



**West Allis
Police Department
Standard
4.1.1**

**WILEAG Standard
5.1.1**

Patrick S. Mitchell
Chief of Police

Prepared by
Chief Michael Jungbluth
(Retired)

Captain Colin Hughes
&
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*Last Update
03/17/2021
Sergeant Phillip Noche*

*Last Review
03/17/2021
Sergeant Phillip Noche*

Defense and Arrest Tactics / Use of Force

Introduction

It is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the management of resistance/aggression is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The management of resistance/aggression must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

This standard is based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin, as developed by the Training and Standards Board (Department of Justice - Bureau of Training and Standards).

Purpose

The purpose of this Standard is to establish a policy for the use of force by sworn personnel to effect an arrest or control a person. Proper use of force decisions, based on reasonableness, ensure due process for citizens as well as provide protection for the officer and the department.

Definition(s)

Choke Hold: A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

Application

This standard shall apply to all sworn department personnel.

Related Standards

WAPD Standard 4.1.2 – Use of Deadly Force
WAPD Standard 4.1.3 – Warning Shots
WAPD Standard 4.1.4 – Non-Deadly Force Options
WAPD Standard 4.1.10 – Rendering Aid
WAPD Standard 4.2.1 – MORA - Reporting by Officer
WAPD Standard 4.2.2 – MORA - Review Board
WAPD Standard 4.2.3 – Administrative Removal from Line Assignment
WAPD Standard 4.1.6 – MORA – Standard Issuance
WAPD Standard 4.2.4 – MORA – Analysis Board

WAPD Standard 4.1.8 – MORA: Definitions
WAPD Standard 4.1.7 – MORA: Case Law
WAPD Standard 4.1.9 – Electronic Control Device (Taser)

Specific Procedure(s)

Officers shall not continue to use force more than is reasonably necessary to maintain control, once the subject has stopped resisting and control of the subject has been established.

Once control has been established, the officer shall be responsible for monitoring the subject's condition and welfare. Unless circumstances dictate otherwise, all persons arrested will be handcuffed, searched and then transported in a police vehicle.

Use of an excessive amount of force will not be tolerated and may subject the officer to disciplinary action, criminal and civil liability.

Officers who observe another officer using excessive force have a duty to intervene and report such incidents. Failure of an officer to intervene and/or failure to report excessive force will subject him/her to Department discipline, criminal charges, and civil liability.

The officer's decisions shall be based on the State of Wisconsin's Disturbance Resolution model, which include: Approach Considerations, Intervention Options and Follow-Through Considerations.

Intervention Options

If your initial approach leads you to decide to intervene, you have a range of responses open to you. These are outlined in the Intervention Options in the state training guide for DAAT, which identify the various tactics available to you as an officer.

Intervention Options are divided into five modes, each reflecting the need for an increasing level of control. Although the Intervention Options are divided into five modes, you can move from one mode to another as appropriate. You are authorized to use the amount and level of force that is reasonably necessary to control a subject. If dialogue—talking with a person—is enough to control him or her, then you need not use more force. On the other hand, some situations may be so extreme that you need to use deadly force. At any time, if a different level of force is appropriate, you can use it.

Which mode you choose in a given situation depends on your tactical evaluation and threat assessment. The criterion (as articulated in *Graham v. Connor*) is whether the level and degree of force is objectively reasonable. Five fundamental principles apply:

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 Intervention Options.

As the situation dictates, you may move from any mode to any other if you reasonably believe that a lower level of force would be ineffective.

3. At any time, if the level of force you are using is not effective to gain control, you may disengage or escalate to a higher level of force.
4. Once you have gained control of a subject, you must reduce the level of force to that needed to maintain control.
5. You must always maintain a position of advantage.

In the remainder of this standard, we will look at how to perform the various techniques that are part of the DAAT system. The DAAT system is a group of tactics and techniques that are dynamic and reactive—that is, they can be applied quickly and effectively to control subjects, and they are used in response to the subject's behavior.

Presence

Presence is the first mode in Intervention Options. The goal of presence is to "present a visible display of authority." Sometimes the mere physical presence of an officer is enough to achieve control—just as people are more likely to drive at or below the speed limit when a marked squad is nearby, people are more likely to behave appropriately when an officer is nearby. The officer may not need to do anything more than be present in uniform—a visible display of authority. Other times, an officer may use presence in conjunction with dialogue (covered next) to achieve control without the use of physical force.

Dialogue

Dialogue is the second mode in Intervention Options. Dialogue covers the range of tactical communication from very low-level questioning to very directive commands. The goal of dialogue is to persuade subjects to comply with an officer's lawful directives. As you have learned in Professional Communication, your goal is to get subjects to comply voluntarily without the need to use physical force. The specific techniques used are covered extensively in the Professional Communication Skills training guide found on the department intranet.

Control Alternatives

Control Alternatives is the third mode in Intervention Options. As the name implies, these interventions are designed to control subjects who are resisting or threatening to resist your lawful orders. As always, the overall purpose is to achieve compliance from a non-compliant subject, but these techniques are specifically geared toward overcoming both *passive* and *active* resistance.

Passive resistance refers to non-compliant, but non-threatening behavior. An example would be a person who refuses to get out of a car when ordered to do so. The person is not fighting with you—he or she is simply not complying with your orders. Protestors often use passive resistance as a political tactic, staging “sit-ins” to advance their agendas.

Active resistance, on the other hand, refers to behaviors that physically counteract an officer's attempts to control a subject and which pose a risk of harm to the officer, subject, and others.

Examples of active resistance include attempting to pull away from the officer's grasp, running away, getting up after being directed to the ground, and so on.

As you learn these techniques, remember to incorporate verbalization with them. When you physically intervene to gain control of a subject, you are using force to require the subject to comply with your orders—you must always make reasonable efforts to be sure that the subject understands what it is you want him or her to do. In addition, you can use verbalization to help calm the subject once he or she is stabilized.

The mode of Control Alternatives includes four tactics/tools:

- Escort Holds
- Compliance Holds
- Control Devices (OC spray, ECD's)
- Passive Countermeasures

Each of these is appropriate in different circumstances, as they provide different amounts of control: in general, they are arranged in increasing order of level of force and propensity for injury to the subject. As always, the appropriate choice of tactic depends on your tactical evaluation: your use of force must always be objectively reasonable.

Escort Holds: The goal of escort holds is *to safely initiate physical contact*. If a subject does not comply with your verbal directions, you can use an escort hold to gain control of the subject, preventing a physical confrontation.

Compliance Holds: The goal of compliance holds is *to overcome passive resistance*. As noted earlier, passive resistance occurs when a subject refuses to comply with a lawful directive from a law enforcement officer, but does not engage in physical action likely to cause harm to the officer or another person.

Control Devices: The goal of control devices (OC spray and ECD'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.

Passive Countermeasures: The purpose of passive countermeasures is *to decentralize* a subject—in other words, to direct a subject to the ground. It is appropriate to use passive countermeasures if you reasonably believe that you will be unable to achieve control with the subject standing.

Protective Alternatives

Protective Alternatives is the fourth mode in Intervention Options. As the name implies, 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 generate bodily harm to the officer(s) and/or another person(s).

As you learn these techniques, remember to incorporate verbalization with them.

When you physically intervene to gain control of a subject, you are using force to require the subject to comply with your orders—you must always make reasonable efforts to be sure that the subject understands what it is you want him or her to do. In addition, you can use verbalization to help calm the subject once he or she is stabilized.

The mode of Protective Alternatives includes three tactics:

- Active Countermeasures
- Incapacitating Techniques
- Intermediate Weapon

Note that these tactics may also be used as control alternatives, depending on the situation. For example, a thrust with a baton (an intermediate weapon) may be used to prevent a person from pushing into a room while officers are interviewing a victim of domestic violence. In that situation, the baton would be used as a Control Alternative rather than a Protective Alternative. Remember that Intervention Options are just that--*options*. You will choose the appropriate option depending on the totality of the circumstances.

Active Countermeasures: The purpose of active countermeasures is to create a temporary dysfunction of an actively resistive or assaultive subject. The goal is to interrupt the subject's ability to resist, enabling the officer to direct the subject to the ground for stabilization, handcuffing, and other follow-through procedures.

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. Like the Vertical Stun, the Diffused Strike disrupts nerve impulses to the brain. Unlike the Vertical Stun, however, the effect is usually greater, rendering the subject temporarily unconscious.

Important: Because the strike is delivered to the side of the subject's neck (the origin of the brachial plexus of nerves), you **MUST** make an effort to stabilize the head to prevent striking other parts of the neck.

The use of choke holds are prohibited, except in situations when the use of deadly force is justified.

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. The baton—either a wood or plastic fixed-length baton or a metal expandable baton—is an impact weapon.

Deadly Force

Deadly force is the fifth mode in Intervention Options. The purpose of deadly force is *to stop the threat*. Within the DAAT system, one tactic is classified as deadly force: the firearm.

Training

Training for this standard will be completed annually via a combination of training programs, which include but are not limited to New Officer Training, Field Training Officer, Inservice Training, Shift Briefing Training, On-Site, Training and/or Legal Update Newsletter.

Reference Materials

Defensive & Arrest Tactics: A Training Guide For Law Enforcement Officers, which was last updated by Wisconsin Department of Justice: Law Enforcement Standards Board (August 2007). This document can be accessed on the WAPD Intranet or WILENET.org.

DISTURBANCE RESOLUTION

(First approved by the Law Enforcement Standards Board on March 2002 and revised March 2007)

1) APPROACH CONSIDERATIONS

- | | |
|-------------------------------|--|
| A. Decision-Making | Justification
Desirability |
| B. Tactical Deployment | Control of Distance
Relative Positioning
Relative Positioning with Multiple Subjects
Team Tactics |
| C. Tactical Evaluation | Threat Assessment Opportunities
Officer/Subject Factors
Special Circumstances
Level/Stage/Degree of Stabilization |

2) INTERVENTION OPTIONS

MODE

PURPOSE

- | | |
|-----------------------------------|---|
| A. Presence | To present a visible display of authority |
| B. Dialogue | To verbally persuade |
| C. Control Alternatives | To overcome passive resistance, active resistance, or their threats |
| D. Protective Alternatives | To overcome continued resistance, assaultive behavior, or their threats |
| E. Deadly Force | To stop the threat |

3) FOLLOW-THROUGH CONSIDERATIONS

- | | |
|-----------------------------|---|
| 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 |



**West Allis
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Use of Deadly Force

Introduction

The legal and policy guidelines presented in this standard provide a conceptual backdrop for the use of deadly force, but does not provide very specific guidelines. The following section describes the specific criteria that must be present for the law enforcement use of deadly force to be legitimate.

Officers shall use that amount of force that is reasonably necessary to achieve a lawful objective. The force used by an officer should be the amount reasonably necessary to overcome the resistance being offered by an offender or the subject the officer is trying to control. All sworn personnel shall receive annual training on and understand this Standard prior to receiving authorization to carry any firearm.

Purpose

The purpose of this Standard is to provide law enforcement officers of this agency with guidelines for the use of deadly force.

Application

This Standard shall apply to all sworn department personnel.

Related Standards

WAPD Standard 4.1.1 – Management of Resistance/Aggression (MORA)
WAPD Standard 4.1.4 – Use of Non-Deadly Force
WAPD Standard 4.1.10 – Rendering Aid
WAPD Standard 4.2.1 – MORA - Reporting by Officer
WAPD Standard 4.2.2 – MORA - Review Board
WAPD Standard 4.2.3 –Administrative Removal from Line Assignment
WAPD Standard 4.1.6 – MORA – Standard Issuance
WAPD Standard 4.2.4 – MORA – Analysis Board
WAPD Standard 3.8.2 – Vehicular Pursuits
WAPD Standard 4.1.7 - MORA: Case Law
WAPD Standard 4.1.8 - MORA: Definitions
WAPD Standard 9.1.1 – Officer Involved Critical Incident Investigation

Definitions

Deadly Force - The intentional use of a firearm or other instrument, that creates a high probability of death or great bodily harm.

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 any other serious bodily injury.

Greater Danger Exception - The one exception to the requirement for target isolation is called the greater danger exception. Essentially, this exception allows the officer to use deadly force without target isolation if the consequence of not stopping the threat would be worse than the possibility of using deadly force on an innocent person.

Last Resort - Those situations where certain immediate and drastic measures must be undertaken by an officer in order to protect human life. Force used in these situations may involve the use of techniques or weapons not covered or authorized by policy; however, it must still comply with the reasonable and necessary standard set forth in *Graham v. Connor*.

Specific Procedures

Use of Deadly Force

Law enforcement officers are authorized to use deadly force when one or both of the following apply:

- To protect the officer or others from what the officer reasonably believes is an imminent threat of death or great bodily harm.
- To prevent the escape of a fleeing violent felon whom the officer reasonably believes will pose an imminent threat of death or great bodily harm to the officer or others.

To meet the criterion of "imminent threat," the person to whom the officer is intending deadly force must have all of the following:

- The displayed or indicated intent to cause great bodily harm or death to the officer or another person(s).
- A weapon capable of inflicting great bodily harm or death (conventional or unconventional weapon).
- The delivery system for utilization of that weapon (i.e., the capacity for utilization of the weapon).

After an officer has eliminated all other reasonable alternatives to stopping a person and has determined that deadly force is necessary to stop the person, the officer must fulfill certain "target requirements." Prior to using deadly force, the officer must have target acquisition, target identification, and target isolation. These are defined as:

- Target Acquisition: That is, does the officer have a target?
- Target Identification: That is, even if a target has been "acquired," the officer cannot shoot at this target until the target has been identified as the individual placing the officer and/or others in "imminent danger."
- Target Isolation: The officer must make every effort to isolate the target from other innocent persons, unless the Greater Danger Exception is applicable.

An officer shall not threaten the use of deadly force unless he/she would be justified under this policy to use such force. Before using deadly force, the officer should, if possible:

- Attempt to identify him/herself
- Order the suspect to desist from the imminently threatening activity, and;
- Threaten to use deadly force if the officer's lawful order is not obeyed.

Warning Shots

Warning shots are prohibited.

Shooting at/or from Moving Vehicles

A moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. If feasible, an officer threatened by a moving vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Officers are not authorized to shoot at or from a moving vehicle unless as a "Last Resort" or when the "Greater Danger Exception" applies.

Target-Specific Directed Fire

Target-specific directed fire is purposeful, controlled, sustained fire directed at a suspect who has caused or imminently threatens to cause death or great bodily harm to the officer or others, but whom the officer may not be able to directly observe. Target-specific directed fire is an application of deadly force that may be appropriate in certain limited situations. The only difference between target-specific directed fire and a "traditional" law enforcement use of deadly force is the suspect's location is inferred rather than directly observed. In both traditional deadly force and target-specific directed fire, officers utilize carefully-aimed shots directed at the suspect to stop the threat, when the suspect's actions justify the use of deadly force.

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 to the officer or another person.

Target-specific directed fire requires the fulfillment of all law enforcement deadly force concepts. Before using target-specific directed fire, officers must meet the imminent threat criteria (intent, weapon and delivery system) and preclusion requirement (after an officer has eliminated all other reasonable alternatives to stopping a person and has determined that deadly force is necessary to stop the person, the officer must fulfill certain "target requirements"). Officers must achieve target acquisition (through inference), identification, and isolation or else satisfy the Greater Danger Exception before shooting.

Officers must acquire a specific target--they would not be justified in shooting into every window of a suspect's location that overlooked officers or others that are in imminent death or great bodily harm. Additionally, officers need to identify the target as the correct target by observing clear indicators of the suspect's location, although they may not be able to observe the suspect. This may be achieved, for example, through officers' direct observation of indicators such as

muzzle flashes or smoke originating from a suspect's firearm. Indicators could expand the target; for example, observation may reveal multiple perpetrators and/or multiple shooting positions.

Unless the Greater Danger Exception is applicable, officers must isolate the target by knowing the suspect(s) is/are alone in the specific location or that innocent people are not at risk from shots fired from officers. Only when all these criteria are met, officers may deliver target-specific directed fire at a suspect(s) location for a duration of time necessary to perform the rescue or other task, thereby stopping the threat or preventing the suspect from firing at officers.

Destruction of an Animal

Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured. The officer must reasonably believe this measure can be safely carried out. Nevertheless, prior to using deadly force to destroy an injured animal, the following resources **must** be explored and reasonably ruled out:

Domestic animals: The Milwaukee Area Domestic Animal Control Commission (MADACC) should be notified for cases of sick or injured domestic animals. During non-business hours or if MADACC cannot respond in a reasonable amount of time, the Milwaukee Emergency Center for Animals will accept injured domestic animals.

Wild animals: If an injured wild animal can be safely contained, the Wildlife Rehabilitation Center should be notified. The animal may either be picked up by a Wildlife Rehabilitation Center volunteer or dropped off by an officer at their facility.

Additionally, compliance with DNR guidelines is required. DNR notification is required if a protected wild animal (i.e. gray wolf, cougar, eagle, owl, etc.) is found seriously injured, destroyed, or deceased. Any wild animal found to be injured or destroyed as a result of a hunting-related incident must be immediately reported to the DNR.

The following procedures may only be used to claim deer carcasses for deer that have been killed due to vehicle collisions to include deer injured by vehicle collisions that are destroyed by police as a humanitarian measure.

2015 Wisconsin Act 55, permits possession and removal of a deer carcass from the scene of a crash once an individual notifies the DNR by calling (608) 267-7691 and provides their name, address and carcass location. The individual must notify the DNR before taking possession the carcass from the scene. Individuals are required to take the whole carcass. Car-kill bear and turkey are still required to be tagged by a law enforcement officer through TraCS generated car-kill tags or DNR issued tags.

The operator of a motor vehicle that collides with and kills a bear, deer or turkey has the first opportunity to take possession of the carcass. If the striking operator does not want the carcass, any other person who is present at the scene, or any other individual who arrives afterwards, may take possession of the carcass. If there are any questions regarding injured or destroyed wild animals, contact the DNR for further assistance.

Wisconsin Department of Natural Resources

2300 N Dr. Martin Luther King Jr., Dr.

Milwaukee, WI 53212

(414) 263 -8500

1-800-847-9367 (24-hours)

Milwaukee Area Domestic Animal Control Commission

3839 W Burnham St

Milwaukee, WI 53215

(414) 649-8640

Monday – Friday: 1000 hours – 2000 hours

Saturday – Sunday: 1000 hours – 1700 hours

Milwaukee Emergency Center for Animals

3670 S 108 St

Greenfield, WI 53228

Open 24 hours

Wildlife Rehabilitation Center

4500 W. Wisconsin Ave

Milwaukee, WI 53208

██████████ (Law Enforcement only)

(414) 431-6204 (General Public)

First Aid and Medical Assistance

When a person is injured as a result of deadly force applied by an officer, officers on the scene will provide first aid and request medical assistance as soon as both the subject and immediate scene are secure.

Required Notifications

Whenever an officer is responsible for the intentional or unintentional use of deadly force by any means against a person, the following notifications shall be made:

- The officer shall verbally inform the Communications Center of the incident as soon as practical.
- The Communications Center shall dispatch a road supervisor to the scene as soon as possible, if the road supervisor is not already on scene. The Communications Center shall then notify the Commanding Officer of the incident.
- The Commanding Officer will be responsible for notifying the Deputy Chief of Police - Operations as soon as practical and while personnel are still on scene.
- If the deadly force involves the discharge of a firearm, the Commanding Officer will be responsible for notifying the Captain of Administration as soon as practical and while personnel are still on scene.

Whenever an officer is responsible for any other type of firearm discharge while on-duty (including destruction of an animal), the following notifications shall be made:

- The officer shall notify the Communications Center and his/her supervisor prior to discharging a firearm, if possible. Otherwise, the notification should occur immediately after the discharge.
- The Communications Center shall dispatch a road supervisor to the scene as soon as possible, if the road supervisor is not already on scene. The Communications Center shall then notify the Commanding Officer of the incident.
- The officer responsible for the discharge will be required to prepare documentation related to the discharge.
- Note: Notifications are not required when a firearm discharge occurs during training unless an intentional or unintentional discharge results in property damage or injury.

Whenever an officer is responsible for any type of firearm discharge while off-duty, the following notifications shall be made:

- The officer shall verbally inform the Commanding Officer as soon as possible.
- The Commanding Officer will be responsible for notifying the Captain of Administration as soon as practical.
- The officer responsible for the discharge will be required to prepare documentation related to the discharge.
- Note: Notifications are not required when a firearm discharge occurs as a result of hunting or participation in sporting or recreational events.

Except for the intentional destruction of an animal, the Deputy Chief of Operations shall be notified in all cases involving an officer discharging his/her firearm as soon as possible. The Deputy Chief of Operations will determine whether a member of Command Staff will respond to the scene of the discharge to assess/investigate the incident.

DISTURBANCE RESOLUTION

(First approved by the Law Enforcement Standards Board on March 2002 and revised August 2007)

1) APPROACH CONSIDERATIONS

- | | |
|-------------------------------|--|
| A. Decision-Making | Justification
Desirability |
| B. Tactical Deployment | Control of Distance
Relative Positioning
Relative Positioning with Multiple Subjects
Team Tactics |
| C. Tactical Evaluation | Threat Assessment Opportunities
Officer/Subject Factors
Special Circumstances
Level/Stage/Degree of Stabilization |

2) INTERVENTION OPTIONS

MODE

PURPOSE

- | | |
|-----------------------------------|---|
| A. Presence | To present a visible display of authority |
| B. Dialogue | To verbally persuade |
| C. Control Alternatives | To overcome passive resistance, active resistance, or their threats |
| D. Protective Alternatives | To overcome continued resistance, assaultive behavior, or their threats |
| E. Deadly Force | To stop the threat |

3) FOLLOW-THROUGH CONSIDERATIONS

- | | |
|-----------------------------|---|
| 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 |



**West Allis
Police Department
Standard 4.1.3**

**WILEAG Standards
5.1.4
&
12.1.4**

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Last Update
07/25/2017
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Last Review
03/06/2019
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Non-Deadly Force Options

Introduction

The availability of Non-Deadly Force Options can assist officers in de-escalation of potentially violent confrontations and provide additional alternatives to the use of deadly force. Options of this nature are used by police officers to restrain, control and stop subjects while causing less harm than deadly force to the individual as well as the officer and any nearby persons.

Purpose

There are several intervention options within the use of non-deadly force that require empty hand control techniques such as compliance holds, escort holds, passive and active countermeasures. This Standard addresses equipment that is issued and approved by the Department for Non-Deadly Force Options, commonly referred to as “Less Lethal Weapons.”

Application

This Standard shall apply to all sworn Department personnel.

Related Standards

WAPD Standard 4.1.1 – Management of Resistance/Aggression
WAPD Standard 4.1.2 – Use of Deadly Force
WAPD Standard 4.1.3 – Warning Shots
WAPD Standard 4.1.7 – MORA: Case Law
WAPD Standard 4.1.8 – MORA: Definitions
WAPD Standard 4.1.9 – Conducted Electronic Weapons
WAPD Standard 4.1.10 – Rendering Aid
WAPD Standard 4.2.1 – MORA - Reporting by Officer
WAPD Standard 4.2.2 – MORA – Incident Review Board

Specific Procedures

Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.

Officers are authorized to use Department-approved, non-deadly force techniques and equipment to

1. Protect the officer or others from physical harm;

2. Overcome continued resistance, assaultive behavior, or its threat;
3. Bring an unlawful situation safely and effectively under control.

Under normal circumstances, the deployment of Non-Deadly Force Options is not designed to cause great bodily harm and/or death. Situations may occur that are out of the control of the officer, including, but limited to sudden movements of the subject(s), unknown medical conditions, or the use/ingestion of controlled substances. These situations may result in a greater propensity for injury, including great bodily harm and/or death.

Patrol Officers – Options Available

The following Non-Deadly Force Options are available to patrol officers:

- OC Spray
- Conducted Electric Weapon (CEW)
- Expandable Baton
- Crowd Control Baton
- Kinetic Energy Impact Projectiles (for trained officers)
- Any other object that could be utilized, when access is prevented to the previous options

Detective – Options Available

The following Non-Deadly Force Options are available to Detectives:

- OC Spray, dependent on type of deployment
- CEW , dependent on type of deployment
- Expandable Baton, dependent on type of deployment
- Crowd Control Baton, dependent on type of deployment
- Kinetic Energy Impact Projectiles (for trained detectives)
- Any other object that could be utilized, when access is prevented to the previous options

Special Investigations Unit (SIU) – Options Available

The following Non-Deadly Force Options are available to members of the SIU:

- OC Spray, dependant on type of personnel deployment
- Electronic Control Device, dependant on type of personnel deployment
- Expandable Baton, dependant on type of personnel deployment
- Crowd Control Baton, dependent on type of deployment
- Any other object that could be utilized, when access is prevented to the previous options

SWAT – Options Available

The following Non-Deadly Force Options are available to members of SWAT:

- OC Spray
- Electronic Control Device
- Expandable Baton

- Crowd Control Baton
- Chemical Munitions and Diversionary Devices
- Kinetic Energy Impact Projectiles (for trained SWAT operators)
- Any other object that could be utilized, when access is prevented to the previous options

Use of Oleoresin Capsicum Spray (O.C.)

Sworn officers may use O.C. spray when a subject actively resists, threatens to actively resist and poses an articulable threat of harm to an officer or other person(s). Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of O.C. spray.

Parking Control Officers and Community Services Officers shall carry department issued O.C. spray only when on-duty and are limited to using O.C. spray for the purposes of self-defense.

Department personnel, who use O.C. spray against a subject, shall ensure the subject is decontaminated, as soon as practical after he or she is under control.

If possible, expose the subject to fresh air and flush the exposed area with cold water. A W.A.F.D. Ambulance shall be summoned when feasible for subject decontamination. If the exposed subject has an unusual reaction or requests medical attention, transportation to a medical facility shall be arranged. The booking room shower may be used to assist in the decontamination of an exposed subject.

If circumstances permit, and it can be done without endangering department personnel, reasonable efforts to decontaminate animals should be made or the decontamination information conveyed to the animal's owner.

It is the responsibility of the Training Bureau to research O.C. products and provide recommendations.

Use of Conducted Electronic Weapons (CEW)

Refer to WAPD Standard 4.1.9 – Conducted Electronic Weapons

Use of Baton

The use of both the expandable and straight baton as a primary intermediate (impact) weapon is authorized. Uniformed officers shall be required to have a Department approved expandable baton on their person while on duty.

The use of authorized batons is permitted against an actively aggressive subject when the officer reasonably believes that lesser force options would be ineffective or would expose the officer to bodily harm.

Intentional striking above the shoulders is considered a non-target area due to the potential for causing permanent injury or death. Any intentional striking to this area shall require individual justification in which deadly force would be authorized.

Use of Chemical Munitions and Diversionary Devices

The use of Chemical Munitions and Diversionary Devices is limited to use by SWAT members under the direction of the SWAT Commander.

Use of these devices will be in accordance with the requirements of this standard that a reasonable amount of force be used. Injuries to a person resulting from the use of chemical munitions and diversionary devices shall be documented in the Incident report.

Use of Kinetic Energy Impact Projectiles

Any sworn personnel utilizing Kinetic Energy Impact Projectiles must have completed the training in the use of this type of munition. Kinetic energy impact projectiles may be utilized by SWAT Operators under the direction of a SWAT Commander in circumstances where a level of force less than deadly force may be appropriate for resolving the situation and when the risk associated with closing on the subject to take control makes other alternatives unsafe.

Additionally, Kinetic Energy Impact Projectiles may be utilized by patrol sergeants, select patrol officers/SWAT operators in serving in a patrol capacity, acting sergeants, select detectives and members of SIU after completion of training.

This option may be used when a subject poses a significant threat of harm to self or others and unarmed tactics have been exhausted or would not be effective or safe given the circumstances.

When deciding to use this force option, officers may consider information known at the time of the incident, including conduct or statements of the subject or prior history of resistive/assaultive behavior. Use of this force option must be objectively reasonable under the totality of the circumstances known to the officer(s) at the time of the use.

When kinetic energy impact projectiles are used against the body of a subject, the officer will notify an on-duty supervisor and will complete an offense report detailing the circumstances of the incident. In the event an officer deploys a kinetic energy impact projectile(s) which results in striking an individual, officers shall provide medical treatment to the subject to the level of their training. WAFD personnel shall be summoned as soon as practical to assess the subject for injuries and to provide transport to a medical facility for medical clearance.

Consideration for Deployment

There is a broad range of scenarios in which use of an impact projectile may be justified. Major factors to consider when deciding whether such use is justified include the following:

- Seriousness of any crime committed by the subject
- Whether the subject is armed and, if so, the potential lethality/threat
- Propensity of the subject to be violent
- The urgency of the situation and potential impact of actions that may be committed by the subject
- The ability of officers to use an impact projectile against the suspect in accordance with policy and training

- The potential for collateral damage to officers, other persons, or property should the impact projectile incapacitate the subject (e.g., the subject is or is allegedly holding a triggering device connected to explosives or other destructive devices)

Deployment of Kinetic Energy Impact Projectiles

Only WAPD authorized and issued Kinetic Energy Impact Projectiles may be used. Kinetic energy impact projectiles may be delivered to the subject's body in accordance with the following guidelines:

Primary Target Areas: Legs, Buttocks and Arms (limited)

The arms may be targeted as a primary target under some circumstances. The officer must consider the proximity of the targeted portion of the arm to vital areas of the body. Primary target areas shall be considered when incapacitation is necessary but the threat is not imminent. Multiple impacts to the primary target areas should be considered before progressing to the secondary target area.

Secondary Target Area: Lower Abdomen

The secondary target area will be considered when incapacitation is critical due to the imminent threat posed by the subject, but deadly force has not yet become necessary.

Head/Neck/Chest Area: Intentional impact to these areas will be avoided unless the use of deadly force is justified.

Whenever possible, a cover officer prepared to deliver deadly force should accompany the user of Non-Deadly Force Options.

Delivery systems for Kinetic Energy Impact Projectiles

- 37mm Federal Laboratory-203A Launcher (SWAT trained personnel only)
- 40mm Launcher
- 12 gauge Shotgun (SWAT trained personnel only) (Madden: SWAT still has a 12 gauge that is in use with bean bag rounds.

Vehicles assigned to patrol sergeants will be equipped with the 40mm Less Lethal Launcher. SWAT members working in a patrol capacity will have the ability to place an additional launcher in service during their tour of duty. Trained detectives and/or members of SIU may utilize this equipment on specialty assignments or operations if approved by their Commanding Officer. In addition, trained detectives and members of SIU can utilize this equipment, if needed, on patrol calls for service.

When deploying the 12ga. shotgun as a less-lethal option, the SWAT officer shall use only the 12 gauge shotgun designated for such use. This shotgun will be clearly marked as a less-lethal weapon.

Chemical Munitions (SWAT Only)

- 40 mm Ferret round OC Liquid (Barricade Penetrating Projectiles)
- 40 mm Ferret round OC powder
- 40 mm Ferret round CS liquid
- 40 mm Ferret round CS powder
- 40 mm Muzzle blast dispersion round OC powder
- 40 mm OC Liquid
- 40 mm OC Powder
- 40 mm CS Liquid
- 40 mm CS Powder
- 12 Gauge Barricade projectiles: OC powder, OC Liquid and CS liquid

Multi-Purpose Munitions (SWAT Only)

- 40mm 32 cal. Stingers Rounds (32 caliber rubber BBs)
- 40 mm 60 cal. Stingers Rounds (60 caliber rubber BBs)
- 40 mm Foam Baton Rounds
- 40 mm Sponge Rounds

The above listed munitions can be used for individuals or for crowd control.

- 12 gauge Drag Stabilized beanbag rounds

The above listed munition can be used for individuals.

Less Lethal 40mm Procedures

Each of the designated patrol supervisor vehicles will be equipped with a 40mm Less Lethal Launcher. A third patrol 40 mm less lethal launcher will be available for SWAT members or patrol officers who have been trained in its use. The officer who checks out the less lethal launcher shall be solely responsible for the condition of the weapon. Less lethal launchers shall be secured in a squad when not in use.

Training

Officers authorized to deploy Non-Deadly Force Options shall receive designated training and certification as required by this department and shall re-qualify with the weapon biennially. .

Officers shall receive agency-authorized training specifically designed to simulate actual deployment situations and conditions to enhance officers' discretion and judgment in using impact projectiles in accordance with this policy.

Additional training for this standard will be accomplished via a combination of training programs, which include but are not limited to New Officer Training, Field Training Officer, Inservice Training, Shift Briefing Training, On-Site, On-Shift, Training and/or Legal Update Newsletter.



**West Allis
Police Department
Standard
4.1.8**

Patrick S. Mitchell
Chief of Police

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Last Update
05/25/2018
Sergeant Phillip Noche

Last Review
05/25/2018
Sergeant Phillip Noche

Conducted Electrical Weapon

Introduction

It is the intent of the West Allis Police Department to provide officers with options for controlling combative or uncooperative subjects in a manner that minimizes the risk of injury to both officers and resistive subjects. The Conducted electrical weapon is a proven device for controlling combative and uncooperative subjects with minimal risk of injury.

A Conducted Electrical Weapon (CEW) is a non-lethal conducted energy weapon that uses nitrogen propelled wired probes to conduct energy. Once deployed, it allows officers an opportunity to gain control of a subject with minimal risk of injury.

The CEW is deployed as an additional police tool and is not intended to replace firearms or self-defense techniques.

Purpose

The purpose of this Standard is to provide officers with guidance and direction on the use of conducted electrical weapons.

Application

This Standard shall apply to all sworn Department personnel.

Related Standards

WAPD Standard 1.4.4 – CEW Secure Storage and Maintenance

Definitions

Defensive and Arrest Tactics (D.A.A.T.) - A system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the State of Wisconsin Training and Standards Board.

Conducted electrical weapon (CEW) - A CEW conducted electrical weapon is designed to affect portions of the peripheral nervous system, which may cause temporary motor skill dysfunction to a combative or potentially combative subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm. The device is sometimes referred to as a Taser.

Electro-Muscular Disruption (EMD) - The direct contraction of muscles that disrupts neuro-motor control, affecting the sensory and motor nervous system.

Data Port – The CEW is equipped with a data port, which enables the Department to recover specific usage information, which is saved when the CEW is deployed.

Anti-Felony Identification Device (AFID) – Small, confetti-like ID tags that are ejected when an CEW cartridge is deployed. Each AFID contains the serial number of the cartridge deployed, which enables identification of the member to whom the cartridge was assigned.

Cartridge – The CEW cartridge is a single use item that is identified by a serial number. Each cartridge contains two dart probes deployed at 160 feet per second by a 180 psi-flammable nitrogen capsule.

Dart Probes – Barbed metal probes attached to insulated wiring that is deployed from the CEW cartridge. Proper application should result in temporary immobilization of the subject.

Contact Stun – When contact is made by pressing the front of the CEW onto the body of a subject and activating the CEW. The contact stun causes localized pain in the area touched by the CEW.

ARC Display – A non-contact demonstration of the CEW's ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon.

Laser Display – Upon activation of the CEW, a laser will be displayed for target acquisition.

Taser X26 - A name brand/model CEW that has been approved for use by the West Allis Police Department.

Specific Procedures

Authorized Use

Only those officers who have successfully completed the approved certified training are authorized to use an CEW.

The following personnel are required to carry an CEW, if available, and assigned to field assignments, prisoner transports, and/or patrol duties:

- Patrol Officers
- K-9 Officers
- Traffic Investigators
- Patrol Sergeants
- Warrant Officers
- Front Desk Officers
- School Liaison Officers
- Community Resource Officer
- Commanding Officers

Commanding Officers and Shift Supervisors are permitted to exempt officers from required CEW carry based on assignment and special needs.

The following personnel are permitted to carry a CEW on a voluntary basis:

- Detectives
- FTSU Personnel
- DTC Liaison Officers
- Special Investigations Unit
- Administrative Staff
- Training Unit Staff

Approved Equipment

The Taser X26 & X26P are the only CEW units currently authorized for use by the West Allis Police Department.

Approved Training

To be certified in the use of an CEW, officers are required to participate in a 4-hour Taser International X26/X26P user certification class. While it is not required, it is highly recommended that officers receive an exposure during the training.

Re-certification for all users shall occur annually. Re-certification for instructors shall occur every two years.

Weapon Readiness

All Department CEWs will be assigned a number. The respective serial numbers/number assignments will be maintained in a logbook.

All duty usage CEW equipment along with a unit sign-out sheet and cartridge logbook shall be secured in the Department armory.

Prior to the start of each shift, authorized users shall sign in/out an CEW and notify dispatch of the CEW unit number.

Prior to placing the CEW in the holster, officers shall check the CEW for damage and to ensure the unit is properly charged. A supervisor will be notified if the CEW is damaged and/or not functioning properly. The CEW shall be taken out of service and the training bureau notified.

Each officer will be will be issued two cartridges. Cartridges should be checked for expiration date and the blast doors should be intact and free of debris. Expired cartridges should not be used for duty.

Officers shall carry only Department issued cartridges in an approved cartridge holder.

Officers shall carry the CEW only in a Department-authorized holster on the side of the body opposite the service handgun (see WAPD Standard 1.4.1 – Uniforms, Equipment and Personal Appearance).

Officers shall only remove the CEW from the holster when it is anticipated it is going to be inspected, deployed, or taken out of service.

Under no circumstances will a West Allis Police Department CEW be used off duty and/or during any other employment.

Deployment

The CEW shall be handled in the same manner and treated with the same degree of care and discretion as a firearm.

The CEW is categorized as a “Control Alternative/Control Device” (generally analogous to oleoresin capsicum (OC) spray) under Intervention Options within the State of Wisconsin’s Disturbance Resolution “Model.” The goal of using an CEW is to “overcome active resistance or its threat.” As such, it is forbidden to use the device as follows:

- In a punitive or coercive manner.
- On any subject who does not demonstrate or threaten behavior, which physically counteracts an officer’s attempt to control that subject, and/or which creates a risk of bodily harm to the officer, subject, and/or other person. (*Note – A subject fleeing on foot (absent other variables) does not fall under the category of “active resistance or its threat.”)
- On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- In any environment where an officer knows that a potentially volatile or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).
- In any environment where the subject’s fall could reasonably result in death (such as in water or on an elevated structure).
- To awaken unconscious or intoxicated individuals.
- When subject is visibly pregnant, unless deadly force is the only other option.
- When the subject is driving a motor vehicle.

As in all incidents of management of resistance/aggression certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when using an CEW against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.

Upon firing the device, the officer shall deploy the CEW in an objectively reasonable manner so as to accomplish the legitimate law enforcement objective.

The subject should be secured as soon as practical while disabled by CEW power to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject might not be able to respond to commands during or immediately following exposure.

Ideally, the deployment of an CEW should be a team effort involving several officers, including:

- A primary CEW officer, who fires the CEW at the suspect.
- A cover officer prepared to deliver deadly force, in the event that an CEW deployment is attempted during a situation that would justify the use of deadly force.
- An arrest team who will move in and secure the immobilized suspect.
- A secondary CEW officer, who stands by ready to fire a second CEW if the primary officer's attempt misses or appears ineffective.
- A supervisor, where time permits.

Deployment of a single CEW with or without an arrest team is authorized when insufficient time exists to assemble a full complement, or when site conditions make the use of a second CEW impractical.

In preparation for firing, the CEW shall be pointed in a safe direction, taken off safe, and then aimed. Center mass of the subject's back should be the primary target where reasonably possible; center mass of the chest or the legs are the secondary targets.

Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.

When practical, the officer firing the CEW shall shout the word "Taser" at least twice immediately prior to discharging the device, in order to alert other officers on the scene that a discharge is about to occur.

The CEW may also be used in certain circumstances in a "contact stun" mode. This involves pressing the unit against an appropriate area of the body based on training. It is important to note that when the device is used in this manner, it is:

- Primarily a pain compliance tool due to a lack of probe spread.
- Minimally effective compared to conventional cartridge-type deployments.
- More likely to leave marks on the subject's skin.
- Subject to the same deployment (use) guidelines and restrictions as those of the CEW in cartridge deployments.
- The CEW shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.

The deploying officer shall notify his or her supervisor as soon as practical after using the device.

Aftercare

The CEW dart probes may be removed from the subject after the subject is restrained following procedures outlined in department sponsored training.

Deployed dart probes represent a biohazard. Officers shall wear latex gloves during removal.

The probes shall be placed into the cartridge portals from which they were fired. The wires shall be wound around the cartridge then the cartridge secured by a latex glove. The materials shall be disposed of in a red biohazard bag.

The CEW dart probes shall not be removed if the subject is hit in a sensitive area (e.g., face, head, neck, female breasts, male groin) or if officers are having difficulty removing the probes. In these instances, a medical professional shall remove the dart probes in a medical facility.

Required Medical Assessments – Conducted electrical weapon (CEW/Taser)

State Charges-Major Felony: In the event an CEW is deployed and in compliance with Milwaukee County Sheriff Department protocol requiring screening by medical professional, all subjects that have been subject to an CEW deployment must be transported to a medical facility to be medically cleared by a rescue or medical personnel.

The arresting officer should secure medical clearance paperwork with the original being forwarded to the Milwaukee County Sheriff's Department: Medical Section during pre-booking. A copy must be attached to the MORA – Incident Review Board that is submitted by the shift commander.

If questions arise from hospital staff regarding the billing for services, they should be directed to bill in the following manner.

Primary Billing: Offender
Secondary Billing: County of Milwaukee

State Charges-Lesser Felony/Misdemeanor: In the event a CEW device is deployed, medical clearance is not required, but an assessment by rescue personnel is required. At the discretion of the commanding officer, these cases may be reviewed by one of the following:

- Community Prosecutor
- Assistant District Attorney at Milwaukee Police Department-District Six
- Order in to Milwaukee County District Attorney's Office

Local Charges: In the event an CEW is deployed, resulting in local charges and/or a Chapter 51.15 – Emergency Detention - medical clearance is not required, but an assessment by rescue personnel is required.

In cases where dart probes have struck a sensitive area, photographs of the affected area should be taken. Furthermore, the cartridge, wire leads, dart probes, and a minimum of two AFIDS should be retained as evidence and placed on a WAPD property number.

Medical Waiver

West Allis Fire Department personnel are authorized to utilize waivers for those subjects that refuse medical treatment/assessment requested by law enforcement officials. Maintenance of those records will be conducted in compliance with current West Allis Fire Department protocols.

Required Reporting

Officers shall specifically articulate the rationale for use of the CEW in their incident offense report.

In addition to required reporting as part of 1.3.6 – Management of Resistance/Aggression: Officer Reporting, officers are required to submit an CEW Utilization Report under the following circumstances:

- CEW Deployment (Probe/Contact Stun)

CEW Service Procedure

Any CEW in need of repair will be removed from the armory and turned over to the Training Lieutenant for service through Taser International.

Expired cartridges will be removed from circulation and turned over to the Training Lieutenant.



**West Allis
Police Department
Standard 4.1.9**

**WILEAG Standard
5.2.1**

Patrick S. Mitchell
Chief of Police

Prepared by
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Captain Colin Hughes
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*Last Update
05/18/2015
Sergeant Phillip Noche*

*Last Review
04/23/2018
Sergeant Phillip Noche*

Rendering Aid

Introduction

The third part of the Disturbance Resolution Model is Follow-Through Considerations, which refers to the actions an officer takes after a use of force. These are critical. Once you have taken the step of putting someone in custody, you are responsible for that person's well-being.

Purpose

The purpose of this Standard is to provide law enforcement officers of this agency with guidelines for rendering aid to subjects after a Management of Resistance/Aggression (MORA) incident.

Application

This Standard shall apply to all sworn Department personnel.

Related Standards

WAPD Standard 4.1.1 – Management of Resistance/Aggression (MORA)

WAPD Standard 4.1.2 – Use of Deadly Force

WAPD Standard 4.1.4 – Non Deadly Force Options

WAPD Standard 4.2.1 – Management of Resistance/Aggression Officer Reporting

WAPD Standard 4.2.4 – Management of Resistance/Aggression Analysis Board

WAPD Standard 4.1.8 – Management of Resistance/Aggression: Definitions

WAPD Standard 4.1.7 – Management of Resistance/Aggression: Case Law

Specific Procedures

Even if you have to use force to subdue a subject, once you achieve control, you must mentally and physically shift gears to follow-through procedures. These fall naturally into six phases:

- Stabilize
- **Monitor/Debrief**
- Search
- Escort
- Transport
- Turnover/Release

Within each of these phases, you will need to do specific things.

Monitor/Debrief. Monitoring means simply that you remain aware and watchful throughout your contact with a subject, until that person is no longer

under your control. Debriefing serves to bring the level of your contact to a more normal status. If you have been actively fighting with someone, debriefing allows the two of you to “come down” from the fight to a calmer status and to re-establish verbal interaction. It gives you a chance to do an initial medical assessment and gauge the need for medical care for the subject.

When you debrief the subject, you conduct an initial medical assessment, and determine if medical care is needed. You might request EMS to respond or provide first aid yourself. After the subject has been treated, you must continue to monitor the subject for medical issues. The stress of a physical struggle or foot chase, especially when combined with drug use, may cause sudden and severe changes in a person’s condition. In some cases, these can be life-threatening emergencies. Whether or not there has been a physical altercation, you must constantly monitor the subject for changes in level of consciousness, breathing difficulties, and so on, and be prepared to provide needed medical care.

Like medical conditions, threat conditions can change rapidly. Threat assessment must be ongoing. Never let your guard down, even if the subject seems totally cooperative. You can be friendly, professional, and caring while still being tactically sound.

Officer Safety

Officer(s) shall render aid to an injured subject when both the subject and immediate scene are secure.

First Aid and Medical Assistance

All sworn Department personnel who engage in the use of force, observe a physical injury, and/or receive a complaint of an injury from a subject shall:

- Check the subject for injuries and administer first aid, C.P.R., and/or A.E.D, if necessary.
- Officers shall only be required to treat an injured subject to the officer’s level of training and if proper personal protective equipment (PPE) is available.
- Summon a rescue unit, paramedic, or other appropriate medical aid, if necessary.
- Summon a rescue unit, paramedic, or other appropriate medical aid upon deployment of OC Spray and/or a CEW (Taser)
- Summon a rescue unit, paramedic, or other appropriate medical aid upon deployment of a Kinetic Energy Impact Projectile (commonly known as “less lethal”)
- Maintain close personal observation and keep in close physical contact with the subject while the subject is in your custody.
- Notify a supervisor and/or Commanding Officer

Transfer of Medical Observation

Upon arrival of WAFD Rescue personnel, medical observation can be transferred to rescue squad personnel. Officers should supply rescue personnel with any existing medical information about the subject in custody, if requested. Rescue personnel will maintain close personal observation during pre-hospital assessment and, if applicable, render medical care, (including restraint) in compliance with their established protocols, state statute and patient consent, if applicable.

Restraint of Subjects Requiring Medical Attention

Non-Custodial Situations

At the request of rescue personnel, officers may assist in restraining a subject who requires medical treatment. Officers generally not permitted to use handcuffs, as a medical restraint tool, under these circumstances.

Custodial Situations

Officers should place subjects in custody by rear cuffing, unless injuries exist that prohibit this placement. At the request of rescue personnel, officers are permitted to remove the cuffs with understanding that rescue personnel will utilize restraint devices approved by WAFD policy. Officers are discouraged from using handcuffs as a medical restraint device. (i.e., handcuffing hands and feet to cart), unless specifically requested by rescue/medical personnel.

Transport to Medical Facility – Officer Assisted

As a general rule, when a subject is in custody West Allis Police officers will personally accompany rescue personnel under the following circumstances:

- The subject is rear-cuffed,
- The subject poses a significant threat of escape,
- The subject exhibits violent behavior, and/or
- Any other situation deemed appropriate by mutual agreement.

The above requirements are contingent on available staffing, incident/crime scene responsibilities and officer safety. The West Allis Police Department will supply the West Allis Fire Department, if required, handcuff keys to allow the removal of handcuffs in the event that law enforcement personnel are unable to be present in the back of the rescue unit.

NOTE: Officers should be aware that current Milwaukee County EMS Standard of Care-Patient Restraint requires that when a physical restraint device is applied by law enforcement, an officer must be present at all times at the scene as well as in the patient compartment of the transport vehicle during transport.

In the event of a custodial arrest and where the subject has life threatening injuries, poses no threat of escape, and/or exhibits no violent behavior, officers are permitted to allow rescue personnel (at their discretion) to utilize other forms of medical restraint (leather, cloth, etc), if required, in lieu of handcuffs. If possible, officers should follow the rescue unit and be prepared accompany rescue personnel if conditions change.

In most cases, a subject should not be handcuffed to an object and/or left unattended.

Officers may also utilize the security transport restraint device (waist restraint system/leg irons) located in the booking room that would allow rescue personnel the opportunity to conduct medical assessments and required treatment.

Required Medical Assessments – CEW (Taser)

State Charges-Major Felony: In the event a CEW is deployed and in compliance with Milwaukee County Sheriff Department protocol requiring screening by medical professional, all subjects that have been subject to a CEW deployment must be transported to a medical facility to be medically cleared by a rescue or medical personnel.

The arresting officer should secure medical clearance paperwork with the original being forwarded to the Milwaukee County Sheriff's Department: Medical Section during pre-booking. A copy must be attached to the MORA – Incident Review Board that is submitted by the shift commander.

If questions arise from hospital staff regarding the billing for services, they should be directed to bill in the following manner.

Primary Billing: Offender
Secondary Billing: County of Milwaukee

State Charges-Lesser Felony/Misdemeanor: In the event a CEW device is deployed, medical clearance is not required, but an assessment by rescue personnel is required. At the discretion of the commanding officer, these cases may be reviewed by one of the following:

- Community Prosecutor
- Order in to Milwaukee County District Attorney's Office

Local Charges: In the event a CEW is deployed, resulting in local charges and/or a Chapter 51.15 – Emergency Detention, medical clearance is not required, but an assessment by rescue personnel is required.

Medical Waiver

West Allis Fire Department personnel are authorized to utilize waivers for those subjects that refuse medical treatment/assessment requested by law enforcement officials. Maintenance of those records will be conducted in compliance with current West Allis Fire Department protocols.

Reporting

In the event that aid is rendered by a police officer, rescue personnel, and/or hospital personnel, the following information is required to be documented in the incident report:

- Type of Subject Injury (reported or observed)
- Officer First Aid, if applicable

- Identification of Rescue Squad, if applicable
- Identification of Medical Facility, if applicable
- Statements of Rescue Personnel (HIPAA Authorized), if applicable
- Statements of Medical Facility Personnel (HIPAA Authorized), if applicable
- Waiver of Treatment/Assessment, if applicable

Training

Training for this Standard will be accomplished via a combination of training programs, which include but are not limited to New Officer Training, Field Training Officer, Inservice Training, Shift Briefing Training, On-Site Training and/or Legal Update Newsletter.

Reference Materials

Defensive & Arrest Tactics: A Training Guide For Law Enforcement Officers, which was last updated by Wisconsin Department of Justice: Law Enforcement Standards Board (August 2007). This document can be accessed on the WAPD Intranet or WILNET.org