

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force (Wis. Stat. § 66.0511(2)).

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

Justification for the use of deadly force - Behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows themselves to be searched, escorted, handcuffed, or restrained.

Imminent - About to happen, impending. An imminent threat is an immediate threat.

De-escalation - De-escalation is a concept that involves a deputy'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 the threat posed by an individual.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved, on a daily basis, in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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The Dodge County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Human Factors Statement - human factors refers to the wide range of issues that affect how police officers perform a task under high stress, which are often experienced during use-of-force incidents. The following human factors play a significant role during use-of-force incidents: perception, attention, divided attention and inattentional blindness, decision making, and response time. Officers make decisions based upon the totality of the human senses, which are impacted by stress and human factors. Officers involved in use-of-force incidents are likely to experience auditory exclusion, vision narrowing, delays in response time and decision-making, and inaccuracy in recollection when compared to video footage. An officer's recollection of specific details may be different than what is captured on video and audio. It is inconsistent with best practices to merely watch video footage to determine if officers are in compliance with this policy. These human factors must be part of the objectively reasonable analysis when determining if officers are in compliance with this policy.

300.2.1 DUTY TO INTERVENE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent or stop the use of unreasonable force (Wis. Stat. § 175.44).

Any deputy who intervenes and/or observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations and/or intervention to a supervisor as soon as practicable after the occurrence of the use of force (Wis. Stat. § 175.44).

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.2.3 ADDITIONAL CONSIDERATIONS

The duty to intervene and report applies without regard to the chain of command.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

A law enforcement officer may use reasonable force to arrest a person or execute a warrant. Additionally, a law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer (Wis. Stat. § 968.07; Wis. Stat. § 968.14).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.

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- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the deputy.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following (Wis. Stat. § 66.0511):

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

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- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Dodge County Sheriff's Office for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.7 CHOKE HOLD

The use of a choke hold, which is the intentional and prolonged application of force to the throat or windpipe, is prohibited except in circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold (Wis. Stat. § 66.0511).

300.3.8 ADDITIONAL REQUIREMENTS

Any use of force by a deputy shall be undertaken in good faith to achieve a legitimate law enforcement objective.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) A deputy may use deadly force only as a last resort when the deputy reasonably believes that all other options have been exhausted or would be ineffective, and only to stop behavior that has caused or imminently threatens to cause great bodily harm or death to the deputy or others.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of great bodily harm or death, and the deputy reasonably believes that there is an imminent risk of great bodily harm or death to any other person if the individual is not immediately apprehended. Under such

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circumstances, a verbal warning should precede the use of deadly force, where both practical and feasible.

However, a deputy should not use deadly force against a person whose actions are a threat solely to themselves or property.

An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing great bodily harm or death without a weapon, and the deputy believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 TARGET-SPECIFIC DIRECTED FIRE

Target-specific directed fire is an application of deadly force that may be appropriate in certain limited situations. It is 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.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure or law.

The following document will be completed and submitted for any use of force used to overcome active resistance, or any level of force used where the

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employee or individual receives injury, or where there is reported or actual injury due to alleged use of force. This form should be completed by any member who used force under these circumstances.

[See attachment: Use of Force Administrative Review REV 3-2023 with follow up.pdf](#)

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the electronic control device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO WISCONSIN DEPARTMENT OF JUSTICE

Statistical data regarding all qualifying use of force incidents is to be reported to the Wisconsin Department of Justice as required by Wis. Stat. § 165.845. For the purposes of this section, a qualifying use of force incident means any incident (Wis. Stat. § 165.845):

- (a) Involving the discharge of a firearm by a deputy at or in the direction of a civilian.
- (b) Involving the discharge of a firearm by a civilian at or in the direction of a deputy.
- (c) Involving any action taken by a deputy in response to an act of resistance that results in great bodily harm or death (Wis. Stat. § 939.22).
- (d) Involving an act of resistance taken by a civilian against a deputy that results in great bodily harm or death.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in injury reported by the subject or known/suspected injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 POLICY AVAILABILITY

The Sheriff or the authorized designee should ensure that this policy (Wis. Stat. § 66.0511):

- (a) Is made available free of charge within three business days of the request.
- (b) Is publicly available on the office website and updated promptly upon amendment.

300.9 TRAINING

Deputies shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, deputies should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.9.1 ADDITIONAL TRAINING REQUIREMENTS

The Office adopts the Defensive and Arrest Tactics (DAAT) training system per the Wisconsin LESB. Deputies shall also be trained on the DAAT system.

300.9.2 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.

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- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intervene.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, or verbal warnings).

300.10 KEY RULES FOR USE OF FORCE

The following are important rules officers shall consider when using force:

- (a) 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.
- (b) A deputy may initially use the level and degree of force that is reasonably necessary to achieve control. A deputy need not escalate step-by-step through the Intervention options.
- (c) At any time, if the level of force a deputy is using is not effective to gain control, a deputy 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.
- (d) Once a deputy has gained control of a subject, a deputy must reduce the level of force to that needed to maintain control.
- (e) A deputy must always maintain a position of advantage.

Attachments

Use of Force Administrative Review REV 3-2023 with follow up.pdf

DODGE COUNTY SHERIFF'S OFFICE

USE OF FORCE ADMINISTRATIVE REVIEW

Reporting Officer	Date Occurred	Time Occurred	Case # (if applicable)		
Offender	DOB:	Height Weight	Address		
Nature of Call		Location of Incident			
Threat Assessment/Offender Behavior (check all that apply) ☐ Known prior assaultive history ☐ Subject under the influence of intox or cont subs ☐ Known prior emotional/mental difficulties ☐ Subject conspicuously ignored officer/deputy ☐ Subject gave you excessive emotional attention ☐ Subject exhibited exaggerated movement ☐ Subject suddenly ceased all movement ☐ Subject assumed boxer stance ☐ Subject shifted hand set (to "fighting" position) ☐ Subject shifted shoulders ☐ Subject exhibited target glance ☐ Subject had "thousand yard stare" ☐ Subject refused clear, legal order(s) ☐ Subject in environment dangerous to officer ☐ Multiple potential offenders ☐ Subject used threatening or abusive language ☐ Subject exhibited "resistive tension" ☐ Subject threatened officers/deputy with weapon ☐ Subject physically resisted officer/deputy ☐ Subject attempted to spit on officer/deputy ☐ Subject attempted to "tackle" or wrestle officer ☐ Subject attempted to strike, kick, or bite officer ☐ Subject assaulted officer with edged weapon ☐ Subject assaulted officer with blunt weapon ☐ Subject assaulted officer with a firearm ☐ Other (describe) _____ ☐ Subject shifted hand set (to "fighting" position) _____ _____		Use of Force used or attempted by Officer/Deputy (check all that apply) ☐ Verbal direction ☐ Blanket hold ☐ Escort hold ☐ OC spray ☐ Wrist compression ☐ Hypoglossal nerve (jaw) pressure point ☐ Mandibular angle (ear) pressure point ☐ Pull in/push down decentralization ☐ Decentralization from escort position ☐ Decentralization from wrist compression ☐ Level three decentralization ☐ Unarmed strike (hand) ☐ Unarmed strike (forearm) ☐ Unarmed strike (leg) ☐ Vertical stun ☐ Baton ☐ Less lethal munitions ☐ Firearm ☐ Other technique (describe) _____ _____ _____ _____ _____ _____ _____ _____			
# of officers involved (each employing force to overcome active resistance or involved in any use force incident resulting in injury must complete form): _____					
# of offenders physically involved (complete additional use of force reports for each offender): _____					
Use of force follow-up: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> ☐ Offender evaluated by medical staff (Y/N) ☐ Offender injured (Y/N) If yes, describe: _____ _____ _____ </td> <td style="width: 50%; border: none;"> ☐ Officer evaluated by medical staff (Y/N) ☐ Officer injured (Y/N) If yes, describe: _____ _____ _____ </td> </tr> </table> ☐ Required care or necessary monitoring documented and appropriate personnel notified (Y/N)				☐ Offender evaluated by medical staff (Y/N) ☐ Offender injured (Y/N) If yes, describe: _____ _____ _____	☐ Officer evaluated by medical staff (Y/N) ☐ Officer injured (Y/N) If yes, describe: _____ _____ _____
☐ Offender evaluated by medical staff (Y/N) ☐ Offender injured (Y/N) If yes, describe: _____ _____ _____	☐ Officer evaluated by medical staff (Y/N) ☐ Officer injured (Y/N) If yes, describe: _____ _____ _____				

Case #:			
Use of Force Instructor	Lieutenant	Captain	
☐ Reviewed	☐ Reviewed	☐ Reviewed	
☐ Follow-up needed	☐ Follow-up needed	☐ Follow-up needed	
Name: _____	Name: _____	Name: _____	Name: _____