



GENERAL ORDER

BUTLER POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: All Sworn Personnel

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WILEAG 6TH EDITION
STANDARDS: 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.1, 5.3.1, 5.3.2, 5.3.3, 5.3.4

PURPOSE: The purpose of this General Order is to establish policies and procedures for the Butler Police Department regarding: the use of force and identifying the responsibilities of officers using force or after it has been used; to provide guidance to officers when persons become injured due to the use of force by an officer; and to provide guidelines for officers for the reporting and review of any officer-involved critical incident.

This General Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. DEFENSIVE AND ARREST TACTICS (DAAT)
- IV. USE OF FIREARMS
- V. USE OF VEHICLES - BLOCKADES, BARRIERS, AND RAMMING
- VI. USE OF NON-DEADLY FORCE
- VII. DUTY TO INTERVENE
- VIII. USE OF RESTRAINTS

- X. RENDERING MEDICAL AID
- XI. REPORTING THE USE OF FORCE
- XII. PUBLIC ACCESS TO POLICY & PROCEDURE
- XIII. WHISTLEBLOWER PROTECTIONS

I. POLICY

A. It is the policy of the Butler Police Department that when serving the community, Officers make every effort to preserve and protect human life and the safety of all persons. Officers shall also respect and uphold the dignity of all persons at all times in a nondiscriminatory manner. When using force, Officers are required to act in good faith to achieve a legitimate law enforcement objective. Officers are authorized to use force that is objectively reasonable based on the totality of the circumstances, including: the severity of the alleged crime at issue, whether the suspect poses an imminent threat to the safety of law enforcement officers or others, and/or whether the suspect is actively resisting or attempting to evade arrest by flight. Officers may include in their decision to use this force option, information known to the officer(s) at the time of the incident or conduct or statements by the subject or a prior history of resistive or assaultive behavior.

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.

1. All sworn Officers are required to follow the State of Wisconsin's Law Enforcement Training and Standards' system of Defensive and Arrest Tactics when making all use of force decisions.
2. Officers shall use only force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others.
3. Any person injured through the use of force by one of its officers, shall receive medical aid for such injuries.
4. It is the responsibility of any officer who uses physical force or any of the enumerated weapons, items or devices indicated below to complete an Incident

Report on the incident involved and to specifically note the circumstances necessitating, and manner of, such use of force.

5. All cases where force is used shall be reviewed by the Chief of Police on a documented annual basis.

II. DEFINITIONS

- A. **ACTIVE RESISTANCE:** Behavior which physically counteracts an officer's control efforts and which causes a risk of bodily harm to the officer, subject, and/or other persons.
- B. **CONDUCTED ENERGY WEAPON (CEW):** A less lethal force weapon that causes electro-muscular disruption to a combative, violent, or potentially combative, violent subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.
- C. **DEADLY FORCE:** The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- D. **DEFENSIVE AND ARREST TACTICS (DAAT):** A system of verbalization skills coupled with physical alternatives.
- E. **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 threat posed by an individual.
- F. **GREAT BODILY HARM:** "Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury." WI State Statute 939.22(14)
- G. **IMMINENT THREAT:** An imminent threat is a threat that an officer reasonably feels is about to happen. To meet the criterion of "imminent threat", the person whom the officer is intending to use deadly force against must have all of the following:
 1. A weapon capable of inflicting great bodily harm or death (conventional or unconventional weapon);
 2. A displayed or indicated intent to cause great bodily harm or death to the officer or another person;
 3. A delivery system for utilizing the weapon, or the capacity for utilizing the weapon, which has the means to inflict harm;

- H. **NECK RESTRAINT:** an action taken by the use of any force or device to the neck area to restrain a person, including but not limited to:
 - 1. Choke Hold 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.
- I. **NON-DEADLY FORCE:** That amount of force which does not meet the definition of deadly force, but which is an amount of force which, in normal circumstances, can cause bodily harm.
- J. **PASSIVE RESISTANCE:** Non-compliant and non-threatening behavior.
- K. **PRECLUSION:** The officer reasonably believes all other options have been exhausted or would be ineffective.
- L. **PRIVILEGE:** Section 939.45, Wis. Stats., states certain conduct is defensible from prosecution under certain circumstances. The defense of privilege can be claimed under any of the following circumstances: conduct is in defense of persons or property, conduct is in good faith, and conduct is a reasonable accomplishment of a lawful arrest.
- M. **REASONABLE FORCE:** That force which an ordinary, prudent, and intelligent person with the same knowledge of the particular situation as the officer would deem necessary.
- N. **TOTALITY OF THE CIRCUMSTANCES:** Represents all information known to the officer at the moment action is taken and the facts used to judge the appropriateness of the action.

III. DEFENSE AND ARREST TACTICS (DAAT)

- A. The Butler Police Department adopts the Defensive and Arrest Tactics System (DAAT). This is a system designed for all police officers for the primary purpose of self-defense.

This system includes the Incident Response and Disturbance Resolution Models which provide general guidelines that define the degree and type of force to be used in controlling suspects. All Butler Police Officers shall be trained in the DAAT system per State of Wisconsin Training and Standard Bureau standards.

- 1. An officer shall only use that amount of force which is necessary and reasonable in the performance of his/her law enforcement duties.
- 2. Under no circumstances shall an officer continue to use force (except mere physical restraint) against an individual who has ceased to resist.

3. When an individual only offers passive resistance to arrest, the officer shall remove and transport such an individual with as much regard to the individual's safety and welfare as reasonable, practical, and possible.
4. When utilizing the Disturbance Resolution Model, the officer must use only that force which is reasonably necessary in reacting to other people's behavior by escalating or de-escalating through the Intervention Options.
5. Use of Force training will be conducted, at minimum, annually and will include various control techniques and training designed to simulate actual physical confrontations and conditions to enhance officers' discretion, decision making, de-escalation, and judgement in using deadly and non-deadly force in accordance with this General Order.

B. De-escalation

1. The concept of de-escalation involves 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 threat posed by an individual. The merging of Professional Communication Skills such as 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.
2. **DONE- Danger, Overriding Concern, No Progress, and Escape** - There are many circumstances in which de-escalation is not applicable to a situation and the Professional Communication Skill concept of DONE offers examples and guidance. The acronym DONE stands for Danger, Overriding Concern, No Progress, and Escape.
 - a) **Danger-** Something has occurred that negatively effects the commodities of time, distance, and positioning making de-escalation not possible. Ex - When officers are making contact with the subject who is armed with a knife, he suddenly charges the officers forcing them to escalate.
 - b) **Overriding Concern-** An event occurred that has changed the priority and has drastically influenced the outcome of this situation and placed officers in a position to use force. Ex - Officers are talking to a subject armed with a knife and an innocent bystander has walked into the situation and the subject's closes the distance with them.
 - c) **No Progress-** Officer's attempts to gain rapport with the subject and it isn't working. Ex - Officers are talking to a suspect who ignores their dialog and closes the distance on them.

d) Escape- The officers' relative positioning and limited distance does not allow them the ability to regain safe distance and positioning (escape) to continue de-escalation efforts. Ex - The subject moves towards the officers and puts them into a position where they can't escape.

C. **Incident Response Model** - The following is the Incident Response RESPOND Model adopted by the State of Wisconsin DAAT Advisory Committee:

INCIDENT RESPONSE – RESPOND MODEL

- R** **Report**
*Become aware
*Plan response
*Arrive/Assess
*Alarm/Inform
- E** **Evaluate**
*Look for dangers
*Determine backup needs
*Enter when appropriate/tactically sound
- S** **Stabilize**
*Subject(s)
*Scene
- P** **Preserve**
*Life
 -Conduct an initial medical assessment (as trained)
 -Treat to level of training
 -Continue to monitor the subject(s)
*Evidence
- O** **Organize**
*Coordinate additional responding units (if necessary)
*Communicate with dispatch and others
*Organize the collection of evidence (if appropriate)
- N** **Normalize**
*Provide long-term monitoring (as appropriate)
*Restore scene to normal
*Return radio communications to normal
- D** **Document/Debrief**
*Debrief self, other responding personnel, subject(s), other persons
*Document incident appropriately

A. Presence: The first mode, Presence, reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is to “present a visible display of authority.” Much as drivers are careful not to exceed the speed limit when they share the road with a marked squad, the simple presence of an officer in uniform or otherwise identified is enough to prevent people from starting or continuing to behave aggressively or otherwise create a disturbance.

B. Dialogue: The second mode, Dialogue, covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to persuade subjects to comply with an officer’s lawful directives. The specific techniques used are covered extensively in Professional Communication Skills.

The PCS arbitration technique REACT can be practically applied as a de-escalation tool as it offers verbalization steps to communicate with an individual that is initially non-compliant.

Request cooperation
Explain reason
Allow choice
Check decision
Take action

C. Control Alternatives: The third mode, Control Alternatives, includes a wide range of tactics and tools for controlling subjects. This mode includes both empty hand techniques such as applying an escort hold or directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called “pepper spray,” and conducted energy weapons (CEWs). The common thread is that all these tactics and tools are used to control subjects who are resisting or threatening to resist.

The mode of Control Alternatives includes four tactics/tools:

- Escort Holds
- Compliance Holds
- Control Devices (OC spray, CEW’s)
- Passive Countermeasures

The goal of control devices (OC spray and CEW’s) is to overcome active resistance or its threat. Active resistance, unlike passive resistance, involves a subject who is physically counteracting an officer’s control efforts under circumstances in which the behavior itself, the environment in which the behavior occurs, or officer/subject factors create a risk of bodily harm.

The criterion of active resistance or its threat means that in general, control devices would not be appropriate to use against verbal aggression, against people who are running away, against children and older persons, and against persons engaged in peaceful civil disobedience-unless reasonably justified by the circumstances covered in Approach Considerations.

Verbal Aggression - Verbal aggression occurs when a suspect is being argumentative, and/or confrontational with an officer. While this behavior alone can be difficult for an officer to deal with, Professional Communication skills are the preferred method. However, if arbitration is unsuccessful (REACT), and an officer/ subject factor comparison dictates lesser levels of force would be ineffective, then a control device could be a viable alternative.

People who are running away - Before deploying a control device (in this case, a CEW would be a better choice than OC spray) during a foot pursuit, ask yourself, "What will the suspect force me to do when I catch him?" If the subject would force you to decentralize him or her during initial physical contact, using a CEW might be a better choice, as the risk of injury to the officer and subject would be less with a CEW as opposed to a passive countermeasure. On the other hand, if you don't think the subject would require you to immediately take him or her to the ground, then a CEW would probably not be the best choice. In that case you could safely respond with a lower level of force.

Another way to think about the situation is to apply the three criteria from *Graham v. Connor* to determine whether using a control device would be reasonable:

- The severity of the alleged crime at issue: Is it a retail theft or a substantial battery?
- Whether the suspect poses an imminent threat to the safety of officers and/or others: What is the suspect doing when you decide to use force?
- Whether the suspect is actively resisting or attempting to evade by flight. Is the suspect able to offer active resistance and/or flee?

C. Protective Alternatives: Protective Alternatives is the fourth mode in Intervention Options. These interventions are designed to protect officers in situations when they face subjects continuing to resist or threatening to assault.

The overall purpose is to overcome continued resistance, assaultive behavior or their threats. Continued resistance means that an individual is maintaining a level of counteractive behavior that is not controlled with the officer's current level of force. Assaultive behavior occurs when an individual's direct actions or conduct generates bodily harm to the officer(s) and/or another person(s).

The mode of Protective Alternatives includes three tactics:

- Active Countermeasures
- Incapacitation Techniques
- Intermediate Weapon

Active Countermeasures – The purpose of active countermeasures is to create a temporary dysfunction of an actively resistive or assaultive subject. The goal is to direct the subject to the ground for stabilization, handcuffing, and other follow through procedures. Active countermeasures include two categories of techniques:

- Vertical stuns
- Focused strikes

Incapacitating Techniques – The goal of incapacitating techniques is to cause the immediate, temporary cessation of violent behavior. One such technique is taught in the DAAT system: the Diffused Strike.

Intermediate Weapon – The goal of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior. Intermediate weapons include a variety of impact and other weapons designed to impede subjects. The intermediate weapon included in the DAAT program is the straight baton.

- D. Deadly Force:** The fifth mode, Deadly Force, represents the highest level of force available to law enforcement officers and the authority to use deadly force is the greatest responsibility given to law enforcement officers, refer to Policy & Procedure 5.02: Deadly Force.

While Wisconsin law (WI. Statute 939.45) affords officers the protection of privilege “when the actor’s conduct is a reasonable accomplishment of a lawful arrest,” the conduct must be reasonable. Using deadly force in the absence of a significant threat would not be reasonable. Wisconsin law specifically limits the use of deadly force in self-defense (WI. Statute 939.48(1)) as follows:

“the actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.”

The same limitation is extended to use of force to defend a third person, in WI. Statute 939.48(4).

The use of deadly force is prohibited to prevent suicide or solely to protect property.

Subject behavior that justifies an officer's use of deadly force is behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons. Preclusion must be met before an officer can use deadly force. Officers must reasonably believe that all other options have been exhausted or would be ineffective. Deadly force is always a last resort.

The use of chokeholds is prohibited unless deadly force is justified.

3. FOLLOW-THROUGH CONSIDERATIONS

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|----------------------|---|
| A. Stabilize | Application of restraints, if necessary |
| B. Monitor/Debrief | |
| C. Search | If appropriate |
| D. Escort | If necessary |
| E. Transport | If necessary |
| F. Turn-over/Release | Removal of restraints, if necessary |

b) Which mode you choose in a given situation depends on your tactical evaluation and threat assessment. Note that the same tactic may, depending on the circumstances and the purpose for which it is used, fall into more than one mode. The criterion is whether the level and degree of force is objectively reasonable. Here are the five key rules for use of force:

(1) The purpose for use of force is to gain control in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to physical force.

(2) You may initially use the level and degree of force that is reasonably necessary to achieve control. You need not escalate step-by-step through the Invention Options.

(3) At any time, if the level of force you are using is not effective to gain control, you may disengage and/or escalate to a higher level of force. This involves transitioning to a different level of force or different tactics based on the totality of circumstances.

(4) Once you have gained control of a subject, you must de-escalate the level of force to that needed to maintain control.

(5) You must always maintain a position of advantage.

IV. USE OF FIREARMS

- A. Sworn personnel are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes and exemptions granted under various statutes found in WI. Statutes: Chapter 941. Officers must also follow the requirements set forth in General Order 12.01: Firearms and Ammunition.
- B. Officers may display Department authorized firearms when they have reasonable suspicions to believe that the use of deadly force may be necessary. Officers need not be under attack, but only be reasonably apprehensive that the situation may lead to circumstances outlined in the Use of Deadly Force section of this Order. Department authorized firearms should not be displayed under any other circumstances.
- C. Whenever safety permits and time allows, officers shall identify themselves and state their intent to shoot prior to using a firearm. Officers are to fire their weapons to stop an assailant from completing a potentially deadly act. The primary target is the central nervous system, to stop the threat and to minimize danger to innocent bystanders.
- D. Firearms shall not be discharged when it appears likely that an innocent person may be injured unless failure to discharge will result in the greater danger exception. The greater danger exception allows you to shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.
- E. Warning shots shall not be fired under any circumstances.
- F. Officers should not discharge a firearm at or from a moving motor vehicle except as the last measure of self-defense of oneself or another, and only then if the officer believes that the suspect has or is intent upon causing death or great bodily harm to oneself or another person. If this decision is made, consideration must be given to the safety of innocent bystanders and possible innocent passengers in the vehicle.
- G. Target-specific directed fire is defined as purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe.

The purpose of target-specific directed fire is to stop the threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm. Before using target-specific directed fire, officers must meet the imminent threat criteria (intent, weapon, delivery system) and preclusion requirement. Officers must achieve target acquisition, identification, and isolation, or else satisfy the greater danger exception, before shooting.

H. An officer may also discharge a firearm under the following circumstances:

1. During range practice or competitive sporting events.
2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

I. Prior to being authorized to carry a firearm on duty for the Department, officers must meet the following three requirements:

1. Officers shall receive training in the safe handling and operation of Department issued and authorized firearms. Officers must demonstrate their understanding of Department General Orders and state laws pertaining to deadly weapons and the use thereof.
2. Officers must be certified by the State of Wisconsin in the use of firearms.
3. Officers must qualify with a State of Wisconsin Law Enforcement Standards' Board certified Firearms Instructor.

V. USE OF VEHICLES-BLOCKADES, BARRIERS, AND RAMMING

A. The following may only be employed by an officer if, and only if, the use of deadly force would be authorized:

1. The use of blockades or roadblocks constructed by placing obstacles (including but not limited to police vehicles) of such density and mass upon a roadway that any vehicle colliding with them would be so severely decelerated that its occupants would likely suffer death or serious injury.
2. Intentional ramming of a fleeing vehicle by a police vehicle.
3. Forcing a suspect/evader off the roadway or highway and/or into another object by the use of a police vehicle.
4. Also refer to General Order 6.02: Vehicle Pursuits.

VI. USE OF NON-DEADLY FORCE

- A. An officer shall use only the minimum amount of force that is reasonably necessary to perform his/her duties. The amount of force which may be employed is determined by the circumstances of a situation, including, but not limited to:
 - 1. The nature of the incident of offense.
 - 2. The behavior of the subject against whom force is to be used, actions by third parties who may be present.
 - 3. Physical conditions.
 - 4. The feasibility or availability of alternative actions.
- B. The reasonableness of the force used will be judged in the light of the circumstances as they appeared to the officer at the time he/she acted, and not as they appear from a subsequent, more thorough knowledge of the circumstances.
- C. The officer making an arrest has the right to use only that amount of force reasonably necessary to affect the arrest and maintain control of the arrested individual.
- D. Officers may use reasonable force to:
 - 1. Overcome an offender's resistance to or threat to resist a lawful arrest or detention.
 - 2. Prevent the escape of an offender or arrested person.
 - 3. Protect a third person from bodily harm or death.
 - 4. Protect himself/herself from bodily harm or death.
- E. When an individual offers only passive resistance to arrest, an officer shall take such person into custody and transport such individual with as much regard to the individual's safety and welfare as is reasonable, practical and possible.
- F. Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with the law and Department policies. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and may subject the officer to disciplinary action up to, and including, termination.
- G. Use of Less Lethal Weapons. Refer to General Order 5.02: Use of Less Lethal Weapons.
- H. Use of Force to Enter Private Property.
 - 1. In lawfully entering the land of another to make a felony arrest (not for a misdemeanor or ordinance violation), an officer may use force reasonably

believed necessary against persons on that land. An officer may use force to break and enter a fence, enclosure, dwelling or other building.

2. Prior to forced entry into a building, the officer should knock on the door announcing that he/she is a police officer unless such announcement is known to be futile.

The officer should announce that he/she is there to make an arrest and demand that the person inside open the door. Only after a reasonable period of time should the officer enter the door without it being opened from the inside. If an officer does break in, he/she should try to do as little damage as possible.

3. There are exceptions to the above policies where police officers may enter without announcement and demand to make a lawful arrest. This occurs when an officer has good reason to believe that an announcement may:
 - a) Help the suspect to escape.
 - b) Endanger persons.
 - c) Result in the destruction of evidence.
4. When executing a search warrant, officers should first secure the area, and then enter the property.

VII. DUTY TO INTERVENE

- A. An officer who witnesses another officer using force in excess of that permitted by law, training, WI. State Statue 175.44, and/or this General Order must intervene and stop the prohibited use of force when circumstances are such that it is safe for the officer to intervene.
- B. The officer shall also report such use of force to a supervisor immediately. If the offending officer is their supervisor then the reporting officer will report the incident to the next supervisor in the chain of command.
- C. Subsequent written notification to the Chief of Police shall be made, by the reporting officer or notified supervisor prior to the end of shift and include the date, time, and place of the occurrence, the identity, if known, and description of the participants, and a description of the events and the force used.

VIII. USE OF RESTRAINTS

- A. It should be understood that for the protection of both the person being restrained and the officer, use of restraints, such as handcuffs, reduces the likelihood of a struggle with the attendant possible injury to the offender, the officer, or both.
- B. An officer may use restraining devices in order to:

1. Maintain control of subject.
 2. Prevent escape.
 3. Protect him/her or others.
- C. An officer shall not use restraining devices as punishment.
- D. The use of neck restraints by personnel of the Butler Police Department is prohibited unless the situation requires the use of deadly force that would be justified.
- E. It is a policy and procedure of the Village of Butler Police Department that all persons placed in protective custody or under arrest shall be properly handcuffed during transportation. The following use procedures are provided:
1. The officer should use Department-approved restraints.
 2. Handcuffs shall be applied to the person's wrists behind his/her back unless not physically possible, or other factors exist, such as:
 - a) Other restraining equipment is in use, i.e., belly chains.
 - b) Conditions exist that make it unreasonable or impossible to place handcuffs behind the subjects back. In all such cases the officer should detail in his/her written report the unusual circumstances that existed and what alternative restraining device or techniques was used.
 3. Handcuffs should be safety-locked upon placement on the person in order to negate any attempted tampering by the person and to assure that accidental tightening of the cuffs cannot occur.
 4. Handcuffs should be closed to a firm contact with offender's skin, but not so tightly as to produce pain. One may expect comments as to discomfort.
 5. Handcuffs should not intentionally be closed so tightly as to cause physical injury to the person.
 6. Handcuffs (or any other restraining device) should be removed from the person upon arrival at a secure area within the Department, or upon transfer of custody to a responsible party. This procedure will not be affected should such removal be likely to result in physical harm to the offender, officers, or other person.
 7. Handcuffs should not be used when it appears likely that the person's wrists or hands are too small, or for some other reason which would negate the restraining effects of handcuffs. In such circumstances, flex cuffs or other restraints may be used.

G. Handcuffing Prisoners Being Transported.

1. Prior to any transportation of persons in custody, they should be searched for weapons.
2. Subjects shall be handcuffed behind the back. The following factors, among others, may be taken into consideration in choosing alternate means of restraints:
 - a) Other restraining equipment is in use, such as, belly chains or restraint belts. Handcuffs may be used in front of the body when the prisoner is wearing a belt through which the handcuffs may be laced to securely pin the hands to prevent flailing about.
 - b) Conditions exist that make it unreasonable or impossible to place handcuffs behind the subjects back. In all such cases the officer should detail in his/her written report the unusual circumstances that existed and what alternative restraining device or techniques was used.
3. Prisoners should be placed in a police vehicle so that seat belts may be secured about the prisoner in order to enhance their safety during transportation. Also refer to General Order 7.01: Search/Transport of Detainees.
4. The use of handcuffs should not be viewed as an absolute provision of safety. Officers should continue to exercise all due care as to the safety and custody of prisoners.

Exceptions to Handcuff Requirements.

1. Officers should always handcuff unless the officer can articulate exceptional circumstances.
2. Officer discretion may be used in the following circumstances when deciding not to handcuff:
 - a. Persons who are temporarily incapacitated, such as by a serious wound to the lower arms, hands, etc. or a woman in an advanced stage of pregnancy, an elderly person, etc.
 - b. Juveniles who are either very young, or whom the officer has personal knowledge of, and as such, determines that the use of handcuffs is not an appropriate action.
5. All officers shall receive defensive tactics training in accordance with Wisconsin Training and Standards guidelines.

X. RENDERING MEDICAL AID

A. Treatment of Persons Injured Through the Use of Force

1. Persons subject to the use of force shall be observed to detect obvious changes in their physical or mental condition and administer first aid if required.
2. Summon appropriate medical aid, if necessary.
3. If necessary, or requested by the injured subject, the injured person/s is/are to be transported by ambulance to the most quickly acceptable medical facility for proper treatment.
4. During the time awaiting treatment and during the treatment activities, the officer should maintain security.
5. The injured person is to remain handcuffed during treatment unless the handcuffs interfere with such treatment. Should medical treatment require removal of handcuffs, the officer should request that restraints be used by hospital personnel.

If medical treatment requires the removal of handcuffs and hospital restraints are not authorized or utilized, the officer/s should maintain close physical proximity to the subject and determine the appropriate level of control and/or restraint use with hospital personnel and security staff based on officer/subject factors, degree of subject's injuries, the possibility of behavior changes of intoxicated and/or drug impaired subjects, and the subject's level of cooperation with officers and hospital personnel.

6. The officer is to remain with the injured person at all times during the hospital stay unless the injury is so serious that escape is not physically possible.
7. If it is determined that the injured person needs to be admitted to the hospital for additional treatment or a hospital stay, the officer will contact his/her immediate supervisor and coordinate efforts with hospital personnel in order to determine what level of monitoring will be required.
8. If the injured person is to be released from the Emergency Department following medical evaluation and treatment the officer will notify the appropriate detention facility of the nature of the subject's injuries as well as providing them with any medical discharge instructions or paperwork, if applicable.

XI. REPORTING THE USE OF FORCE

A. A report will be required when an officer is forced to use any of the following:

1. The pointing of any firearm at a person.
2. Oleoresin capsicum: use of any pepper gas aerosol.

3. Conducted Energy Weapon (CEW).
 4. Baton or kinetic energy impact projectiles: use in striking, blocking, or pushing of any person.
 5. Physical force: striking, punching, pushing or restraining any person.
- B. The officer involved shall advise his/her supervisor of the use of force and the underlying facts justifying his/her use of force as soon as possible.
 - C. The officer involved shall make a written report/statement as to the underlying facts and the reasonableness, as perceived by the officer, justifying his/her use of force.
 - D. If the discharge of the weapon or use of force causes injury, death or great bodily harm, the supervisor shall notify the Chief of Police or designee as soon as possible.
 - E. The supervisor, as soon as possible during the investigation, shall forward all reports of the investigation to the Chief of Police.
 - F. A report shall be completed regarding any incident involving the intentional or accidental discharge of a firearm, except on an approved firearms range for the purpose of firearms practice, training, competition, qualification, or legal hunting purposes.
 - G. All use of force reports shall be forwarded to the department DAAT instructor(s) for review and a copy will be filed with the Chief or designee.
 - H. Post use of force removal from duty.
 1. An officer(s) whose actions or use of force results in a death or serious physical injury may be placed on administrative leave or light duty by the Chief of Police, or his/her designee, during the investigation of the incident and/or until such time as the incident investigation or administrative review is completed.
 - a) The officer shall be available for Departmental interviews and statements regarding the incident and subject to recall to duty.
 - I. Post use of force review
 1. At least once every year the Chief or designee shall conduct a documented review of the use of force reports to determine any policy issues, training or weapons/equipment deficiencies, or disciplinary matters that require attention or any type of future action.

XI. PUBLIC ACCESS TO POLICY & PROCEDURE

A. Pursuant to WI State Statute 66.0511(2), the Department shall:

1. Make this General Order publicly available on a website maintained by the Department, or if the Department does not maintain its own site, on a web site maintained by the municipality over which the Department has jurisdiction.

a) If the General Order is changed, the Department shall ensure the website displays the updated information as soon as practically possible but no later than one year after the change is made.

2. Prominently display a means of requesting a copy of this General Order. If a person requests a copy, the Department shall provide a copy free of charge as soon as practically possible, but no later than 3 business days after the request is made.

XII. WHISTLEBLOWER PROTECTIONS

A. No law enforcement officer may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer reported, or is believed to have reported, any noncompliant use of force as required in WI State Statute 175.44; intervened to prevent or stop a noncompliant use of force as required in the Statute; initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a noncompliant use of force; or provided any information, or is believed to have provided any information, about noncompliant use of force as required in the Statute.

Brian E. Zalewski

Brian E. Zalewski
Chief of Police

This General Order cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial: 04/12/2016
Revised: 04/01/2024