



# GENERAL ORDER

## WINNEBAGO COUNTY SHERIFF'S OFFICE

**SUBJECT:**            **USE OF FORCE**  
**SCOPE:**            All Agency Members  
**DISTRIBUTION:**   General Orders Manual

**NUMBER:**            5.01  
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**SHERIFF'S APPROVAL:**   John Matz            07/20/2012

**LEGAL REVIEW:**         John Bodnar        07/20/2012

### REFERENCES:

**RESCINDS:**                            N/A  
**AMENDS:**                                N/A  
**WILEAG 5TH EDITION:**                5.1.1, 5.1.2, 5.1.3, 5.1.4  
**STATUTES AND OTHER REFERENCES:**  WI State Statutes 59.26, 66.0511, 175.44, 939.45, and 939.48, and Chapter 941, Wisconsin Department of Justice, Training and Standards Bureau DAAT and POSC curriculum

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**INDEX AS:**   Use of Force  
              Deadly Force  
              Firearms  
              Less Lethal  
              Reasonable Force  
              DAAT  
              POSC

**PURPOSE:**   The purpose of this General Order is to establish policies and procedures regarding the use of force.

This General Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. DEFENSIVE AND ARREST TACTICS (DAAT) and PRINCIPLES OF SUBJECT CONTROL (POSC)
- VI. MODELS
- V. DUTY TO INTERCEDE
- VI. OTHER CONSIDERATIONS

## I. POLICY

- A. The Winnebago County Sheriff's Office recognizes and respects the value and special integrity of each human life. In vesting deputies with the lawful authority to use force, a careful balancing of all human interests is required. Therefore, it is the policy of this Agency that deputies shall use only that force that is reasonably necessary to effectively bring an incident under control, or protect the lives of the deputy or another. The use of physical force should be discontinued when resistance ceases or when the incident is under control. Deadly force will only be used when every other reasonable means of apprehension or defense has been exhausted, would have been ineffective, or there is no other viable alternative.
- B. Deputies shall not mistreat persons who are in their custody. Deputies shall handle such persons in accordance with the law and Agency procedures to ensure their safety and security. Deputies shall use de-escalation techniques whenever possible and appropriate before resorting to force and to reduce the need for force. Whenever possible, Deputies should allow individuals time and opportunity to submit to verbal commands before force is used. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and may subject the officer to disciplinary action.

## II. DEFINITIONS

**DEADLY FORCE:** The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

**LESS LETHAL FORCE:** That amount of force which under normal circumstances, may cause bodily harm, but is not intended to cause death.

**OBJECTIVELY REASONABLE FORCE:** That force (under *Graham v. Connor*) which is judged acceptable under the totality of the circumstances from the perspective of a reasonable officer at the scene, with similar training and experience, based upon:

- 1. The severity of the alleged crime at issue, and

2. Whether the subject poses an imminent threat to the safety of deputies and/or others, and
3. Whether the subject is actively resisting or attempting to evade arrest by flight.

**ELECTRONIC CONTROL DEVICE (ECD):** A less lethal force instrument that causes electro-muscular disruption to a combative, violent, or potentially combative, violent subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.

**DEFENSIVE AND ARREST TACTICS (DAAT):** A system of verbalization skills coupled with physical alternatives, adopted by the State of Wisconsin Department of Justice, Training and Standards Bureau.

**PRINCIPLES OF SUBJECT CONTROL (POSC):** The correctional setting application of the Wisconsin DAAT system, a system of verbalization skills coupled with physical alternatives, adopted by the State of Wisconsin Department of Justice, Training and Standards Bureau

**DE-ESCALATION:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

### III. DEFENSE AND ARREST TACTICS / PRINCIPLES OF SUBJECT CONTROL

- A. Wisconsin Statutes afford deputies the protection of privilege when the deputy's use of force is a reasonable accomplishment of a lawful arrest, their use of force is in defense of themselves and others, or is in good faith and is an apparently authorized and reasonable fulfillment of any duties of a public office.
- B. The Winnebago County Sheriff's Office adopts the use of force standards established by the State of Wisconsin Department of Justice, Training and Standards Bureau. This is a system designed for all deputies with the primary purpose of defense of self or others. The principles of DAAT and POSC should be adhered to and followed at all times.
- C. This system includes the Incident Response, Disturbance Resolution, and First Responder Philosophy Models which provide guidelines that define the degree and type of force to be used in controlling subjects. All Deputies shall be initially certified and refresher trained in either the DAAT or POSC system in accordance with the State of Wisconsin Department of Justice, Training and Standard Bureau standards.
  1. The Disturbance Resolution Model, requires that a deputy use reasonable level of force in reacting to other people's behavior by escalating or de-escalating through the Intervention Options
  2. A deputy shall only use that amount of force which is necessary and reasonable in the performance of their official duties.

3. When evaluating a deputy's use of force, the following acceptable standards are recognized:
  - a) A trained technique
  - b) A dynamic application of a trained technique
  - c) A technique not trained, but justifiable under the circumstances
4. Once a deputy has gained control of a subject, they must reduce the level of force to that needed to maintain control.
5. When affecting an arrest, deputies should be particularly mindful when using force against a subject displaying passive resistance that is non-compliant and/or non-threatening.
6. Physical force shall not be used against individuals in restraints except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the deputy, or another person.
7. Deputies will receive annual use of force training that may include various high level scenario based training.

#### IV. MODELS

- A. The following is adopted by the DAAT and POSC systems:

##### INCIDENT RESPONSE MODEL

- |   |   |
|---|---|
| R | Report <ul style="list-style-type: none"> <li>• Become aware</li> <li>• Plan response</li> <li>• Arrive/Assess</li> <li>• Alarm/Inform</li> </ul>   |
| E | Evaluate <ul style="list-style-type: none"> <li>• Look for dangers</li> <li>• Determine backup needs</li> <li>• Enter when appropriate/tactically sound</li> </ul>  |
| S | Stabilize <ul style="list-style-type: none"> <li>• Subject(s)</li> <li>• Scene</li> </ul>   |
| P | Preserve <ul style="list-style-type: none"> <li>• Life           <ul style="list-style-type: none"> <li>○ Conduct an initial medical assessment (as trained)</li> <li>○ Treat to level of training</li> </ul> </li> </ul> |

- Continue to monitor the subject(s)
- Evidence
- O Organize
  - Coordinate additional responding units (if necessary)
  - Communicate with dispatch and others
  - Organize the collection of evidence (if appropriate)
- N Normalize
  - Provide long-term monitoring (as appropriate)
  - Restore scene to normal
  - Return radio communications to normal
- D Document/Debrief
  - Debrief self, other responding personnel, subject(s), other persons
  - Document incident appropriately

B. The following is adopted by the POSC system:

FIRST RESPONDER PHILOSOPHY MODEL

1. ARRIVE at the scene
2. ASSESS the situation
3. ALARM is given
4. EVALUATE the situation
5. ENTER the emergency site
6. STABILIZE the subject and scene
7. INITIAL MEDICAL ASSESSMENT
  - a. Determine level of consciousness (yes/semi-conscious/no) if appropriate
  - b. Continue to monitor the subject (stay close; watch closely)
8. LONG-TERM MONITORING
9. COMMUNICATION
10. DOCUMENT/DEBRIEF

C. The following is adopted by the DAAT and POSC systems:

DISTURBANCE RESOLUTION MODEL

1. Approach Considerations
 

a)	Decision-making	Justification Desirability
b)	Tactical Deployment	Control of distance Positioning

Team Tactics

- c) Tactical Evaluation
  - Threat assessment opportunities
  - Officer/subject factors
  - Special circumstances
  - Level/stage/degree of stabilization

2. Intervention Options

- a) The mode chosen in a given situation depends on the deputy's tactical evaluation and threat assessment. Note that the same tactic may, depending on the circumstances and the purpose for which it is used, fall into more than one mode. Whether or not a deputy's use of force is objectively reasonable will be evaluated by taking into consideration the severity of the alleged offense, whether the subject posed an imminent threat to the safety of others, and whether the subject is actively resisting or attempting to evade arrest by flight.
- b) These five fundamental principles apply to a deputy's use of force:
  - (1) The purpose for use of force is to gain control in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to physical force.
  - (2) 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. As the situation dictates, a deputy may move from any mode to any other if they reasonably believe that a lower level of force would be ineffective.
  - (3) At any time, if the level of force being used is not effective to gain control, a deputy may disengage and/or escalate to a higher level of force.
  - (4) Once a deputy has gained control of a subject, they must reduce the level of force to that needed to maintain control.
  - (5) Deputies should maintain a position of advantage whenever possible.
- c) The below five Modes each serve a different purpose and include different tactics and techniques.

MODE	PURPOSE
A. Presence	To present a visible display of authority
B. Dialog	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

A. Presence: Presence reflects the fact that sometimes all that is needed to control a situation is the presence of a deputy. The purpose of this mode is to present a visible display of authority, and includes the following:

- Tactical Stance
  - Open Stance
  - Ready Stance
  - Defensive Stance

B. Dialogue: Dialogue covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to verbally persuade subjects to comply with a deputy's lawful directives. The specific techniques used are covered extensively in the Professional Communication Skills curriculum, and includes the following:

- Search talk
- Persuasion
- Light control talk
- Heavy control talk.

C. Control Alternatives: Control Alternatives are designed to overcome passive resistance, active resistance, or their threats, and includes a wide range of tactics and tools for controlling subjects, and are divided into four groups:

- Escort Holds – the goal of escort holds is to safely initiate physical contact
  - Blanket the arm
  - Escort position
- Compliance Holds – the goal of compliance holds is to overcome passive resistance
  - Come-along
  - Pressure points
- Control Devices – the goal of control devices is to overcome active resistance or its threat

- Chemical agents
- ECD's
- Passive Countermeasures – the goal of passive countermeasures is to decentralize a subject
  - Secure- the-head decentralization
  - Hug-yourself decentralization
  - Lower-you-center decentralization
  - Pull-in/push-down decentralization

D. Protective Alternatives: Protective Alternatives are designed to overcome continued resistance, assaultive behavior, or their threats and includes three tactics:

- Active Countermeasures – the goal of active countermeasures is to create a temporary dysfunction of an actively resistive or assaultive subject, and includes two categories of techniques
  - Vertical stuns
  - Focused strikes
    - Reaction Hand Strike
    - Reaction Forearm Strike
    - Strong Hand Strike
    - Strong Forearm Strike
    - Reaction Front Kick
    - Reaction Knee Strike
    - Strong Angle Knee Strike
    - Strong Angle Kick
- Incapacitation Techniques – the goal of incapacitation techniques is to cause the immediate, temporary cessation of violent behavior
  - Diffused strike – from the front
  - Diffused strike – from the rear
- 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
  - Baton
  - Specialty impact munitions
- Chemical munitions



- NFDDs
  - For a comprehensive discussion, see also **General Order 5.03 Less Lethal Force**
- E. **Deadly Force:** Deadly Force represents the highest level of force available to deputies, and includes the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm. Wisconsin Statutes specifically limit the use of deadly force in self-defense where the actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself. The same limitation is extended to use of force to defend a third person. The goal of the use of deadly force is to stop the threat. For a comprehensive discussion on the use of deadly force, refer to **General Order 5.02 Deadly Force**.

## V. DUTY TO INTERVENE AND REPORT

- A. Any deputy present and observing another Agency member using force that is clearly not within this General Order is expected, when reasonable to do so, to intervene to prevent the use of such force and in all cases report the use of force promptly to a supervisor.
- B. Any deputy, acting in the course of his or her official duties, who witnesses another law enforcement officer use force that is potentially beyond that which is objectively reasonable shall report the violation to a supervisor and file a written report as soon as practicable. Reports involving members from other law enforcement agencies will be forwarded to the Chief Deputy who will provide the information to the employing agency.
- C. Any deputy, whether on or off duty and without regard for chain of command, who observes a law enforcement officer from any law enforcement agency use force that is clearly beyond that which is objectively reasonable shall:
1. Intervene to prevent or stop another law enforcement officer from using force when circumstances dictate that intervention is safe.
  2. Deputies shall consider the following to determine when it is safe to intervene:
    - a) If the deputy is within their own jurisdiction or if they are outside their jurisdiction
    - b) If the deputy is in uniform or can be readily identified as a law enforcement officer
    - c) If the deputy is aware of the context of the use of force incident
    - d) If the deputy's intervention would likely escalate the situation
- D. Any deputy who intervenes or reports noncompliant use of force under the provisions of this General Order are afforded the protections enumerated within Wis. Stat. 175.44(4).

## VI. OTHER CONSIDERATIONS

- A. The correctional setting presents unique circumstances and deputies may use reasonable force in furtherance of their official duties to include:
  - 1. Gaining control of a resistive or combative inmate
  - 2. Moving an unwilling inmate from one location to another
  - 3. Preventing destruction of property in the corrections setting
  - 4. Preventing an inmate from harming himself or herself
  - 5. Preventing inmates from escaping
- B. A video recording is required for all planned use of force incidents that occur in the Winnebago County Jail, to include CERT cell entries.

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

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