

<b>POLICY &amp; PROCEDURE</b>  <b>DIVISION OF CRIMINAL INVESTIGATION</b>	<b>NUMBER:</b> <p style="text-align: right;">104</p>
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I. General Policy

The primary duty of all agents is to preserve the life and well-being of all persons as they carry out their duties. In order to ensure safety, security and maintenance of order in situations when application of force may be necessary, and in order to ensure and protect the legal rights of all individuals with whom agents interact, physical force shall only be used when absolutely necessary to gain or regain control of resistive or assaultive subjects during arrest or other legitimate law enforcement functions. Agents shall utilize trained de-escalation techniques to avoid using force unless absolutely required.

The use of force by a DCI agent must be objectively reasonable. Agents shall use only the minimum force necessary to effectively maintain control of a situation and protect the safety of law enforcement officers and the public. Objective reasonableness is judged from the perspective of an agent and is based on the totality of the facts known to the agent at the time the force was applied, along with the agent’s prior training and experience. Facts relevant to determining the objective reasonableness of the use of force include, but are not limited to:

- the severity of the alleged crime at issue;
- whether the subject poses an imminent threat to the safety of DCI employees or others;  
and
- whether the subject is actively resisting arrest or attempting to evade arrest by flight.

Use of force shall be based on the Intervention Option modes set forth in the State of Wisconsin Law Enforcement Standards Board, *Defensive and Arrest Tactics – A Training Guide for Law Enforcement Officers*, as updated (the “DAAT Manual”). Non-physical force options such as Presence and Dialogue, which are the lowest levels of force in the Intervention Options, are preferred and shall be used whenever possible and feasible. Because Presence and Dialogue are not always effective or appropriate in gaining control, agents may escalate the degree of force used based on the actions of the person they are attempting to control.

The concept of escalating/de-escalating degrees of force is based on an agent’s reaction to a specific action of the person the agent is attempting to control. Agents are not required to begin a contact with Dialog and escalate step-by-step through the Intervention Options until control is gained if it is reasonably believed the tactic would be ineffective or inappropriate based on the actions of the person the agent is attempting to control or the circumstances in which the agent is attempting to gain control. An example of this would be if the agent experienced a sudden attack, where

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immediate action is needed to control the subject so as to prevent/reduce agent injury or the likelihood of injury to others.

Whatever situation an agent faces, the agent should assess the totality of the circumstances, considering the agent’s training and experience. The agent should choose the intervention option the agent feels is reasonably necessary to gain control of the subject. Any time an intervention option fails to result in control, the agent has the option of disengaging and/or escalating to a higher level of force in order to attain control. Deadly force should only be used when all other viable alternatives have been eliminated and the agent or another is at risk of death or great bodily harm.

The application of any level of force must de-escalate when control of a subject has been gained or regained and/or the subject has ceased resisting.

## II. Scope

This policy applies to all sworn personnel and the term “agent” or “agents” should be construed to apply to all DCI personnel in sworn status, regardless of rank.

## III. Definitions

- A. **Active Resistance** – Behavior that physically counteracts an officer’s control efforts and that creates a risk of bodily harm to the officer, subject, and/or other persons. Examples of active resistance include but are not limited to attempting to pull away from the officer’s grasp, running away, or getting up after being directed to the ground. (*LESB – DAAT Manual, pg. 47*)
- B. **Choke Hold** – The intentional and prolonged application of force to the throat, windpipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces blood flow to the head. (*Wis. Stat. § 66.0511(1)(a)*)
- C. **Deadly Force** – The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm. (*LESB – DAAT Manual, pg. 76*)
- D. **Deadly Force Justification** – Behavior that has caused or imminently threatens to cause death or great bodily harm to an agent or others. (*LESB – DAAT Manual, pg. 76*)

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- E. **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.
- F. **Defensive and Arrest Tactics (DAAT)** – Defensive and arrest tactics guidelines adopted by the Law Enforcement Standards Board, as published in *Defense and Arrest Tactics (DAAT) – A Training Guide for Law Enforcement Officers* (June 2017) (the “DAAT Manual”). (*Administrative Code LES 3.04(1)(c)*). DAAT is a system of alternative uses of force based on intervention options.
- G. **Great Bodily Harm** – Bodily injury that creates substantial risk of death, causes serious permanent disfigurement, or causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. (*Wis. Stat. § 939.22(14)*)
- H. **Greater Danger** – The exception to the target isolation rule, which allows that an agent may fire at a subject without target isolation if the imminent threat of death or great bodily harm to the agent or another from the subject is a greater danger than is the risk of the agent firing and hitting a bystander.
- I. **Intervention Options** – Define escalation in the seriousness of force to guide personnel in the use of reasonably necessary force: from presence (least serious), to the use of dialog, to the use of control alternatives, to the use of protective alternatives, to the use of deadly force (most serious).
- J. **Less-Lethal Force Philosophy** – A concept of planning and force application that meets operational objectives with less potential for causing death or great bodily harm than conventional police tactics.
- K. **Non-Deadly Force** – Force that is not likely to cause death or great bodily harm. In general, “non-deadly force” refers to any application of force that does not fall into the category of deadly force.
- L. **Passive Resistance** – Non-compliant and non-threatening behavior. An example would be a person staging a “sit-in” who refuses to leave when ordered to do so. The person is

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not fighting with the agent; rather, they are simply not complying with the agent's orders. (*LESB – DAAT Manual, pg. 47*)

**M. Preclusion** – The elimination of all other viable alternatives.

#### IV. Use of Deadly Force

- A. An agent may use deadly force only when the agent reasonably believes they are facing an imminent threat of death or great bodily harm to themselves or others. Even with such justification, the agent shall only apply deadly force if non-deadly force options have proven ineffective or would clearly be ineffective in the situation based upon the agent's training and experience.
- B. Before using deadly force, agents should identify themselves (if reasonable), order the subject to stop their unlawful activity, and threaten to use deadly force. An agent may threaten the use of deadly force only if authorized to use such force under the terms of this policy.
- C. An agent may not use deadly force:
  - 1. Solely in defense of property.
  - 2. Solely to execute a lawful search.
  - 3. Solely to effect an arrest for a felony against property (e.g., car theft, burglary, etc.)
- D. 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.

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1. Before using target-specific directed fire, agents must meet imminent threat criteria (intent, weapon, delivery system) and the preclusion requirement.
2. Agents must achieve target acquisition, identification, and isolation OR satisfy the greater danger exception before shooting
  - a. Agents must ACQUIRE a specific target (i.e., the identified subject's firing point, such as a window, door, etc.)
  - b. Agents must IDENTIFY the target as the correct target by observing clear indicators of the subject's location, although they may not be able to observe the subject.
  - c. Agents must ISOLATE the target by knowing the subject is alone in the location OR that other people are not at risk from shots fired OR must satisfy the greater danger exception.
3. When these criteria are met, agents may deliver sustained fire at the subject's location for the duration of time necessary to perform a rescue or other task, thereby stopping the threat (or at least preventing the subject from firing at agents.)
4. Agents shall utilize carefully aimed shots directed at the subject to stop the threat, and only when the subject's actions justify the use of deadly force.

V. Use of Non-Deadly Force

- A. A special agent may apply non-deadly force to gain or regain control of a resistive or assaultive subject while attempting to implement an arrest or other law enforcement function. In applying force, agents shall only apply the minimum level of force necessary to gain or regain control of a subject. This is to be done based on the modes of the *Intervention Options* that are the basis of Wisconsin's DAAT system.
- B. Levels of non-deadly force:
  1. Presence and Dialog. The agent shall attempt to gain compliance through the use of presence and dialog, or verbalization techniques. This may involve giving the subject orders and directions, or even ultimatums.

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2. Control Alternatives. The agent shall attempt to overcome passive resistance, active resistance, or the threat of either, through the use of control alternatives. Control alternatives include escort holds, compliance holds, control devices and passive countermeasures. Control devices include oleoresin capsicum (OC) aerosol spray and electronic control devices (ECDs).
3. Protective Alternatives. The agent shall attempt to overcome continued resistance, assaultive behavior, or the threat of either, through the use of protective alternatives. Protective alternatives include active countermeasures, incapacitating techniques and intermediate weapons (baton and impact projectiles). A baton may be used only when it is reasonably apparent that a lesser degree of force would be inadequate to gain or regain control of a resistive subject, thus making it necessary to impede the subject. The agent shall not intentionally strike a subject above the shoulders (neck or head) unless such action would be justified under the use of deadly force guidelines.

#### VI. Defense of Third Persons

- A. An agent may exert only as much force to defend a third person from harm from another as the third person could lawfully exert to overcome the force.
- B. An agent may only use deadly force to defend a third person if the third person is being threatened with imminent death or great bodily harm.

#### VII. Defense of Property

- A. An agent may reasonably exert such force as necessary to defend the agent's property or the property of a third person as the third person may exercise.
- B. An agent may never use deadly force to protect only property.

#### VIII. Particular Uses of Force

##### A. Forcefully Entering Land or a Building

1. An agent may use a reasonable amount of force to enter onto land or into a building if such force is necessary to execute a legal search or a felony arrest.

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2. Force may only be used to enter onto land or into a building to execute an arrest if the agent has probable cause to believe the subject is on the land or inside the building.
3. In all instances, only the amount of force reasonably necessary to make entry may be used.
4. Before using any force to enter a building or enclosure, agents must:
  - a. Knock.
  - b. Identify themselves as law enforcement officers or police.
  - c. Announce their purpose.
  - d. Wait a reasonable time to be voluntarily admitted.
5. The “knock and announce” requirements in Section VIII.A.4. of this policy may be waived if:
  - a. The agent obtains an arrest warrant or search warrant authorizing the execution without complying with the “knock and announce” requirements of this policy.
  - b. The agent is in hot pursuit of a subject who has committed a felony. In such cases, the agent may forcefully enter a building in pursuit of that subject without securing an arrest warrant but must adhere to the notice requirements of this policy, except when exigent circumstances exist, as provided below.
  - c. Exigent circumstances exist when the agent reasonably believes that compliance with the “knock and announce” requirements of this policy may:
    1. Endanger the agent’s own life or the life of another agent.
    2. Result in the destruction of evidence.
    3. Endanger the life of a hostage or third party.

**B. Warning Shots**

Under no conditions may a "warning shot" be fired.

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C. Choke Holds

Choke holds, as defined by Wis. Stat. § 66.0511 and this policy, are extremely dangerous maneuvers that can result in great bodily harm or death. Therefore, DCI employees are prohibited from using choke holds except in life threatening situations or in self-defense when no objectively reasonable non-lethal use of force option would be sufficient.

D. Moving Vehicles

1. An agent should not discharge a firearm at or from a moving vehicle unless in self-defense or where it appears reasonably necessary to prevent imminent death or great bodily harm.
2. Agents shall not intentionally place themselves in the path of a moving vehicle. If an agent is in the path of a moving vehicle, the agent shall first attempt, if possible, to move out of the path of the vehicle rather than discharging their firearm.

IX. Follow-Through Procedures

Following a situation involving the use of force, the agent must initiate appropriate follow-through procedures:

A. Stabilization

1. Applications of physical restraints (such as handcuffs) after gaining 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.
2. An agent shall handcuff arrested persons with their hands behind their back, or with hands in front secured by a proper restraint, unless in the judgment of the arresting agent there exists a substantial reason not to do so. When used, handcuffs shall be double-locked.
  - a. Flex-cuff ties are a supplement to regular handcuffs, to help facilitate multiple arrests, not a substitute for handcuffs.



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- b. Only authorized handcuffs and flex-cuff ties may be carried on or off-duty.
- 3. Once the subject has been handcuffed, the agent should conduct a search for weapons, items of contraband and/or evidence.
- 4. An agent may handcuff a person who is not under arrest if the agent reasonably believes the person poses a danger to the agent or another person.

**B. Monitoring Subject**

- 1. The agent shall perform an initial medical assessment to determine if injuries are present, and, if so, the extent of such injuries.
  - a. Determine the level of consciousness.
  - b. Check airway, breathing and circulation (ABCs).
  - c. Perform a body check for severe bleeding or gross deformities.
  - d. Treat to level of training.
  - e. If appropriate, activate the emergency medical system.
- 2. If at any time a subject requests medical attention, the agent is required to ensure that the subject is attended to by the appropriate medical personnel.
- 3. The agent shall continue to monitor the subject while they remain in the special agent's custody.

**C. Escort/Transportation/Turnover**

During escort or transportation of a subject, the agent shall use proper techniques to ensure safety, prevent escape, and prevent injury to anyone else involved. Long distance transportation of a prisoner may require the use of handcuffs, belly chain and leg restraints, and/or a second law enforcement officer to assist with transportation.

**X. Tactical Equipment**

It is the responsibility of the agent to maintain all issued use-of-force equipment, including handcuffs, oleoresin capsicum (OC) chemical aerosol and batons, and to ensure their equipment is functional.

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A. Baton

1. Only batons issued by DCI may be carried on-duty by an agent.
2. Agents should carry a baton when they believe the use of force is probable. It is recognized that there may be times when carrying a baton is not feasible (e.g., during undercover work.) The decision not to carry the baton in these situations should be made by the supervisor after consultation with the agent.
3. Agents will be trained in the use of the baton in DAAT training sessions.

B. Oleoresin Capsicum (OC) Aerosol Spray

1. OC chemical aerosol is a personal defense spray used to control subjects as an alternative to physical confrontation, in response to active resistance or its threat.
2. Only the OC chemical aerosol issued by DCI may be carried on-duty by an agent.
3. Agents should have their DCI-issued OC with them and readily available at all times while on-duty. It is recognized there may be times when carrying OC is not feasible (e.g., during undercover work.) The decision not to carry OC when use of force is likely should be made by the supervisor after consultation with the agent.
4. After using OC on a subject, the subject should be monitored and verbally reassured that they are safe and will be alright. As soon as possible, the subject should be moved into fresh air, and the affected area should be decontaminated by flushing with fresh water. Medical assistance is required if the subject has not recovered within 45 minutes, is wearing contacts that cannot be removed without jeopardizing agent safety or has another medical condition that requires attention.
5. Agents may use OC chemical aerosol as an effective means of controlling animals when necessary.
6. After an agent utilizes any OC chemical aerosol, the agent shall be issued a new canister of OC.
7. Agents will be trained in using OC chemical aerosol at DAAT training sessions.

C. Electronic Control Device (ECD)

An ECD may be utilized by trained personnel to cause neuro-muscular incapacitation of 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.

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1. An ECD may be utilized by trained personnel to overcome active resistance, its threat; or assaultive behavior, or its threat, and the agent can articulate the reasons why the subject poses a threat of bodily harm to the agent or another.
  - a. Active resistance involves a subject who is physically counteracting an agent's or other officer's control efforts, under circumstances in which the behavior itself, the environment in which the behavior occurs, or agent/officer/subject factors create a risk of bodily harm.
  - b. Passive resistance, without posing a threat of bodily harm to the agent or others, is not sufficient to justify the use of an electronic control device on a subject.
  - c. Agents may consider other information known at the time of the incident, including prior conduct or statements by the subject, or prior history of resistive or assaultive behavior, in deciding whether use is justified.
  - d. Additional factors taken into consideration by the agent should include:
    - the severity of the alleged crime at issue
    - whether the subject poses an imminent threat to the safety of DCI employees or others;
    - whether the subject is actively resisting arrest or attempting to evade arrest by flight.
2. The ECD may also be used when the subject poses a threat of harm to himself or herself, such as self-inflicted injury or a suicide attempt.
3. Only ECDs issued or approved by DCI may be carried on duty.
4. An ECD is not a substitute for deadly force. In cases where a subject is believed to be armed with a dangerous weapon, an agent should not arm themselves solely with an ECD unless another law enforcement officer at the scene has the immediate ability to deliver deadly force.
5. Additional consideration and caution should be given when deploying the ECD in the following circumstances:
  - a. Against handcuffed subjects.
  - b. Against subjects fleeing on foot or in motion.

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- c. Against subjects operating a motor vehicle.
  - d. Against small children.
  - e. Against elderly people.
  - f. Against pregnant women.
  - g. Against those in elevated positions or in the water.
6. An ECD shall not be used under the following circumstances:
- a. For coercion or intimidation.
  - b. To escort or prod subjects.
  - c. To awaken unconscious or intoxicated subjects.
7. ECD probes shall not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Department personnel who use an ECD against a subject shall ensure the probes are removed and the subject is monitored for injury as soon as practical after the subject is under control.
- a. If an adverse reaction occurs, visible injury to the subject is observed, or if requested by the subject, the agent should arrange for medical attention for the subject by emergency medical services or at a medical facility.
  - b. If the probes are embedded in sensitive tissue areas (e.g., neck, face, groin or breast) agents shall arrange removal of the probes by emergency medical services or at a medical facility.
  - c. If the probes are embedded in non-sensitive tissue areas, an agent may remove the probes according to training guidelines.
  - d. If the subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of fifteen (15) seconds or more, agents shall arrange for medical attention for the subject by emergency medical services or at a medical facility.
9. After the probes have been removed from the subject, the probes shall be handled as a biohazard and packaged according to training guidelines. The probes, wires, and cartridge shall be retained by the agent who deployed the taser or another agent/officer at the scene and retained for at least thirty (30) days after the

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completion of the criminal case or at least thirty (30) days after the ECD deployment if no criminal charges are filed.

10. After an intentional ECD deployment, the agent or another agent on scene shall notify a supervisor, and the agent deploying the ECD shall document the use-of-force in a report in accordance with this policy. The supervisor shall arrange for the ECD to be inspected and downloaded by a DCI ECD instructor as soon as practical in order to retain the data
11. Agents assigned an ECD shall complete a refresher course taught by a certified instructor every two years.

D. Impact Projectiles

1. Impact projectile weapons may only be utilized by agents who have successfully completed training in their use. Deployment of impact projectiles shall be in accordance with department training.
2. Impact projectiles are not a substitute for deadly force. In cases where a subject is believed to be armed with a dangerous weapon, an agent should not arm themselves solely with an impact projectile weapon unless another law enforcement officer at the scene has the immediate ability to deliver deadly force.
3. It is the responsibility of the agent arming themselves with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. As with any other use of force, deployment of impact projectiles must be evaluated using the criteria in this policy and the State of Wisconsin use of force *Intervention Options*. Deployment of impact projectiles at non-vital areas is considered non-deadly force and is considered at the level of Protective Alternatives in the Wisconsin DAAT System's *Intervention Options*. The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.
5. All persons taken into custody who have been struck with an impact projectile shall be conveyed to an emergency room for medical clearance.

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6. The investigation requirements of the use of deadly force policy will be followed only if deployment of an impact projectile results in death or great bodily harm.
7. Unless there is an imminent risk of harm to law enforcement officers or citizens, impact projectiles shall not be used in crowd control situations. Impact projectiles shall not be used to move or disperse crowds
8. Agents assigned an impact projectile weapon shall complete a yearly refresher course, which shall include a written examination and qualification.

## XI. Reporting Requirements

### A. Use of Non-Deadly Force

In any of the situations listed below, the agent who used force or another agent on scene shall notify their supervisor immediately. The employee shall document the use of force in the ACISS case file in either an arrest or search warrant report type. In addition, a WIBRS Reportable report shall be completed to document the offense (for example, resisting or obstructing officer) that required the use of force for internal tracking purposes. These reports shall be forwarded for review and approval by the agent's supervisor within 24 hours of the use of force.

1. Whenever an agent uses non-deadly force that results in injury or a complaint of an injury to a person.
2. Whenever an agent uses oleoresin capsicum (OC) aerosol spray or electronic control devices (ECDs) against a person.
3. Whenever an agent uses a tactic or technique in the protective alternatives mode of the *Intervention Options* that includes active countermeasures, incapacitating techniques, baton, or impact projectiles weapons.
4. Whenever an agent uses decentralization techniques or compliance holds/pressure points that overcome active resistance, and which are beyond routine handcuffing and arrest procedures. Decentralization techniques include physically directing someone to the ground when the agent encounters active or passive resistance.

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Active resistance includes behavior that physically counteracts an agent’s control efforts and that creates a risk of bodily harm to the agent, subject, and/or other person. Passive resistance includes non-threatening and non-compliant behavior.

Decentralization techniques do not include ordering someone to the ground or assisting a compliant person to the ground.

- B. **Deadly Force.** Reports of incidents involving the use of deadly force, whether death results or not, shall be made in accordance with DCI’s Employee-Involved Critical Incident Policy.
- C. **Inappropriate Force.** All DCI personnel have a duty to intervene if they believe the application of force by an agent or other law enforcement personnel is inappropriate or excessive. Such incidents shall be immediately reported to a supervisor for assessment and investigation in accordance with this policy and/or the internal investigations policy.
- D. **No employee of DCI may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because they did any of the following:**
  - 1. Reported, or is believed to have reported, any violation of this policy.
  - 2. Initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding use of force by a DCI employee or any law enforcement officer.
  - 3. Provided any information, or is believed to have provided any information, about use of force by a DCI employee or any law enforcement officer.
  - 4. Took any steps to intervene or prevent or stop excessive use of force being used by a DCI employee or any law enforcement officer.

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E. FBI Use of Force and Arrest-Related Death (UFAD) Reporting

1. The FBI's UCR Program collects and reports information on law enforcement officers killed and assaulted, justifiable homicide, and crime data statistics. The FBI works with other organizations, including the United States Department of Justice Bureau of Justice Statistics and the law enforcement community, to gather and report data on officer-involved use-of-force incidents.
2. UFAD data collection in Wisconsin is coordinated by the Wisconsin Department of Justice, Bureau of Justice Information and Analysis (BJIA).
3. The UFAD program collects data on officer-involved use-of-force and arrest-related death incidents that meet one or more of the following criteria:
  - a. Officer use-of-force that results in the death of a person
  - b. Officer use-of-force that results in the serious bodily injury (great bodily harm) of a person
  - c. Use-of-force that results in an officer discharging their firearm at or in the direction of a person
  - d. A person died while detained, arrested, or in the course of being arrested
4. For purposes of UFAD reporting, "officer" refers to an employee who meets all of the following criteria:
  - a. Wears/carries a badge (ordinarily)
  - b. Carries a firearm (ordinarily)
  - c. Duly sworn with full arrest powers
  - d. A member of a public governmental law enforcement agency and paid from government funds set aside specifically for payment to sworn law enforcement
  - e. Acting in an official capacity, whether on or off duty, at the time of incident
5. For purposes of UFAD reporting, serious injury/great bodily harm is interpreted as defined in Wis. Stat. § 939.22 (14):

"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



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protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

6. If the UFAD reporting criteria are met, the data elements required by the FBI shall be provided by the involved employees and/or immediate supervisor(s) to their bureau director for compilation and submission.
7. The director with oversight of ACISS is responsible for ensuring UFAD data is submitted monthly to BJIA.

## XII. DCI Lead Instructor Group

The DCI Lead Instructor Group (Division Training Advisory Work Group as defined in SOP 100.5) is responsible for the development of policy and procedures on use of force, and the implementation of all use of force training for DCI, subject to the approval of the DCI Administrator or their designee.

- A. The lead instructors will be made up of division leads in the following areas: DAAT, Handgun, Rifle, Shotgun, Taser, Tactical Response/Tactical Movement, Police Pursuit (EVOC), and from DCI's Tactical Team. The Lead Instructor Group shall supervise, schedule and coordinate the tactical training program for the Division.
- B. The DCI Lead Instructor Group shall serve as a resource regarding use of force documentation.
- C. After approval by supervisors, use of force reports shall be reviewed and maintained by the DCI Lead Instructor Group, which shall report back to the DCI executive team with any recommendations resulting from the review. The review shall include, but not necessarily be limited to, the following:
  - a. To ensure the use of force was appropriate and complied with this policy, as specified in Section XIII of this policy.
  - b. To determine whether any modifications of training are required that would increase the safety of agents or the public, or that would help reduce the need or level of force required to carry out an agent's duties.

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### XIII. Use of Force Review

For any reportable use of force (as identified in Section XI above), or at the discretion of the Administrator or their designee, there will be a review of the incident. The purpose of the review is twofold: *first*, a determination of whether the use of force was legal and in compliance with this policy; *second*, a determination of whether the incident shows a need for additional, updated, or remedial training, review of existing applicable policies, or the need for additional policy/procedure/protocol, and any equipment needs or deficiencies.

Should the first part of the review show a violation of law, the review by DCI will stop, the Administrator or their designee shall be immediately notified and an internal investigation considered, and an outside law enforcement agency will be asked to investigate. The Attorney General or their designee shall decide which outside law enforcement agency shall conduct the investigation, in consultation with the DCI Administrator or their designee. Should the first part of the review show a violation of policy, then an internal investigation shall commence at the appropriate time (see Internal Investigation policy).

After the first part of the review, step two of the DCI review shall commence. If there is an investigation by an outside law enforcement agency or an internal investigation by the department related to the use of force, step two of the DCI review should not commence until the conclusion of any such investigation. Step two of the DCI review shall include the following personnel:

- A. Participants in a use of force review will include agents involved in the incident, the agents' supervisors, the agent in charge of the investigation, members of the Lead Instructor Group, and any other employee assigned by the administrator. The use of force review will be led by a member or members of the Lead Instructor Group, as designated by the director with oversight of the Lead Instructor Group.
- B. After the use of force review has been completed, the findings will be documented in an ACISS Use of Force Review case file for the calendar year and reported to the DCI Administrator.
- C. Use of Force concepts shall be reviewed annually with agents during firearms and DAAT training.