

JEFFERSON COUNTY SHERIFF'S OFFICE

POLICY & PROCEDURE

SUBJECT: **USE OF FORCE**

NUMBER: **111C**

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AMENDS: **111B**

PURPOSES

- To set forth guidelines and parameters for proper use of force by Jefferson County Sheriff's Office law enforcement officers during the performance of their duties;
- To try to ensure the safety and well-being of Sheriff's Office members, citizens, and others during law enforcement encounters.

POLICY

- Physical force shall only be used by Jefferson County Sheriff's Office deputies when absolutely necessary to gain or regain control of a resistive or assaultive subject(s) during arrest or other legitimate law enforcement functions, or to defend one's self or others from physical assault.
- When application of force is required, only the minimum amount of force reasonably necessary (objectively reasonable) to gain or regain control of a subject shall be applied. In general, the following factors (based on the legal standard established in the U.S. Supreme Court's decision in Graham v. Connor) shall be used to determine whether use of force is "objectively reasonable" in a given situation:
 - A. The severity of the alleged crime at issue;
 - B. Whether the suspect poses an imminent threat to the safety of officers and others; and
 - C. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

- Application of force shall be done in conformance with basic principles and techniques of Wisconsin's system of Defensive and Arrest Tactics (DAAT), as instructed during basic (recruit) training of deputies as well as the Jefferson County Sheriff's Office Field Training Officers Program (F.T.O. Program). Use of force options available shall be those delineated under intervention option's which is in compliance with the DAAT system (copy attached, *Disturbance Resolution Model*).
- Deputies shall attempt to gain compliance from a subject or subjects through use of non-physical force options (presence and dialogue) whenever possible. This may include attempts to gain compliance through the threat (ultimatum) to apply physical force unless compliance is achieved and/or a "show of force."
- Physical force options (control alternatives, protective alternatives, and deadly force) may be applied when a non-physical force option has proved ineffective or would clearly be ineffective in a given situation in order to gain or regain control.
- Non-deadly force (see *DEFINITIONS* below) shall be applied in all situations in which force is deemed necessary, except in those circumstances where application of deadly force is justified, as indicated below.
- Deadly force (see *DEFINITIONS* below) shall only be applied when necessary to prevent death or great bodily harm to one's self or others. Deadly force may only be used if the criteria for imminent threat of death or great bodily harm are present, and only when no other alternative seems reasonably possible to prevent infliction of death or great bodily harm. Before applying deadly force in any situation, a deputy shall, to the greatest extent possible in that situation, attempt to identify himself/herself, order the suspect to desist from the unlawful activity, and threaten to use deadly force if the lawful order is not obeyed.
- Use of deadly force to stop a fleeing felon (or suspected felon) is only permissible under specified conditions and guidelines (as delineated in procedural steps below).
- Warning shots shall not be used.
- Application of any level of force must de-escalate to a force level sufficient to maintain control and physical force should be discontinued when resistance ceases or when the incident is under control.

- Application of physical restraints, such as handcuffs, following gaining of control of a subject shall not be considered use of force. Instead, such application of physical restraints shall be considered stabilization of the subject to prevent further resistance and/or injury to the subject or others.
- There shall be appropriate follow-through to all situations involving application of physical force. Such follow-through shall include stabilization of the subject(s); monitoring of subject(s) for injuries, provision of appropriate medical assessment and care (including first aid); searching of subject(s) for weapons, contraband or evidence; escort of subject(s) to a squad car or other location; transportation of subject(s) to an appropriate location; and turnover of subject(s) to another law enforcement officer or agency. Restraints shall be removed at the appropriate time, generally upon turnover to another law enforcement officer or agency or when the subject has been brought to the Jefferson County Jail or other detention facility.
- All incidents involving use of physical force shall be properly documented. The “Use of Force Report” shall be completed and submitted to the shift Sergeant and the Patrol Captain.
- Sheriff’s Office supervisory staff shall review all use of force reports to ensure compliance with policy. Incidents involving force at the point of control alternatives (decentralizations or higher) or any protective alternatives will be reviewed by a “Use of Force Committee” or a Supervisor with the training, experience, and background to properly evaluate the use of force incident. A use of deadly force involving a firearm will be reviewed as outlined in the officer involved shooting policy. Incidents of apparent non-compliance with policy shall result in appropriate follow-up action, which may involve training, counseling, or other action.

DEFINITIONS

ACTIVE RESISTANCE

Behaviors that physically counteract an officer's attempts to control a subject and which pose a risk of harm to the officer, subject, and/or 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 soon.

ASSAULTIVE BEHAVIOR

An individual's direct actions generate bodily harm to the officer(s) and/or another person(s).

CHOKER HOLD

A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

DEADLY FORCE

Deadly force is defined as the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

DE-ESCALATION

The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

DEFENSE AND ARREST TACTICS

This is 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 Bureau.

ELECTRONIC CONTROL DEVICE (ECD)

A less lethal force weapon utilized by trained personnel that causes Electro-Muscular Disruption (EMD) 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.

EXCESSIVE FORCE

An intentional use of unreasonable physical force done in a sadistic or malicious manner. The application of which exposes an officer to civil suit, criminal liability, discipline or any/all of the above.

GREAT BODILY HARM

“Great bodily harm’ means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury

INTERVENTION OPTIONS

Trained techniques recognized in the DAAT system. These techniques may include additional techniques trained and authorized by the Jefferson County Sheriff’s Office.

KINETIC ENERGY IMPACT PROJECTILES

Flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or great bodily harm, when compared to conventional projectiles.

LESS LETHAL FORCE PHILOSOPHY

A concept of planning and force application, which meets operational objectives, with less potential for causing death or great bodily harm than conventional police tactics.

NON-DEADLY FORCE

An amount of force that under normal circumstances might cause bodily harm but would not be expected to result in great bodily harm or death.

NON-PHYSICAL FORCE

Force which does not involve physical contact. According to Wisconsin's system of Defensive and Arrest Tactics (DAAT), this includes the modes of presence and dialogue.

PASSIVE RESISTANCE

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 – he or she is simply not complying with orders. Protestors often use passive resistance as a political tactic, staging “sit-ins” to advance their agendas.

PHYSICAL FORCE

Force which involves physical contact. According to Wisconsin's system of Defensive and Arrest Tactics (DAAT), this includes the modes of *control alternatives, protective alternatives, and deadly force.*

REASONABLY BELIEVES

Means that an ordinary, prudent and reasonably intelligent Deputy believes that a certain fact situation exists and such belief is reasonable under the circumstances known to the officer at the time the officer acted.

REASONABLE FORCE

A physical act by a Deputy in the performance of duty when it is used to accomplish a legitimate law enforcement goal and the level of force used is reasonable considering all the facts and circumstances known to the Deputy at the time of the incident.

VASCULAR NECK RESTRAINT

A technique that can be used to incapacitate individuals by restricting the flow of blood to the brain.

WARNING SHOTS

Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

PROCEDURES

A. JUSTIFICATION FOR APPLICATION OF FORCE

1. As indicated in above policy statement, use of force by deputies of the Jefferson County Sheriff's Office is justified in order to gain or regain control of a resistive or assaultive subject(s) during arrest or other legitimate law enforcement situation. Use of force may also be justified to defend oneself or another person or persons.

2. Deputies will never use physical force against a subject or subjects for any of the following reasons:
 - a. In response to verbal provocation alone - that is, in response to something that a subject has said or threatened. This includes derogatory, racist, sexist, or other unwelcome remarks;
 - b. To retaliate or "get back" at a subject for something which the subject has said or done;
 - c. To "teach a lesson" to a subject for any reason.

B. USE OF NON-PHYSICAL FORCE

1. Deputies will attempt to use non-physical force options - to include presence and dialogue - to gain control of or compliance from a subject or subjects whenever possible. The techniques for doing so are based on Professional Communication Skills (PCS) as taught in staff training, including the Jefferson County F.T.O Program and in-service training programs.
2. Deputies will attempt to avoid the necessity for application of physical force, through use of presence and dialogue, whenever possible, by applying the following guidelines:
 - a. Always address subjects in a polite and respectful manner, using such terms as "sir" and "ma'am," to the greatest extent possible.
 - b. When trying to persuade a subject to comply with an order or directive, try to appeal to his or her sense of what is in his/her best interests. This may involve pointing out to the subject what the possible results of a physical force confrontation could be (assaulting an officer, resisting arrest, etc.). When that does not work to gain compliance, it is appropriate to issue direct and specific ultimatums as to the results of continued non-compliance.
 - c. When possible, wait out a situation. That is, after talking to a subject, give him or her a little time to calm down and think about complying, before using physical force to gain control.
 - d. When feasible, use a "show of force" to persuade a subject or subjects to comply. This may include the presence of one or more other law enforcement officers on the scene. A specific type of "show of force" which is sometimes effective to display is oleoresin capsicum (O.C., Electronic Control Devices, or Less Lethal weapons, so that there is an

implied threat to the subject that it will be used against him or her if compliance is not forthcoming. This may be accompanied by a verbal indication that the O.C., ECD, or Less Lethal will be used if necessary.

C. USE OF PHYSICAL FORCE: GENERAL PRINCIPLES

If non-physical force options (presence and dialogue) have proven ineffective in gaining or regaining control of a resistive or assaultive subject or subjects, the application of physical force may be necessary in order to accomplish legitimate law enforcement objectives. In regard to application of physical force, deputies will keep the following general principles in mind:

1. All use of physical force will be based on the principles and techniques learned during DAAT training, including application of the **RESPOND MODEL**, **THE CONTROL PROCESS: A DISTURBANCE RESOLUTION MODEL**, and the **INTERVENTION OPTIONS**. Specifically, in regard to **THE CONTROL PROCESS**, deputies will observe the basic steps in this model when attempting to handle any potential use of force situation. These steps include:
 - a. **APPROACH CONSIDERATIONS**: decision-making as to whether force is justified, tactical deployment, and tactical evaluation to determine the level of force to use in a given situation, when use of force is justified;
 - b. **INTERVENTION OPTIONS**: determination of an appropriate force level to use, when use of force is justified, based upon the force options listed under **INTERVENTION OPTIONS**;
 - c. **FOLLOW-THROUGH CONSIDERATIONS**: steps taken after a use of force incident to ensure proper security and care of subject(s) and others.

2. Once a deputy has determined that there is justification for the use of physical force, he or she must then determine the appropriate level of force to apply. In making this determination, a deputy will attempt to use a force level which seems to be "objectively reasonable" in the given situation, using the criteria delineated in the above policy statement. In so doing, a deputy will consider the following tactical evaluation factors, as part of **APPROACH CONSIDERATIONS**:

- a. The amount of force which the subject(s) threatens or actually uses, including whether or not the subject(s) has a weapon;
 - b. Reasonable perception of the danger, taking into account the relative abilities of both him/herself and the subject(s) to inflict harm to defend one's self. Some factors to consider when determining reasonable perception of danger include:
 - 1) Age of deputy and subject(s);
 - 2) Size differences or Relative Strength;
 - 3) Difference in skill levels;
 - 4) Multiple subjects;
 - 5) Presence of injuries;
 - 6) Exhaustion;
 - 7) Extent to which back-up help from other law enforcement officers is readily available or not available; and
 - 8) Special knowledge of the subject.
 - 9) Sudden assault and your physical positioning.
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
3. Based on these factors, deputies will try to apply the lowest level of physical force possible in a given situation to accomplish a law enforcement objective. The trained techniques are listed under Intervention Options. However, deputies may escalate rapidly through Intervention Options on initial and evolving assessment of threat from a subject or subjects, or may use a higher force level to begin with if it is clearly apparent that a lesser force level would be ineffective to accomplish the objective. In particular, a deputy may consider any or all of the following factors in determining whether to escalate, perhaps very rapidly, through INTERVENTION OPTIONS:
- a. Imminent Danger: A deputy responding to a call where he/she has reason to believe that the subject to be encountered may be armed must be prepared to move from the level of dialogue directly to the level of deadly force, as the situation dictates;
 - b. Special Knowledge: Knowledge of a subject's physical or fighting skills or violent tendencies during encounters with police, etc.;
 - c. Injury / Exhaustion: This refers to a situation in which a deputy, having been injured in a confrontation, but still obliged to control the subject

and circumstance, may need to use a higher force level than if he/she were not injured or exhausted;

- d. Proximity of Subject to Deputy's Firearm: In a situation in which a subject seems to have access to a deputy's firearm, the deputy may need to use greater amounts of force to protect that firearm;
- e. Ground Fighting: Because a deputy's ability to control a resistive subject is greatly minimized when the deputy is on the ground, a deputy may need to use more force to control a subject when he/she is engaged in ground fighting.

4. Once the application of force has resulted in gaining or regaining of control, deputy will reduce force applied to a level sufficient to maintain control, and will cease all application of force as soon as the subject has ceased resisting and has been stabilized and control has been achieved. If the subject then resumes resistance, force may be re-applied as necessary to regain control.

5. Additionally, deputies will observe the following general principles in regard to application of force:

- a. It is appropriate to disengage from a dangerous situation when possible, rather than have a physical confrontation. To "disengage" means to physically move away from a situation where one cannot establish control or has lost control. A deputy can disengage temporarily, so that he or she can re-evaluate the situation and perhaps summon additional resources before engaging the subject(s); or disengage entirely, at least for a while.
- b. When possible, it is more effective to use a multiple officer response rather than to try to deal with a subject one-to-one. This minimizes the likelihood of injury to deputies and subjects.
- c. During a confrontation, always observe good weapon control techniques. (If you bring O.C. aerosol spray or ECD's into a situation, guard it carefully so that subjects have minimum opportunity to take it from you.)

6. Duty to intercede and report:

- a. 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, intercede to prevent the use of unreasonable force.

- b. Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

D. APPLICATION OF NON-DEADLY PHYSICAL FORCE

1. If use of physical force seems justified and necessary in a given situation, deputy will - as noted in Procedure C, Step #2 above, first attempt to determine the appropriate level and amount of force to apply, based on threat assessment factors and tactical evaluation, as part of *APPROACH CONSIDERATIONS*.
2. If deputy determines that use of physical force is justified and necessary, he or she will use a non-deadly force options, unless the use of deadly force is justified and apparently necessary. The non-deadly physical force options available are those listed as INTERVENTION OPTIONS in the following modes:
 - a. **Control Alternatives.** The third mode, Control Alternatives, includes a wide range of tactics and tools for controlling subjects. *These are divided into four groups: escort holds, compliance holds, control devices, and passive countermeasures.* This mode includes both empty-hand techniques such as applying an escort hold or compliance holds, directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called “pepper spray,” and electronic control devices (ECDs). The common thread is that all these tactics and tools are used to control subjects who are displaying passive resistance, active resistance or their threats. Active resistance is behavior that physically counteracts an officer’s attempt to control, and which creates risk of bodily harm to the officer, subject, or other person.
 - b. **Protective Alternatives.** The fourth mode, Protective Alternatives, include tactics and tools to protect an officer while also managing continuing resistance. *The tactics include focused strikes that disrupt a subject’s ability to continue to resist or fight, a diffused strike (Incapacitating Techniques) that can cause an immediate—though temporary—cessation of a subject’s violent behavior and the use of baton strikes to impede a subject.* The difference between Protective

Alternatives and the Control Alternatives category just mentioned is that with Protective Alternatives the purpose is not only to control the subject, but also to protect the officer. Protective Alternatives are to overcome continued resistance, assaultive behavior, or their threats.

NOTE: Several tactics may fit either into Control Alternatives or Protective Alternatives, depending on the situation. Which mode any of these tactics fits into depends on the totality of the circumstances in a given use-of-force situation. A particular tactic may qualify as a Control Alternative in one situation because of the purpose for which it is used. But that same tactic may, in a different use-of-force situation, more properly qualify as Protective Alternatives because of why it is being used in that situation.

3. Deputies will apply these force options in accordance with principles and techniques learned during Defensive and Arrest Tactics (DAAT) training, both during recruit and F.T.O. training.
4. Specifically, in regard to the use of “Chokeholds”; The use of a respiratory restraint also known as a chokehold, is limited to circumstances where deadly force is authorized. A chokehold is only permitted as a last resort, after all other options have been attempted and/or considered and those options would have been impractical or ineffective.
5. Specifically, in regard to use of O.C. and ECD, deputies will - as noted above - attempt to gain compliance from a subject or subjects whenever possible through presence and dialogue. A deputy shall not brandish, display or threaten to use O.C. or an ECD unless he or she can reasonably conclude its use may become justified or anticipated.

NOTE: The justification for actual use of O.C. and/or an ECD is active resistance or the threat of active resistance from a subject or subjects. Passive resistance without posing an articulable threat of harm to deputies or others does not permit the use of O.C. or an ECD.

6. Specifically, in regard to use of intermediate weapons (police batons):
 - a. The standard baton for the Sheriff’s Office will be a 26" wooden baton which is available for use by deputies at all times when on-duty.

Deputies are authorized to carry and use expandable metal batons instead, however these must be purchased at the deputy's own expense. Expandable metal batons will be issued to detectives, as standard equipment.

- b. Deputies will carry a baton on their persons at all times when outside of the patrol vehicle. However, it is up to the discretion of each deputy as to whether or not to wear a baton at other times (such as when in a vehicle.)
- c. In using a baton, a deputy will not strike an individual above the shoulders, unless such action would be justified under use of deadly force guidelines (in which case it is regarded not as a trained technique, but as a technique which may be untrained but justified). That is, purposeful, intentional striking of a subject in the neck or head is considered application of deadly force. (**NOTE**: *This does not apply to accidental strikes to the head or neck.*)

E. DEADLY FORCE JUSTIFICATION

1. As noted in above policy statement, deadly force (as defined above) may be applied as a last resort to prevent death or great bodily harm to oneself or another person - that is, if non-deadly force options have proven ineffective or would clearly be ineffective in a given situation. Deadly force may only be used if the criteria for imminent threat of death or great bodily harm are present, and only when no other alternative seems reasonably possible to prevent infliction of death or great bodily harm. The criteria for "imminent threat" of death or great bodily harm" includes the following:
 - a. The subject has the apparent intent to inflict death or great bodily harm;
 - b. The subject has the apparent ability and means (delivery system) to inflict death or great bodily harm. (This generally includes a weapon or object being used as a weapon, although that is not absolutely required.);
 - c. The subject has the opportunity to inflict death or great bodily harm; and
 - d. There is immediate jeopardy that the subject seems likely to inflict death or great bodily harm.
2. A deputy may apply deadly force, under provisions listed in #1 above, by use of a firearm.

3. Before applying deadly force (except in the specific case of a fleeing felon), deputy will, to the greatest extent possible in a given situation, do the following:
 - a. Move to cover;
 - b. Identify yourself as a police officer (as you move to cover, when possible);
 - c. Order the subject to desist from the unlawful activity, and threaten the use of deadly force (if justified) if the subject does not desist;
 - d. As you draw your firearm, move to or from cover and - if necessary - simultaneously challenge the subject.

NOTE: See step #5 below specifically in regard to use of deadly force against fleeing felons.

4. When using a firearm as a means of applying deadly force in a justified situation, deputy will follow these steps, to the greatest extent possible in a given situation:
 - a. Move to or from cover, and verbally challenge the subject simultaneously, as you draw your firearm;
 - b. From cover, identify and isolate the suspect and continue verbalization.
 - c. Shoot the gun as a last resort if all force options have failed or would have been ineffective.
5. A deputy may use deadly force to stop a fleeing felon (or suspected felon), only if:
 - a. The subject has threatened the deputy with death or great bodily harm OR the deputy has probable cause to believe that the subject has caused or imminently threatens to cause the death or great bodily harm to another person AND
 - b. The deputy reasonably believes that the suspect poses a continued threat to the community if he or she is not apprehended; AND
 - c. The deputy reasonably believes there is no other way to make the arrest or retain custody of the person once arrested; AND
 - d. The deputy has first given the subject some warning of the imminent use of deadly force if the subject does not stop, unless there is a very strong reason why it is not feasible or possible to give such warning.

F. FOLLOW-THROUGH TO USE OF FORCE

Following any situation involving the use of force, deputy or deputies involved will initiate necessary and appropriate follow-through procedures to ensure safety and welfare of subject(s) and to help ensure security of subjects and the scene. Follow-through procedures to be initiated include:

1. Stabilization / Debriefing

- a. Deputies will place handcuffs on any individual in custody, and if deputy reasonably believes that the person may become violent, attempt to escape, or poses a danger to himself/herself or others.
- b. Deputy will cuff subject to the rear, and double-lock the cuffs. (**NOTE:** *The only exception to handcuffing a subject in the rear is if there is a clear reason to cuff a subject in front instead, due to an injury or the likelihood of worsening a chronic medical problem of the subject.*)
- c. Deputy will leave handcuffs on the subject while he/she is being transported to jail, and will then only remove the handcuffs when it is clearly safe to do so, with the consent of the jail deputy.
- d. Deputy will calm himself/herself, other officers, and the subject(s), attempting to defuse the high emotions of a situation.
- e. Deputy will try to assure the subject that he/she is safe, and try to get him or her to cooperate.

2. Monitoring for Injuries / Provision of First Aid or Medical Treatment

- a. Deputy will perform an initial medical assessment to determine if injuries are present, and - if so - what the extent of such injuries are. Deputy will:
 - 1) Determine subject's level of consciousness;
 - 2) Check airway, breathing and circulation;
- b. If necessary, deputy will provide first aid or other care to the level of his/her training.
- c. If subject's injuries seem to warrant medical attention, deputy will arrange transportation of subject to nearest medical facility for treatment.
- d. If O.C. aerosol spray was used on a subject:
 - 1) Deputy will first attempt to rinse the subject's eyes and face and other contaminated areas with clear water; when safe to do so.

- 2) If water is not readily available or if the water does not relieve the effects of the O.C., deputy may use SUDECON pads to aid in decontamination. (These are kept in first aid kits in the trunks of squad cars.)
 - a) When the subject is under control and has been stabilized, areas that have been contaminated by O.C. may be wiped with the pads. The liquid may also be squeezed from the pads into the eyes to further relieve the effects of the O.C.
 - b) One or two pads should be sufficient until water is available.
- 3) Deputy will document any use of SUDECON pads in his/her report on the incident.
- 4) Deputy will seek medical attention for the subject, however, if any of the following exist:
 - a) Subject does not recover after 45 minutes or so;
 - b) Subject wore contact lenses when sprayed;
 - c) Subject requests an ambulance and/or treatment.

NOTE: *In accordance with provisions of s.940.291, Wis. Stats., a law enforcement officer, while acting in the course of employment," who intentionally fails to render or make arrangements for any necessary first aid for any person in his or her actual custody is guilty of a Class A misdemeanor if bodily harm results from the failure." Similarly, a law enforcement officer may be guilty of a Class A misdemeanor under this statute if he or she knowingly permits another person to fail to render aid or make any arrangements for any necessary first aid for an injured person in custody.*

3. Search of Subject(s)

- a. Once a subject has been stabilized (handcuffed) and checked for injuries, deputy will conduct a search for weapons, items of contraband, and/or evidence.
- b. To greatest extent feasible, male deputies should conduct a patdown (frisk) search of male subjects and female deputies should search female subjects. However, if that is not feasible, then deputies of either sex may search a subject of the opposite sex.

NOTE: *It is imperative to search each subject before placing him or her into a squad car.*

4. Escort of Subject(s)

- a. Following the search, deputy will escort subject(s) to a transportation vehicle or other appropriate location. During escort, deputy will use proper techniques to ensure safety, prevent escape, and prevent injuries to anyone involved.
- b. Depending upon the subject's level of cooperation, deputy may have to use one of various techniques during escort. These may include: blanketing the arm, escort holds, compression holds, compliance holds, or team tactics. But Deputy will always remain hands-on when a subject has been placed in cuffs.

5. Transportation of Subject(s)

- a. Deputy will, as necessary in a given situation, transport subject(s) to an appropriate location, such as the Jefferson County Jail.
- b. Deputies will not place any subject face down (prone) in a squad during transportation, so as to prevent ***Medically Significant Behavior*** (see below). Instead, the preferred position for transportation is with subject sitting up. Prisoners will **never** be hogtied.
 - 1) Agitation or Excitement = Increased activity and intensity
 - a) Aggressive, threatening, or combative – gets worse when challenged or injured
 - b) Amazing feats of strength
 - c) Pressured loud speech
 - d) Sweating (or loss of sweating late)
 - e) Dilated pupils/less reactive to light
 - f) Rapid breathing
 - 2) Delirium = Confusion
 - a) Disoriented
 - b) Person, place, time, purpose
 - c) Rapid onset over a short period of recent time
 - d) “He just started acting strange
 - e) Easily distracted/lack of focus
 - f) Decreased awareness and perception
 - g) Rapid changes in emotions (laughter, anger, sadness)
 - 3) Psychotic = bizarre behavior
 - a) Though content, inappropriate for circumstances

- b) Hallucinations (visual or auditory)
 - c) Delusions (grandeur, paranoia, or reference)
 - d) Flight of ideas/tangential thinking
 - e) Makes you feel uncomfortable
- c. While transporting subject(s), deputy will continue to monitor subject(s) to be sure that all are safe and under control.

6. Turnover of Subject(s) / Removal of Restraints

- a. Deputy will, upon delivery of subject(s) to an appropriate location, such as the jail, turn over the subject(s) to proper authorities, according to the established procedures of that facility.
- b. Deputy will remove handcuffs from subject appropriately, depending upon subject's level of compliance and cooperation.
 - 1) If subject appears cooperative upon turnover, use the "cooperative subject handcuff removal technique."
 - 2) If subject is resistive or aggressive, or has previously been violent in a similar situation, use the "multiple officer/team tactic handcuff removal technique," if uncuffing is appropriate at all, at the time.
- c. If O.C. aerosol spray had been used against an arrested subject, deputy will so notify jail staff so that they can provide appropriate care and treatment to the subject.

G. DOCUMENTATION OF USE OF FORCE

- 1. Following any incident involving use of physical force against a subject or subjects, deputy involved will complete a JEFFERSON COUNTY USE OF FORCE REPORT. The USE OF FORCE REPORT is to be accurate, thorough, and objective, and contain a full description of the incident and the justification for use of force. The report is to be completed according to the "Use of Force Documentation Checklist" and is to minimally include the following information:
 - a. Background Information: date and time of the incident; exact location of the incident; and names of all involved;
 - b. Approach Factors: information about factors involved in the incident prior to the application of force - such as, deputy's duty assignment at time of incident, deputy's approach to the situation; reason for contact

- with subject(s); threat assessment factors; tactical evaluation factors; and reasons for deputy's assessment that force was necessary;
- c. Use of Force: specific information about the actual use of force (intervention options), including:
 - 1) Description of subject's behavior and deputy's actions in response to that behavior;
 - 2) Levels of force applied, and reasons for that. This section of the report should clearly indicate each level of force which was used, including both non-physical and physical force options, and the justification for application of each level of force. There should be explanation of any escalations of force levels, based on subject's behavior;
 - 3) Information about any special circumstances relevant to the incident, such as a sudden assault by a subject, subject's ability to rapidly escalate force, apparent emotional disturbance by subject, and any other information about the subject(s) or deputy(s), such as deputy's injury or exhaustion, etc. Such information may be important in justifying deputy's actions in the situation.);
 - d. Follow-Through: specific information about all follow-through steps taken following the use of force incident, including all of the steps listed in Procedure F above. (***NOTE***: This should include information on any decontamination if O.C. aerosol spray was used.);
 - e. Investigative Findings: any information about subject(s) involved in the incident, learned in deputy's preliminary investigation or from his/her knowledge of the subject(s), which would help put the incident in better perspective. This could also include information about a subject's medical or psychological history, witness statements, threats, previous behavior or incidents in which the subject was involved, and so on.
2. If the incident involved physical evidence or a weapon, deputy will also complete a JEFFERSON COUNTY PROPERTY AND INVENTORY form.
 3. If the incident also involved a possible violation of criminal statutes by a subject or subjects, deputy will also complete a REQUEST FOR CRIMINAL COMPLAINT form.

4. Upon completion of the appropriate forms, deputy will route them to the on-duty patrol sergeant and then the appropriate department secretary.
5. The appropriate secretary will then transcribe the reports and will route them to the involved deputy for proof. Once the report has been proof read it will be corrected if needed and then forwarded to the Divisional Captain for his/her review and assignment to a Use of Force review committee if necessary.
6. Divisional Captain or Use of Force committee will conduct its review and file a report of their findings.
7. The Patrol Captain will review the committee's findings and take appropriate actions. This may include additional training, policy revisions, or other corrective actions as deemed necessary.

H. SUPERVISORY REVIEW OF USE OF FORCE DOCUMENTATION

1. Patrol Captain or designee will routinely review reports on incidents involving use of force to determine whether or not force used was in conformance with provisions of policy.
2. If corrective actions, including any necessary training or counseling or discipline, are apparently required, the divisional Captain will ensure that such actions are taken.
3. Copies of all such reports will also be routed to Sheriff and ChiefDeputy.

WISCONSIN LAW ENFORCEMENT ACCREDITATION GROUP
Challenging Wisconsin's Law Enforcement Agencies to Pursue Excellence



April 20, 2021

Sheriff Paul Milbrath
Jefferson County Sheriff's Office
411 S. Center Ave
Jefferson, WI 53549

Mark Ferguson, President
Chief of Police
Glendale Police Department
5909 N. Milwaukee River Pky.
Glendale, Wisconsin 53209
Tel: (414) 228-1753
E-mail: m.ferguson@glendalewi.gov

Re: U.S. Department of Justice, Standards for Certification on Safe Policing for Communities

Dear: Sheriff Milbrath

On behalf of the Wisconsin Law Enforcement Accreditation Group, this letter confirms we are certifying that the Jefferson County Sheriff's Office meets certain eligibility requirements set forth by the U.S. Department of Justice for discretionary federal grants. The Jefferson County Sheriff's Office is qualified to receive federal grants for three years from the date of this letter.

Pursuant to Section 2 of the Presidential Executive Order on Safe Policing for Safe Communities, dated June 16, 2020, Executive Order No. 13929 (the "Executive Order on Safe Policing"), the U.S. Department of Justice's discretionary grant funding is only available to state, local, and university or college law enforcement agencies that have obtained (or are in the process of seeking) credentials certifying that they meet certain standards on use of force. The Executive Order on Safe Policing empowers the U.S. Attorney General to designate independent credentialing bodies — including the Wisconsin Law Enforcement Accreditation Group — to certify that a law enforcement agency meets the conditions of eligibility for federal grants.

Following our review, we have determined that the Jefferson County Sheriff's Office meets the mandatory conditions for certification. Accordingly, the Wisconsin Law Enforcement Accreditation Group will include your agency going forward within our database of certified law enforcement agencies. On or before January 31st of each year, we will provide the name of each certified law enforcement agency to the Director of the COPS Office.

If you would like to discuss further, please do not hesitate to contact me either by email at m.ferguson@glendalewi.gov or by phone at (414) 228-1753.

Respectfully,

Chief Mark Ferguson, President
Wisconsin Law Enforcement Accreditation Group



Use of Force Policy Certification

Agency: Jefferson County Sheriff's Office

Assessor: Captain Lara S. Vendola-Messer
Winnebago County Sheriff's Office

Date: 04/10/2021

The Assessor is to review all relevant policies to determine compliance with the below listed mandatory requirements.

The Agency's use-of-force policies adhere to all applicable federal, state, and local laws.

Context

Compliance can be achieved by incorporating the above language into policy. If language is not present the assessor can find compliance if there are no procedures in their policy that would be in violation of the law, such as having procedures in violation of Graham v Connor, procedures in conflict with the Wisconsin DAAT Manual, etc.

In Compliance

Not in Compliance

The Agency maintains use-of-force policies that prohibit the use of choke holds, except in those situations where the use of deadly force is allowed by law.

Context

Policy must include a prohibition of chokeholds for compliance. The agency may elect to allow the exception for chokeholds in those situations where the use of deadly force is justified by law, or to ban chokeholds completely. Agencies choosing to maintain the use of a Vascular Neck Restraint as a force option must clearly identify the differences between a Choke Hold and a Vascular Neck Restraint in their policy and address any procedures, restrictions, or limitations on the use of the Vascular Neck Restraint.

Choke Hold – A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

Vascular Neck Restraint – A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

In Compliance

Not in Compliance

Findings of Non-Compliance

The Assessor is to document reasons for non-compliance in the space below.

Empty space for documenting findings of non-compliance.