, is authorized when a conservation warden reasonably believes, based on the circumstances, force is necessary to defend themselves or another person or gain control of a person.

1. **De-escalation.** If circumstances allow without further endangering the officer or members of the public, conservation wardens should attempt to de-escalate a situation in an effort to reduce the likelihood for the need to use force or the need to use a higher level of force in gaining control of the suspect and protecting the public.

NOTE: De-escalation may not be a viable option in every situation as there are many factors that influence its applicability. An officer must have the position of advantage to apply the concept of de-escalation. Although the profession of law enforcement officer has a great deal of inherent risks, officers are not required to take unnecessary risks in order to apply this concept as the risks need to be strategic, deliberate, and consistent with other principles covered in DAAT.

2. **Control alternatives.** Techniques used to control persons who are resisting or threatening to resist the lawful orders of an officer. They may be used to control a person who is engaged in passive resistance, active resistance or its threat, and assaultive behavior or its threat to an officer or another person. In addition, they can be used to control a person who is causing bodily harm or threatening to cause bodily harm to them self.
 - a. **Escort holds.** Escort holds may be used to safely initiate physical contact with a person in order to allow an officer to gain control of the person, prevent or stop a physical confrontation, or to move the person in a controlled way. NOTE: Escort holds can be used to safely initiate contact with a person whenever an officer has legal justification to take control or direct the movements of the person. Resistance by the person is not required before an officer can use an escort hold.
 - b. **Compliance holds.** Compliance holds may be used to control a person engaged in passive resistance and all other types of behaviors listed below.
 - c. **Control devices.** Control devices may be used to control a person who is actively resisting or threatening to actively resist an officer. They may be used to control or take a person into custody who is engaging in or threatening to engage in assaultive behavior towards another person; or when a person is causing bodily harm or threatening to cause bodily harm to themselves.
 - 1) **Use of aerosol sprays or chemical agents.** Oleoresin Capsicum (O.C.) aerosol spray is the only aerosol spray approved by the department to be used by conservation wardens.

2) Electronic Control Devices (ECDs).

- a)** Certain circumstances should cause a conservation warden to consider whether or not to use an ECD even though they have justification. None of these circumstances, alone or together, should be construed as a bright line rule that precludes a conservation warden from using an ECD. These circumstances may include:
- Presence of liquids, aerosol sprays or gases that may be flammable.
 - The person is in an elevated position where if they fall it may cause injury to them.
 - The person is operating a boat, snowmobile, ATV, or vehicle and the vehicle is in motion.
 - The person is running.
 - The person is obviously pregnant or known to be pregnant.
 - The person is in water of sufficient depth that there could be a significant chance of drowning.
 - The person is obviously in frail, feeble or infirm condition.
- b)** Reasonable efforts should be made to evaluate persons for physical injuries resulting from a conservation warden's use of an ECD.
- [1]** If an adverse reaction to the ECD occurs, or if requested by the person, they shall be transported to a medical facility.
- [2]** If ECD probes are imbedded in sensitive tissue areas (e.g. neck, face, head, or groin; or the breast of a female) the officer shall arrange for the person's transport to a medical facility for removal.
- [3]** If the ECD probes are imbedded in non-sensitive tissue areas, a trained officer may remove the probes according to the trained procedures.
- c)** The ECD probes shall be considered a biohazard and handled using personal protective equipment, if practical.
- d)** The cartridge, probes, and wires of the ECD shall be collected and packaged according to the trained procedure. These items will be held as evidence and may be disposed of 120 days after the court case has been closed.
- e)** When an ECD is used against a person or animal, the officer who used the ECD shall complete the following reports:
- [1]** A Case Activity Report [Form 4100-160] shall be produced detailing the reason for using the ECD. The report will be forwarded and reviewed as directed in section F.2.
- [2]** The officer shall complete the Electronic Control Device (ECD) Use Report [Appendix B]. This report will be attached to the required Case Activity Report.
- [3]** An ECD which has been used against a person or animal shall be taken out of service as soon as practical so the officer's designated ECD administrator can download the information for evidentiary and department recording purposes. This information will be forwarded and reviewed along with the Case Activity Report as directed in section F.2. and kept with the required Case Activity Report. The ECD administrator shall keep a copy of the downloaded information.
- f)** The information from all issued ECDs shall be downloaded by the designated ECD administrators once during each calendar year. The ECD administrator shall keep copies of this information.

- g) A conservation warden trained in the use of an ECD shall complete retraining every year.
3. **Protective alternatives.** Techniques used to protect officers in situations when they face persons continuing to resist the officer or another officer, or threatening to assault the officer or another person. Their purpose is to overcome continued resistance, assaultive behavior, or their threats.
- a. **Active countermeasures.** Active countermeasures may be used to create a temporary dysfunction of an actively resistive or assaultive person.
 - b. **Incapacitating techniques.** Incapacitating techniques may be used to cause the immediate, temporary cessation of a person's violent behavior.
 - c. **Intermediate weapons.** An intermediate weapon may be used to impede a person, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior.
 - 1) The baton is an intermediate weapon authorized and issued by the department. It is designed to function as an impact weapon to strike a person.
 - 2) Other instruments (e.g. flashlights, stick, etc.) may be used as an impact weapon when it is necessary for the officer to escalate to the level of force justifying the use of an intermediate weapon.

C. USE OF DEADLY FORCE

1. The use of deadly force by a conservation warden is authorized in either of the following situations when preclusion has been met and if both practicable and feasible, the warden gives a verbal warning [s. 175.44(2)(c), Wis. Stats.]:
 - a. When an officer, based on the totality of the circumstances, reasonably believes such force is necessary to prevent death or great bodily harm to the officer or another person(s).
 - b. When an officer has probable cause to believe that a person who has caused death or great bodily harm to another or threatens to cause death or great bodily harm to others, and if not apprehended, poses a continuing threat of death or great bodily harm to the officer or another person or persons. The justification for deadly force is based on the totality of the circumstances that includes the continuing threat of death or great bodily harm to others posed by the person.
2. A conservation warden may use any reasonable method, object, instrument, technique, tactic, or weapon when deadly force is authorized.
 - a. **Specific designation of deadly force.** The use of a choke hold creates a substantial likelihood of death or great bodily harm and may only be utilized if deadly force is authorized and all other reasonable means of defense have been exhausted, are not available or are not practical. The following techniques qualify as a choke hold:
 - 1) Intentional and prolonged restriction of the carotid neck arteries (including a Lateral Vascular Neck Restraint or LVNR).
 - 2) Intentional and prolonged application of force to the trachea or throat with a hand, arm, leg, knee, or other object (e.g. baton, flashlight, etc.).
 - b. The department does not consider the pointing of a firearm at a person to be the use of deadly force. Pointing a firearm at another person is authorized when an officer reasonably believes it is necessary for the officer's safety or the safety of others. A Case Activity Report shall be produced detailing the warden's observations and reason for pointing the firearm at a person. The report will be forwarded and reviewed as directed in section F.2.c.

D. DUTY TO INTERVENE AND REPORT NONCOMPLIANT USE OF FORCE INCIDENTS

1. **Required intervention.** If safe to do so and as required by s. 175.44(4)(a) a conservation warden shall, without regard for chain of command, make reasonable efforts to intervene to prevent or stop another law enforcement officer engaged in unlawful conduct or noncompliant use of force. The level of intervention is dependent upon the totality of the circumstances including whether the warden is in uniform or in plain clothes (see LEH 120 for considerations and expected actions when off-duty).
2. **Required reporting.** A conservation warden who intervenes with an officer using noncompliant force or who observes another law enforcement officer using noncompliant force shall report their observations and intervention actions to their respective immediate supervisor or if unavailable to the next person in the chain of command as soon as is practicable after the occurrence of the use of such force. The receiving supervisor shall document this initial report from the warden in a CAR. The warden shall document their observations and intervention actions in a CAR per LEH 205 and forward it per section F.2.c.
3. **Additional considerations.** When observing or reporting noncompliant use of force by another law enforcement officer, a conservation warden shall consider the totality of the circumstances and the possibility that other law enforcement officer(s) may have additional information regarding the threat posed by the subject. In addition, state law provides “whistleblower protections” for any law enforcement officer who reports or takes intervention action to prevent or stop a noncompliant use of force. [Section 175.44(4), Wis. Stats.].

E. USE OF HANDCUFFS

1. Conservation wardens may place handcuffs on persons who are arrested or otherwise detained to protect the officer, the detained person, or others.
2. Merely placing handcuffs on a person is not considered a use of force subject to this policy.

F. AFTER ACTION PROCEDURES FOR USE OF FORCE

1. Medical treatment in incidents involving force.

- a. Once control has been achieved of a subject on the ground, the officer shall roll the subject onto their side or into a sitting position as soon as reasonably possible as allowed by the situation's circumstances.
- b. Reasonable efforts should be made to evaluate and treat persons for physical injuries resulting from a conservation warden's use of force as soon as control is established, and it is reasonably safe to do so.
- c. When a conservation warden uses force to temporarily detain a person and physical injuries are apparent, or the person indicates he is injured, an offer of medical services shall be made.
- d. If the person will remain in custody and physical injuries are apparent, or the person indicates they are injured, the person shall be transported to a medical facility by appropriate means. A conservation warden or other law enforcement officer should accompany the person to ensure safety and maintain custody.

2. Reporting use of force incidents.

- a. If a conservation warden uses force resulting in any physical injury, the officer shall notify their immediate supervisor as soon as possible. The supervisor shall provide direction on how to proceed. If the use of force resulted in great bodily harm or the death of a person, the officer and the officer's immediate supervisor shall follow the procedures in the policy LEH 310 - *Investigation of an Officer-Involved Death or Other Critical Incident*.

- b. When a conservation warden uses force at or above the level of compliance holds as taught by the department, a Case Activity Report (CAR) describing the incident will be generated in accordance with *LEH 205 – Report Writing*. In most instances, the officer(s) directly involved in the incident will write the report. Officers are encouraged to review the department’s Use of Force Documentation Checklist (Appendix C) prior to or while writing their report. The checklist is a valuable document that will help ensure the officer includes details and important information in the report.
 - c. A copy of written reports that detail the use of force by a conservation warden shall be forwarded through supervisory channels to the DPSRP tactical training officer (TTO).
3. **Use of force review.** The officer’s immediate supervisor, captain, an appropriate tactical instructor, and the TTO shall review the incident and reports involving the use of force for accuracy and completeness prior to releasing the report outside the department. Any report that has not undergone this review is considered to be a draft report, not a final report. (NOTE. If a draft report is provided to an outside entity such as the district attorney or sheriff’s department, that draft must be retained pursuant to the open record laws of s. 19.21, Wis. Stats.).
4. **Mandatory reporting.** Upon approval of final reports, a conservation warden who has used force subject to mandatory state or federal reporting shall complete and submit the respective reporting documentation (e.g. the “Use of Force and Arrest-Related Death Reporting” form in TraCS). The TTO shall ensure all qualifying use of force events are submitted to the appropriate databases and shall submit any required “no submission” reports as required.

V. BACKGROUND

Conservation wardens are authorized to use force in the performance of their legal duties. Its purpose includes preventing death or injury to the officer or others, and/or arresting an individual(s). The level of force used by the officer must be objectively reasonable based on the circumstances. The safety of innocent bystanders shall not be unnecessarily placed at risk.

The use of force may have potential civil and criminal implications in either state or federal courts. Pursuant to s.175.44(4) (c), Wis. Stats., an officer's intentional failure to intervene or intentionally failing to report an intervention when required to do so by law is a misdemeanor offense, punishable by a fine not to exceed \$1,000 or imprisonment of not more than 6 months or both. Officers must be provided with department policy that establishes guidelines and limitations on the use of force and must be supervised to ensure their compliance with department procedures and statutory law. It is important formal procedures be put in place for the reporting and reviewing use of force incidents (See *Investigation of An Officer-Involved-Death or Other Critical Incidents*). The review process may identify the need for new or increased levels of training.

In *Graham v. Connor*, 109 S.Ct. 1865 (1989), the U.S. Supreme Court ruled that the use of force must be viewed from the perspective of the officer on the scene, who is often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. Only those facts known to the officer(s) at the time of the incident will be used to judge if the use of force was objectively reasonable. Any examination of the incident must focus on what a reasonable officer would do.

This policy reflects Governor Evers' Executive Order #111 of 4/21/2021 relating to state law enforcement "use of force" policies, as well as a number of subsequent statutory enactments related to law enforcement's use of force. The DPSRP has consulted with the Governor's office and the staff of DOT (State Patrol) and DOA (Capitol Police) to ensure consistent implementation of Executive Order #111.

VI. REFERENCES

Appendices

- A – Defense and Arrest Tactics (DAAT) System Chart
B – Electronic Control Device Use Report (Note: a fillable electronic version of this form is available from the DPSRP Tactical Training Officer upon request)
C – Use of Force Checklist

Law Enforcement Handbook (LEH)

- 120 – CCW and Self-Ordering to On-Duty Status
- 205 – Report Writing
- 310 – Investigation of Officer-Involved Death or Other Critical Incident

Wisconsin Statutes

- s. 66.0511(2), Wis. Stats. – Definition and use of “choke hold” and requirement for a use of force policy.
- s. 165.845, Wis. Stats. – Required DOJ reporting on law enforcement use of force incidents.
- s. 175.44, Wis. Stats. – Law Enforcement Use of Force.
- s. 939.22(4), Wis. Stats. - Definition of “Bodily harm.”
- s. 939.22(14), Wis. Stats. - Definition of “Great bodily harm.”
- s. 939.45, Wis. Stats. – Privilege.
- s. 939.48, Wis. Stats. - Self-defense and defense of others.
- s. 939.49, Wis. Stats. - Defense of property and protection against retail theft.

Case Law

- Tennessee v. Garner*, 105 S.Ct. 1694 (1985) – U.S. Supreme Court decision on the use of deadly force
- Graham v. Connor*, 109 S.Ct. 1865 (1989) – U.S. Supreme Court decision on the use of force
- Yang v. Hardin*, 37 F.3d 282, 285 (7th Cir. 1994) – Court of Appeals’ decision describing a law enforcement officer’s duty to intervene.

Other

- Demonstrate Defensive and Arrest Tactics, A Training Guide for Law Enforcement Officers* - Wisconsin Department of Justice, Law Enforcement Standards Board
- Department of Justice Correspondence/Memorandum (Steven Wagner, DOJ Training and Standards Bureau, to Wisconsin Law Enforcement Agencies, dated October 28, 2021) providing interpretation and suggested policy guidelines with implementation of 2021 Wisconsin Act 75.

VII. APPROVAL

Casey Krueger
Chief Warden

VIII. REVISION HISTORY

- 12-8-21: Updated to comply with Executive Order #111 and to reflect the requirements of s. 175.44, Wis. Stats. (2021 Wisconsin Act 75) (Legal Review: Sparks 11/10/2021)
- 1-29-21: Updated to codify addl. deadly force standards, duty to intercede, and mandatory reporting.
- 2-15-18: Updated “deadly force” definition to coincide with DOJ update. Reformatted from ILEH.
- 9-1-17: Updated Appendix A; removed unnecessary definitions and ECD requirements due to inclusion in ILEH 100 & 302.
- 2-3-16: Typographical updates to Appendix A.
- 4-1-15: Created (DNR Legal Review: Kowalkowski 9-22-14).

INTERVENTION OPTIONS		REACT	DONE
MODE	PURPOSE (in bold) GOAL (in italics)	<ul style="list-style-type: none"> Request Cooperation Explain Reason Allow Choice Check Decision (Is there anything I can say to?) Take Action 	<ul style="list-style-type: none"> Danger Overriding Concern No Progress Escape
A. Presence			
1. Open Stance	To present a visible display of authority		
2. Ready Stance			
3. Defensive Stance			
B. Dialogue			
1. Search Talk	To verbally persuade		
2. Persuasion			
3. Light Control Talk			
4. Heavy Control Talk			
C. Control Alternatives			
1. Escort Holds	To overcome passive resistance, active resistance, or their threats		
• Blanket the Arm			
• Escort Position	To safely initiate physical contact		
2. Compliance Holds			
• Come Along	To overcome passive resistance		
• Pressure Points			
• Mandibular Angle			
• Hypoglossal			
3. Control Devices (OC/ECD)	To overcome active resistance or its threat		
• Oleoresin Capsicum			
• Electronic Control Devices	To Decentralize		
4. Passive Countermeasures			
• Secure the Head			
• Hug Yourself			
• Lower Your Center			
• Pull in-Push Down			
D. Protective Alternatives			
1. Active Countermeasures	To overcome continued resistance, assaultive behavior, or their threats		
• Vertical Stuns			
• Focused Strikes	To create dysfunction		
• 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	To cause immediate temporary cessation of violent behavior		
• Diffused Strike from the front			
• Diffused Strike from the rear	To impede		
3. Intermediate Weapons			
• Baton			
• Baton Jab			
• Baton Jab-Multiple Strikes			
• Angle Strike			
• Angle-Cross Strike			
• Multiple/Overload Strikes			
E. Deadly Force	To stop the threat		
FOLLOW-THROUGH CONSIDERATIONS		STABILIZE	Monitor/Debrief
A. Stabilize	Application of restraints, if necessary	<ul style="list-style-type: none"> Presence stabilization Verbal stabilization Standing stabilization Wall stabilization Ground stabilization Special restraints 	<ul style="list-style-type: none"> Calm self and partner Calm subject Provide initial medical assessment Reassure the subject Rebuild subjects self esteem
B. Monitor/Debrief			
C. Search	If appropriate		
D. Escort	If necessary		
E. Transport	If necessary		
F. Turn-Over/Release	Removal of restraints, if necessary		

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APPENDIX B
ELECTRONIC CONTROL DEVICE (ECD) USE REPORT

DNR Case Activity Report No.: _____ Incident Date/Time: _____

ECD Officer's Name: _____

On Scene Supervisor: _____

Officer(s) Involved: _____

ECD Make and Model: _____ Serial #: _____ Cartridge Type: _____

Nature of the Call or Incident: _____ Charges: _____ Booked: Y / N

Incident Type (circle appropriate response(s) below):

Civil Disturbance Suicidal Suicide by Cop Violent Suspect Barricaded Warrant Other

Type of Subject: ____ Human ____ Animal

Age: _____ Sex: _____ Height: _____ Race: _____ Weight: _____

Location of Incident: () Indoor () Outdoor () Jail () Hospital

Did ECD application cause injury: Y / N

If yes, was the subject treated for the injury: Y / N

DESCRIPTION OF INJURY:

Medical Facility: _____ Doctor: _____

Nature of the Injuries and Medical Treatment Required: _____

Admitted to Hospital for Injuries: Y / N

Admitted to Hospital for Psychiatric: Y / N

Medical Exam: Y / N Suspect Under the influence: Alcohol / Drugs (specify): _____

Was an officer/law enforcement employee injured other than by ECD? Y / N

ECD use (circle one): Success / Failure

Suspect wearing heaving or loose clothes: Y / N

Number of Air Cartridges fired: _____

Number of cycles applied: _____

Usage (check one): () Arc Display Only () Laser Display Only () ECD Display Only

ECD: Is this a probe contact: Y / N

Is this a drive stun contact: Y / N

Approximate target distance at the time of the probe launch: _____ feet

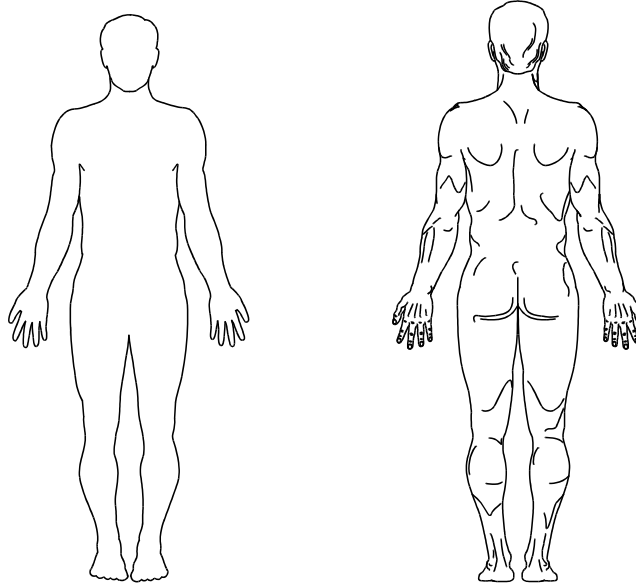
Distance between the two probes: _____ inches

Need for an additional shot? Y / N

Did probe contacts penetrate the subject's skin? Y / N

Probes removed on scene: Y / N

APPLICATION AREAS
(Place "X's" where probes hit suspect AND "O's" where stunned)



SYNOPSIS:

Need for additional applications? Y / N

Did the device respond satisfactorily? Y / N

If the ECD deployment was unsuccessful was a DRIVE STUN followup used? Y / N

Describe the subject's demeanor after the device was used or displayed?

Chemical Spray: Y / N

Baton or Blunt Instrument: Y / N

Authorized control holds: Y / N

If yes, what types: _____

Describe other means attempted to control the subject: _____

Photographs Taken: Y / N

Report Completed by: _____

ADDITIONAL INFORMATION

APPENDIX C

Use of Force Documentation Checklist

I. BACKGROUND INFORMATION

- A. Day/date/time
- B. Location / address / specific area
- C. Officer(s) involved
- D. Subject(s) involved
- E. Witness(es)

II. APPROACH CONSIDERATIONS

A. Decision making – why did you initiate contact? (i.e. justification and desirability)

- 1. Dispatched / duty assignment / uniformed
- 2. Reasonable Suspicion
- 3. Probable Cause
- 4. Other reasons

B. Tactical Deployment – how did you approach?

- 1. Control of distance
- 2. Positioning
- 3. Team tactics

C. Tactical Evaluation – What were your perceptions?

- 1. Threat Assessment Opportunities
 - a. Levels of Resistance – Describing what the subject is doing.
 - Unresponsive (Subject apparently unconscious)
 - Non-responsive (Subject conspicuously ignoring)
 - Dead-weight tactics (Subject decision not to assist his/her movement)
 - Resistive tension (Subject tightening up muscles)
 - Defensive resistance (Subject attempting to get away)
 - Aggressive resistance (Subject coming at / moving towards officers)
 - Physical assault (Subject personal weapons striking at officers)
 - Great bodily harm assault (Subject's actions / ability to cause harm)

- Life threatening assault (Subject's ability to cause death)
 - Life threatening weapon assault (Subject's ability to cause death)
 - b. Early warning Signs? Explain**
 - Conspicuously Ignoring
 - Excessive Emotional Attention
 - Exaggerated movement
 - Ceasing All Movement
 - Known Violent background
 - c. Pre-attack Postures? Explain**
 - Boxer Stance
 - Hands Set
 - Shoulder Shift
 - Target Glance
 - Thousand Yard Stare
 - d. Subject apparently "Emotionally disturbed," (i.e. mentally ill, under the influence of drugs and/or alcohol, or is obviously in crisis and out of control?) Is the subject exhibiting signs of medically significant behavior?**
 - Abrupt onset (e.g. Bystanders say, "they suddenly just started acting.....")
 - Agitation or excitement
 - Confusion and impaired thinking and perception
 - Bizarre, often violent behavior directed at objects, especially glass
 - Superhuman strength and insensitivity to pain
 - Profuse sweating and clothing removal caused by extremely high body temperature. Explain.
- 2. What were the Officer(s) / Subject(s) Factors?**
- a. Number of participants**
 - b. Individual Factors:**

	<u>Subject(s)</u>	<u>Officer(s)</u>
• Relative Ages		
• Relative Strengths		
• Relative Sizes		
• Relative Skill Levels		

2. Were there any Special Circumstances? Such as:
 - a. Your Reasonable Perception of Threat
 - b. Sudden Assault
 - c. Your Physical Positioning
 - d. Subject's Ability to Escalate Force Rapidly
 - e. Your Special Knowledge about the Subject
 - f. Your Injury or Exhaustion
 - g. Other Special Circumstances
3. Describe the Level/State/Degree of Stabilization achieved at each point of the disturbance.
 - a. Presence Stabilization – describe type and degree that the officer's or officers' physical presence stabilized the scene.
 - b. Verbal Stabilization – describe type, degree of stabilization, and if restraints were on yet.
 - c. Standing Stabilization – describe type, degree of stabilization, and if restraints were on yet.
 - d. Wall Stabilization – describe type, degree of stabilization, and if restraints were on yet.
 - e. Ground Stabilization – describe type, degree of stabilization, and if restraints were on yet.
 - f. Special Restraints – describe type, degree, and degree of immobilization.

III. INTERVENTION OPTIONS

Subject's

Officer's

- A. Presence
- B. Dialog
- C. Control Alternatives
- D. Protective Alternatives
- E. Deadly Force

Note: The use of any force option is dependent on the officer's Tactical Evaluation of the situation that is based on Threat Assessment opportunities, Officer(s) /Subject(s) factors and Special Circumstances.

SUMMATION OF WHAT HAPPENED IN CHRONOLOGICAL ORDER

IV. FOLLOW-THRU CONSIDERATIONS

- A. Stabilization – Application of Restraints, if appropriate
- B. Monitoring / Debriefing
- C. Searching, if appropriate
- D. Escorting, if necessary

E. Transportation, if necessary

F. Turnover – Remove Restraints, if necessary

V. INVESTIGATIVE FINDINGS

A. Background Information

B. Medical / Psychological History

C. Booking Information

D. Post-booking Information

E. Other Information

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When constructing your report, in as much detail as possible, clearly explain the officer, suspect and environmental factors that caused the concerns for your safety or the safety of others, the reasoning behind the decision to use force and why there was reason to believe lesser levels of force would not have been effective. In addition, include a detailed of the follow through to the use of force including any injuries and medical aid.

Use of Force event. If you have a use of force event, before completing your report of the event, contact the DPSRP Tactical Training Officer.