



University of Wisconsin–Madison Police

Policy: 1.3

SUBJECT: USE OF FORCE

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POLICY:

The University of Wisconsin–Madison Police Department recognizes and respects the value of each human life. When vesting police officers and security officers with the lawful authority to use force to protect the public, a careful balancing of all human interests is required. Therefore, it is the policy of this Department that police officers and security officers will use that force which is reasonable and necessary to effectively stop a threat or bring an incident under control.

DEFINITIONS:

“Administrative Review” is a time-sensitive assignment given to a command staff member to gather the facts of an incident. It may include but is not limited to reviewing initial written reports and video. The purpose of an administrative review is to determine if there are policy or safety issues that require a more thorough internal investigation, or any violation of law. If an internal investigation is not required, training and procedural recommendations may be made.

“Deadly force” is the intentional use of a firearm or other instrument that, when used, would result in a high probability of death.

“Non-deadly force” refers to any use of force other than that which is considered deadly force.

“Restraints” refer to devices such as handcuffs, leg irons, chemical restraints, and other restraints used to stabilize.

“Great bodily harm” means bodily injury that creates a substantial risk of death or 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 physical injury.

“Less lethal projectiles” are projectiles designed to incapacitate a suspect through the use of kinetic energy and are not likely or intended to cause death or great bodily harm.

“Law Enforcement Safety Act Identification Card” refers to the identification card required for law enforcement officers and described in the U.S.C. Title 18, Chapter 44, Section 926C(1) (d).

“Internal Investigation” is an investigation to gather the facts of an incident in detail. An Internal Investigation may begin as an Administrative Review. For some incidents, the more complete Internal Investigation is required by policy. The Internal Investigation includes gathering information from interviews of the primary personnel related to an incident as well as other officers, arrested persons, victims and witnesses. It may include but is not limited to reviewing written reports, video, reports from other agencies that produced reports, and physical evidence. When it is determined that discipline is a possible outcome, interviews will be in accordance with the discipline process. If it is determined through an internal investigation that a violation of law may have occurred, the Chief of Police may direct the initiation of a parallel criminal investigation. A criminal investigation is conducted by someone other than the person conducting the internal investigation, and information is not shared between the two.

“Nonlethal” projectiles are projectiles that are launched from launchers and are designed to incapacitate a suspect through the use oleoresin capsicum (OC) powder and are not likely or intended to cause serious injury or death.

“Electronic control device probes” are projectiles launched from an electronic control device (ECD) that uses an electric shock to incapacitate a suspect and are not likely or intended to cause serious injury or death.

“Periodic Analysis” is a review of a critical work product as prescribed by various policies. The purpose of a periodic analysis is to determine trends, identify training needs and summarize a group of events. If a periodic analysis reveals a specific policy issue originating with a specific incident, an internal investigation of that incident may be initiated.

“Qualified law enforcement officer” means an employee of a governmental agency who

1. is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
2. is authorized by the agency to carry a firearm;
3. is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;
4. meets standards established by the agency which require the employee to regularly qualify in the use of a firearm;
5. is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
6. is not prohibited by Federal law from receiving a firearm.

“Reasonably believes” means that the actor believes that a certain fact situation exists and such belief under the circumstances is reasonable even though erroneous.

“Serious physical injury” refers to physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

PROCEDURE:

1.3.1 FORCE TO ACHIEVE LAWFUL OBJECTIVES

Department personnel will use reasonable force when force is used to accomplish lawful objectives. The following procedures shall generally govern the use of force by sworn Department officers:

- A. The use of force by police employees may be necessary in order to enforce the law or in order to protect themselves or others. Police employees’ authority to use any force, as well as the degree of force they may employ, is governed by the United States Constitution, Wisconsin statutes, case law, and Department policy. Police officers will assess each incident in order to determine which technique or weapon will bring the incident under control. The Department hereby adopts as policy the Intervention Options for police officers as specified by the State of Wisconsin (see Appendix A), except in the more stringent placement of the electronic control device as an impact weapon.
- B. Police are authorized to use Department-approved force techniques and Department-issued or authorized equipment for resolution of incidents in the following situations:
 1. To protect themselves or another from physical harm; or
 2. To restrain or subdue a resisting person; or
 3. To bring a situation safely and effectively under control; or
 4. To affect a lawful arrest.

- C. The United States Supreme Court in *Graham v. Connor* ruled that the use of force by police officers must be “objectively reasonable” and that officers should consider the following factors when considering what level of force, if any, to use:
 1. The severity of the alleged crime at issue;
 2. Whether the suspect poses an imminent threat to the safety of officers and/or others; and
 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.
- D. Varying degrees of force may be justified depending on the dynamics of a situation. Police officers must keep this in mind and are permitted to use only the force necessary to accomplish lawful objectives. In every instance where force is to be used, the police employee contemplating the use of force must have
 1. A belief that the use of force in that situation is required AND a belief that the amount of force contemplated is required; AND
 2. Both of these beliefs must be reasonable.

1.3.2.1 USE OF DEADLY FORCE

The following procedures shall govern the use of deadly force by sworn officers:

- A. Police officers may use deadly force only in the following circumstances:
 1. When the police officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
 2. To protect the police officer or others from what is reasonably believed to be an imminent threat of death or serious physical injury.
 3. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose an imminent threat to human life should escape occur.
 4. When "Greater Danger" theory applies, firearms will not be discharged, nor other deadly force used, when it appears likely that an innocent person might be injured, unless the probability exists that a greater danger is posed by the suspect's continued actions toward the officer or other persons.
- B. Where deadly force is justified, an officer may, under exigent circumstances, use available weapons or methods. This should not be construed to permit carrying unauthorized equipment.

1.3.2.2 RESPONSE TO USE OF DEADLY FORCE

The following provides guidance to personnel in the event an officer is responsible for the use of deadly force that results in serious injury or death:

- A. Directly involved personnel shall:
 1. Render first aid and call for emergency medical assistance.
 2. Control the scene until relieved.
 3. Notify dispatch to request a police supervisor and the manager on call.
 4. Identify witnesses for subsequent interviews. Involved officers should not participate in the interview of witnesses.
 5. Brief responding law enforcement personnel about the incident.
- B. Responding officers shall:
 1. Assist in the stabilization of the incident.
 2. Attend to the medical requirements of officers/suspects.
 3. Preserve the scene and identify potential witnesses.
 4. Prepare reports as requested.
- C. On scene supervisor or designee shall:
 1. Initiate incident command protocol.
 2. Assume responsibility for the security and preservation of the scene.
 3. Contact officers involved to identify the crime scene and identify potential witnesses.
 4. Get a brief verbal report from the officer(s) that are involved to guide the investigation and so the officer(s) do not have to repeat the details of the incident repeatedly.
 5. Brief the manager on call.
 6. Establish a command post in conjunction with other agencies that may be involved in the incident.
 7. Temporarily move the involved officer(s) a short distance away from, but available to the scene, to a quiet

location. The supervisor or manager shall ensure the involved personnel is/are accompanied by a non-involved Department officer, preferably a supervisor if possible. The assigned non-involved Department member shall remain with the involved officer until relieved by the assigned use of force investigator(s).

8. Any conversations at this point could become part of the investigation. The officer(s) should not be given stimulants or depressants (caffeinated beverages) unless it has been directed by medical personnel.
9. If the supervisor is involved in the incident, arrange for another Police supervisor to respond to the scene.

D. Command staff, Manager on Call, or designee shall:

1. Respond to scene.
2. Learn the location and condition of involved officer(s).
3. Ensure dispatch has notified the entire command staff and has followed the incident notification procedure.
4. If other agencies are involved, liaison with them to understand how their investigation will proceed.
5. The use of force investigator(s) shall be a police lieutenant or higher authority. The investigator(s) shall conduct interviews and complete the primary incident report. The Professional Standards Lieutenant or designee shall complete an administrative review of the incident. The Dane County Sheriff's Office shall assume complete charge of the external investigation if the event occurs within Dane County. A lieutenant or higher authority shall be assigned to mirror the external investigation. The Department of Criminal Investigations shall assume complete charge of the external investigation if the event occurs outside of Dane County or if the Dane County Sheriff's Office is involved in the incident.
6. Advise the involved officer(s) that they may seek legal counsel and that they should only discuss the incident with Department officials, personnel conducting an official investigation, a personal representative, agency attorney or personal attorney.
7. If possible, arrange for the officer to be interviewed once by the entity doing the investigation to avoid potential problems and stress with the officer giving multiple interviews. A command staff member assigned to conduct the internal investigation should be present for this interview if possible to gather information related to the internal investigation to minimize the number of interviews of the involved officer.
8. The involved officer should not view video of the incident prior to an interview. Viewing of the video prior to any interview can affect the officer's memory and perception of the event and should be avoided.
9. Ensure that if death or serious injury to an employee has occurred, the Line of Duty Death Policy is implemented.

E. Chief or designee shall:

1. Issue press releases and hold press briefings as appropriate.
2. Arrange a mandatory critical stress debriefing for those involved.
3. Ensure that employee assistance services have been offered to involved personnel.
4. Assign a non-involved command staff member to conduct an internal investigation into the incident.
5. Assign a non-involved command staff member to conduct an administrative review.
6. Provide information to the Department concerning the incident.
7. Provide information to other Department personnel as to the availability of Employee Assistance regarding Post Traumatic Stress Disorder.

F. When a police officer's action or use of force results in the death of, or serious injury to, a human being:

1. The employee shall be removed from line-duty assignment, pending an administrative review.
2. Prior to an officer's return to enforcement duties, an examination conducted by a medical professional(s) may be required to determine fitness.
3. The Department will direct an internal investigation, and an external investigation of the incident will be conducted by an outside agency.
4. Officer(s) whose action or use of force which results in death or serious injury will have a sample of their blood and/or urine taken by medical personnel as soon after the incident as possible and within time limits that would make the sample useful for determining chemical levels at the time of the incident.

G. Weapons having evidentiary value shall be recovered from Department personnel and secured into evidence, including service weapons if applicable. If the firearm is a service weapon, the Department member it was collected from will be issued a substitute weapon immediately unless immediate issuance is impractical.

H. Involved officer(s) should cooperate in the investigation relating to the incident while maintaining rights under criminal, civil and employment law. Officer(s) should also participate in mandatory critical stress debriefings and/or

counseling sessions.

- I. If possible, between 24 and 72 hours after the use of force the officers directly involved shall be interviewed by the assigned use of force investigator(s). Personnel directly involved in the use of deadly force shall not be required to complete an incident report. Involved personnel shall be interviewed by the assigned use of force investigator(s) and the investigator(s) assigned to conduct the external investigation separately, but the number of interviews will be limited as to not overburden the involved officers.
- J. The District Attorney's Office will review all police shootings where injury or death occurs and all incidents that result in great bodily harm or death to a person. The use of force investigator shall present the facts of the case to the assigned District Attorney. Department personnel may be required to appear at the DA's Office for the review. After the reviewing District Attorney makes a decision, the letter containing his or her findings will be sent to the Chief of Police.
- K. Post-event, Department personnel and supervisors should monitor the workplace for signs of stress that are manifesting themselves in performance or discipline issues. The Chief or designee should arrange fitness for duty counseling for officers that were directly involved in the incident.

1.3.3 FIREARMS USE

The following procedures shall govern the use of firearms by sworn officers:

- A. Police officers are authorized to display and use firearms in the following circumstances:
 - 1. When deadly force is authorized;
 - 2. When an officer reasonably believes s/he might encounter a deadly force situation;
 - 3. During range practice or competitive shooting;
 - 4. To destroy an animal that represents a threat to the public safety or as a humanitarian measure when the animal appears to be seriously injured.
- B. Before using a firearm, police officers will, when feasible, identify themselves.
- C. Police officers will adhere to the following restrictions:
 - 1. Except for maintenance or during training, police officers will not draw or exhibit their firearm unless circumstances create a reasonable belief that it might be necessary to use the firearm in conformance with this policy.
 - 2. Warning shots are prohibited.
 - 3. Police officers will not discharge a firearm from/at a moving vehicle unless no other reasonable option exists and a greater imminent danger to an innocent person (s) is posed by the officer not discharging a firearm.
- D. The following requirements shall be met for the authorized on-duty carry of firearms into the Dane County Courthouse:
 - 1. Officers must be on duty and performing official duties;
 - 2. Officers shall wear a visible badge;
 - 3. Officers will be required to state the nature of their official business;
 - 4. Officers in plain clothes should not expose the firearm to plain view; and
 - 5. Officers will possess a Department photo ID.
- E. Carrying of firearms into the Dane County Courthouse while off duty is prohibited.
- F. Police officers may, at their option, carry a handgun while off duty. While off duty, police officers will carry only handguns that are on the Department approved duty or off-duty lists.
- G. Officers should use extreme caution when taking prescription medication while armed.
- H. Carrying or using a firearm while under the influence of alcohol is prohibited.

1.3.4.1 USE OF NONLETHAL WEAPONS, LESS LETHAL WEAPONS, AND TECHNIQUES

The following procedures shall generally govern the use of nonlethal and less lethal weaponry by sworn officers:

- A. A police officer will only use non-lethal weapons, less lethal weapons, and techniques as specifically authorized by the Department and must be qualified as determined by training procedures.
- B. The following are Department issued or authorized equipment or techniques:
 - 1. O.C. spray;
 - 2. Holds and throws;
 - 3. Hand/arm and foot/leg strikes;
 - 4. Electronic control devices;
 - 5. Incapacitating techniques;
 - 6. Baton;
 - 7. Less lethal and nonlethal projectiles.
- C. Where non-lethal or less-lethal force is appropriate, an officer may, under exigent circumstances, use available weapons or methods. This should not be construed to permit the carrying of equipment not authorized by the Department.

1.3.4.2 USE OF OLEORESIN CAPSICUM (OC)

The following procedures shall govern the use of Oleoresin Capsicum (OC) by sworn officers:

- A. Oleoresin capsicum (OC) is an effective restraint that, when used in a manner that is consistent with training, might have the effect of reducing injuries. Oleoresin capsicum is authorized for use by members of this Department. Other chemical agents may be carried or used only at the direction of command staff.
- B. Officers must be trained in the use of OC by an oleoresin capsicum aerosol training instructor.
- C. Officers trained in OC use are authorized to use OC to effect an arrest or control a situation. Oleoresin capsicum will be used in accordance with Department training and the Intervention Options.
- D. Officers will take into consideration the location of others before using OC. An officer will not use OC on a person who is under physical control.
- E. Oleoresin capsicum is an irritant to many animals. Care must be exercised when police mounted or canine units are present.

1.3.4.3 USE OF LESS LETHAL PROJECTILES FOR CROWD CONTROL

The following procedures shall generally govern the use of less lethal projectiles during crowd control operations:

- A. Less lethal launch systems and projectiles should only be deployed in crowd control operations after receiving command staff authorization.
- B. If deployment is authorized, the following conditions apply.
 - 1. Only officers trained in the proper use of less lethal projectiles should launch them.
 - 2. The Department places the use of a less lethal projectile in the “Intermediate Weapon” mode on the State of Wisconsin Intervention Options.
 - 3. The officer launching the less lethal projectile should, if possible, notify other officers in the area prior to launch and without notifying the suspect. This notification is an attempt to avoid the sympathetic use of deadly force options.
 - 4. The officer employing the less lethal projectile should refrain from using the head, neck, groin and chest areas as a target area for the projectile unless the circumstances dictate it. Appropriate target areas are the lower arms, thighs, buttocks, legs, and abdomen.
 - 5. A deadly force option should always be available.

1.3.4.4 USE OF LESS LETHAL PROJECTILES FOR PATROL

The following procedures shall govern the use of less lethal projectiles during patrol operations:

- A. Dedicated less lethal launch systems and projectiles are to be deployed for use by sworn personnel subject to the following conditions:

1. The launch systems and projectiles will be cased and [REDACTED]. Personnel using the patrol vehicle are responsible for the status of the system.
 2. Officers will remove all weapons from the vehicle should the vehicle need service.
 3. Only officers trained in the proper use of less lethal impact projectiles should launch them, and their use should be consistent with Department training.
 4. Officers shall verify each round as being a less lethal round as it is being loaded into the weapon.
 5. Less lethal impact projectiles are not a substitute for deadly force. An officer may not arm him- or herself with a less lethal weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with less lethal weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
 6. The officer launching less lethal impact projectiles should, if possible, notify other officers in the area prior to launch and without notifying the suspect. This notification is an attempt to avoid the sympathetic use of deadly force options. The officer preparing the less lethal system for use shall verify that each round is a less lethal impact projectile.
- B. The firing of less lethal impact projectiles must be evaluated using the criteria of this policy and the State of Wisconsin Intervention Options. Firing of less lethal impact projectiles at non-vital areas is considered non-deadly force and is considered to fall just above baton strikes (at the upper range of the "impact weapon" category) in the Intervention Options. The intentional deployment of less lethal impact projectiles at the face, head or neck is considered deadly force.

1.3.4.5 USE OF ELECTRONIC CONTROL DEVICES (ECD)

The following procedures shall govern the use of electronic control devices by sworn personnel:

- A. Only officers trained in the proper use of ECDs are permitted to carry them. Trained personnel may deploy an ECD in a manner consistent with their training and for specific tactical situations without supervisory approval.
- B. Authorized officers may carry an ECD on their duty belt. The ECD will be placed on the belt on the opposite side of the officer's handgun. The ECD does not replace the baton for crowd control assignments.
- C. ECDs are not a substitute for deadly force -- an officer should not deploy an electronic control device in a deadly force situation unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with ECDs should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
- D. The officer firing an ECD should, if possible, notify other officers in the area prior to launch and without notifying the suspect. This notification is an attempt to avoid the sympathetic use of deadly force options.
- E. ECD deployment must be evaluated using the criteria of this policy and the State of Wisconsin Intervention Options. Firing of ECD probes is considered non-deadly force, and the ECD is considered an impact weapon. There should be no intentional deployment of ECD probes at the face, head, neck, chest, or groin. Deployment of multiple ECDs upon the same subject at the same time should be avoided whenever possible. While multiple activations of an ECD may be necessary to subdue an actively resisting subject, multiple activations with continuous cycling should be avoided whenever possible.
- F. Drive stuns should only be administered in a manner consistent with training.
- G. ECDs may be deployed on fleeing subjects if the immediate circumstances would justify the use of an impact weapon, including directly after a subject has caused injury to someone or actively resisted an officer.
- H. ECDs should not be deployed on a subject who is fleeing for reasons unknown to the officer. Other ECD deployments to be avoided unless exigent circumstances are present:
 1. On a handcuffed subject;
 2. On a person operating a motor vehicle;
 3. When features of the location (on stairs or in traffic) increase the risk of serious injury from falling;
 4. If the subject is likely to become submerged in water;
 5. On preteen children; and
 6. On persons who appear elderly, significantly ill, or disabled.

- I. The ECD is prohibited in the following circumstances:
 - 1. On persons whose skin/clothes appear contaminated with combustible substances.
 - 2. For coercion or intimidation.
 - 3. To escort or prod subjects.
 - 4. To awaken unconscious or intoxicated subjects.
 - 5. Against a subject offering passive resistance.
- J. After each field use, data from the ECD will be downloaded and saved as part of the case file to document the number of activations.
- K. ECDs can be effective against aggressive animals. Use against animals is permitted. The use of an ECD on an animal should be documented in an incident report.

1.3.4.6 USE OF NONLETHAL PROJECTILES

The following procedures shall govern the use of nonlethal projectiles by sworn personnel:

- A. Nonlethal launch systems and projectiles should only be deployed in special circumstances such as crowd control operations after receiving command staff authorization.
- B. The Department places the use of a nonlethal projectile in the “Intermediate Weapon” mode on the State of Wisconsin Intervention Options.
- C. Only command staff may order the use of nonlethal projectiles.
- D. If deployment is authorized, the following applies:
 - 1. Only officers trained in the proper use of nonlethal projectiles should launch them.
 - 2. The officer launching the nonlethal projectile should, if possible, notify other officers in the area prior to launch and without notifying the suspect. This notification is an attempt to avoid the sympathetic use of deadly force options.
 - 3. The officer launching the nonlethal projectile should, if possible, refrain from targeting the head, neck, and groin area of a suspect unless the circumstances dictate it.
 - 4. A deadly force option should always be available.

1.3.4.7 USE OF HANDCUFFS

The following procedures shall govern the use of handcuffs by sworn personnel:

- A. Handcuffs will be used in a manner specified in Department training. Handcuffs will be issued or individually authorized by the Department. Types that are authorized are the following:
 - 1. Metal hinged or linked police handcuffs;
 - 2. Plastic disposable handcuffs/flex cuffs;
 - 3. Restraints used at direction of medical personnel.
- B. An officer taking another person into custody has the duty and the responsibility to restrain the detained person in a safe manner and to take proper measures to prevent an escape.
- C. An officer has the authority to handcuff persons in custody for the safety of the officer, other citizens, and the person taken into custody.
- D. If an officer has reasonable grounds to believe that the use of handcuffs is undesirable, the use of handcuffs in instances of physical arrest is not mandatory.
- E. The following are prohibited techniques:
 - 1. “Hogtying,” i.e., restraining a person by handcuffing and tying hands to feet close together behind the back;
 - 2. Forcing a restrained person to remain handcuffed and lying face down for extended periods of time.

1.3.5 MEDICAL AID AFTER USE OF WEAPONS/ FORCE

The following shall specify procedures for ensuring the provision of appropriate medical aid after use of lethal or less-than-lethal weapons, or other use of force as defined by the agency:

- A. After OC has been used on a suspect and the suspect is under control, the officer will assess the welfare of the person. If symptoms from the application of OC persist beyond forty-five minutes, the person should be evaluated by medical personnel. Initial treatment for a person affected by aerosol chemical restraints will include the following:
 - 1. Verbally reassure the person;
 - 2. Advise the person to remain calm and to try to breathe normally;
 - 3. Do not make the person lie face down for extended periods of time;
 - 4. Watch the person closely until the effects have worn off.
 - 5. If circumstances permit and the following can be safely achieved, the officer will:
 - a. Remove the person to an area of fresh air and, if possible, face him or her into the wind;
 - b. Allow the person to flush the affected area with cool water or soap and water;
 - c. Allow a person wearing contact lenses to remove them;
 - d. Advise the person to not rub the affected area.
- B. All persons taken into custody who have been struck with a less lethal impact projectile will be conveyed to a medical facility for a medical clearance.
- C. Officers shall evaluate all persons on whom an ECD has been deployed and provide for emergency medical attention if needed or requested. If ECD probes have penetrated the face, head, neck, groin, or a female's breast, the subject shall be conveyed to a medical facility for probe removal and medical clearance. If the probes are imbedded in other non-sensitive tissue areas, a trained officer may remove them according to the trained procedures.
- D. A suspect struck with a nonlethal projectile should be, if feasible, medically cleared by medical personnel as soon as possible after a nonlethal projectile is used.
- E. Whenever a person is injured as a result of force applied by an officer, officers on the scene will immediately provide first aid and request medical assistance, if necessary, for the injured person as soon as circumstances allow for aid.
- F. Officers must be aware that there is a risk of sudden death in people with symptoms associated with excited delirium. Delirium is a true medical emergency. The behavioral characteristics suggestive of excited delirium are: inappropriate shedding of clothes, excessive strength, bizarre actions, incoherent shouting, combativeness, aggression, hyperactivity, extreme paranoia, hallucinations, shivering, and profuse sweating. Street drugs implicated in the development of excited delirium include cocaine, amphetamines, methamphetamine, PCP, and LSD.

When a combination of these characteristics is viewed by an officer, EMS should be called as early in the contact as possible. Though treatment decisions will not be made by police, officers should be aware of the following details; the individual should be transported for definitive medical evaluation. The person should be placed in a non-prone position as soon as possible. Hobble-type restraints should be avoided. Officers should advise medical personnel of the need for continuous cardiac, oxygen, blood sugar, and temperature monitoring on any individual with the noted symptoms as soon as possible. (The average temperature of a person with this condition is 104 degrees.) The cessation of struggling should be viewed as ominous and prompt reevaluation should occur.

1.3.6 REPORT ON USE OF FORCE

The following procedures shall govern reporting requirements associated with incidents during which force was either used or alleged to have been used:

- A. When any of the following occurs, information concerning the use of force must be verbally reported to the shift OIC during the shift and included in the incident report:
 - 1. A firearm is discharged for other than training or recreational purposes;
 - 2. An action is taken that results in, or is alleged to have resulted in, injury or death;
 - 3. A nonlethal weapon, less lethal, or lethal weapon is used on a person;
 - 4. Restraint beyond compliant handcuffing is used on a person.
- B. An incident report shall be used to document all pertinent details, to include the following: date, time and location of the incident; arrestee, witness and suspect information; actual resistance encountered; force used by the officer to overcome the resistance; weapons used; actual or alleged injuries to either the officer or the suspect; and pictures or other documentary evidence of any injuries received.

- C. The officers involved directly in the use of deadly force shall provide a brief verbal report, if possible, to the OIC. This verbal report is intended to guide the investigation. Officer(s) should avoid repeating the details of the incident. The involved officers should not speak with one another regarding the details of the event until after report completion. Involved officers discussing the event could affect the memory and perception of the event and should be avoided.

1.3.7 REVIEWING THE USE OF FORCE

The following procedures shall govern reviewing requirements associated with incidents during which force was either used or alleged to have been used:

- A. A Department police supervisor and/or manager shall review all reports involving the use of force.
- B. In cases where force is used above the level of compliant handcuffing, the approving police supervisor or manager will forward the case number and a brief synopsis of the incident to the appropriate use of force manager for a timely administrative review. The review should determine if there are any policy, training, weapon/equipment and/or discipline issues which should be addressed. For incidents where a firearm is discharged for other than training or recreational purposes or where the use of force results in serious injury or death, an immediate administrative review shall be initiated. In addition, a lieutenant or higher authority will be notified and will initiate an immediate internal investigation.
- C. Any allegation of inappropriate use of force shall be investigated.
- D. All press releases involving incidents in which an employee uses force involving a firearm, or uses force that results in death or great bodily harm of another person, must be approved by the Chief of Police or designee.
- E. The most senior management use of force instructor or designee shall produce an analysis on use of force annually. From the analysis of use of force, management shall determine whether trends or patterns reveal training needs, equipment upgrades, or policy modification needs.

1.3.8 REMOVAL FROM LINE DUTY

The following procedures shall govern removal from line-duty assignment following certain use-of-force incidents:

- A. Any employee whose actions or use of force results in a death or serious injury shall be removed from line-duty assignment, pending administrative review of the incident.
- B. In circumstances where it is feasible, a replacement weapon should be provided to an officer if his or her duty weapon is taken after a shooting for investigative purposes.
- C. Employees involved in a critical or traumatic incident may be removed from line-duty status, depending upon existing circumstances.
- D. Employees shall remain in paid status during any administrative review period.
- E. The purpose of line-duty removal shall be twofold: to shield officers who have not exceeded their scope of authority from possible confrontations with the community; and to protect the community's interest when officers have exceeded their scope of authority through action or use of force.
- F. During the period of paid administrative leave, post-incident debriefing or counseling shall be provided for involved employees as deemed necessary. In some instances, the employee's family may also require assistance.
- G. The removal process may have a detrimental effect on employees involved if not properly understood. A review of this procedure shall therefore be routinely conducted during departmental training sessions.

1.3.9 DEPARTMENT-AUTHORIZED WEAPONS/ AMMUNITION

The following shall specify Department-authorized weapons and ammunition:

- A. The Department establishes strict control over all firearms, weapons, and ammunition it allows members to carry and use in the performance of their official duties, both on and/or off duty. Clear guidelines are established for the exact types and specifications of each category of weapon, including specialized weapons used by members of the Department.
- B. The Department has established an approval process for all weapons. Each weapon should be identified, meet the established criteria, and be safe and in good working order. The user should demonstrate his or her proficiency in using the weapon on a Department- approved qualifying course before being permitted to carry and use the weapon. A certified instructor or armorer should inspect and approve the weapon and oversee the proficiency testing. The Training Unit will verify usage of authorized weapons at each in-service and will maintain a record of training with each weapon. The Training Unit shall also maintain a complete record of all approved weapons.
- C. Department-approved firearms, less lethal weaponry, and ammunition are listed in Appendices B and K of this manual.
- D. Firearms, whether owned by an officer or the Department, will be in the control of an officer or properly secured. If an unsecured firearm is discovered by a police officer, he/she will secure it; if it is discovered by non-sworn personnel, the staff member will contact a police officer.

1.3.10 WEAPONS QUALIFICATIONS/ PROFICIENCY

The following requires the need for proficiency in the use of Department-authorized weapons for an officer to be authorized to carry them:

- A. Carry of Department approved weapons is authorized when a sworn employee meets the following conditions:
 - 1. Has demonstrated proficiency;
 - 2. Is currently qualified;
 - 3. Has received Department training on proper safe usage; AND
 - 4. Authorization and qualification are on file with the Department.
- B. Police officers shall carry only firearms, less lethal weaponry, and ammunition authorized by the Department for duty use and are prohibited from carrying more than one handgun.
- C. Wisconsin Statute 165.85(4)7c requires that sworn personnel shall qualify annually with a handgun on a course specified by Training & Standards.
- D. The Training Unit is responsible for maintaining and forwarding qualification records to Training & Standards.

1.3.11 PROFICIENCY TRAINING

The following procedures shall govern the frequency of proficiency training:

- A. The Department will schedule regular training and qualification sessions for duty, off-duty, and specialized weapons. All sworn personnel authorized to carry weapons are required to receive in-service training, at minimum annually, on use of force policies and to demonstrate proficiency with all approved lethal weapons and electronic controlled weapons. Proficiency will be monitored by a certified weapons or tactics instructor.
- B. Annual qualification for firearms, including duty and non-duty handguns and patrol rifles, is mandatory for sworn personnel. Sworn personnel may have no more than two approved handguns registered for duty/off duty use with the department at any one time.
- C. A police officer is not permitted to carry or use on duty under law enforcement authority any firearm with which the officer has not qualified during his or her most recent qualification period. Personally owned, Department approved firearms carried off duty will be qualified with on a department approved qualification course at least annually.
- D. A police officer who has taken a leave of six months or more or suffered an illness or injury that could affect proficiency in the use of firearms will be required to qualify before returning to law enforcement duties.
- E. Sworn personnel who do not qualify with an authorized weapon will receive remedial training. If an officer fails to qualify with his or her handgun, he or she will be placed on administrative leave or alternative duty until remedial training can take place. Within seven days of the officer being designated in need of remedial training, the officer shall coordinate his or her remedial training program with the Training Unit. If the officer fails to qualify on his or her

handgun after receiving up to 20 hours of remedial firearms training, the Chief of Police shall be notified through the chain of command. The officer may be subject to disciplinary action that could include termination for inability to maintain vital job performance standards. Police officers who fail to qualify with their duty firearm in accordance with Department procedures will be relieved of their police authority. If an officer fails to qualify with a weapon other than a handgun, the weapon will be removed from the officer until the officer receives up to 20 hours of remedial training and demonstrates proficiency with that weapon. If the officer fails to qualify on the weapon after receiving remedial training, the Chief of Police shall be notified through the chain of command. The officer may be subject to disciplinary action that could include termination for inability to maintain vital job performance standards.

- F. All personnel who carry and use any authorized less lethal weapons are required to demonstrate proficiency through attendance at in-service refresher training at least annually. All officers who carry and use an ECD are required to demonstrate proficiency through attendance at in-service refresher training at least annually. In-service training, under this section, will include use of force policy. Proficiency training must be monitored by a certified weapons instructor. All training and proficiency must be documented.
- G. Personnel who do not maintain proficiency with an authorized less lethal weapon will be provided remedial training. Following remedial training, personnel who still cannot maintain proficiency with an authorized less lethal weapon will no longer be allowed to carry such weapon and may be subject to disciplinary action that could include termination for inability to maintain vital job performance standards.
- H. In-service training for weaponless control techniques shall occur annually. Proficiency training must be monitored by a certified defensive tactics instructor. All training and proficiency must be documented.
- I. The results of all training and qualifications will be documented.

1.3.12 POLICY INSTRUCTIONS

The following procedure shall govern policy instruction requirements associated with the carry of lethal, less lethal, and nonlethal weapons:

- A. All personnel authorized to carry lethal, less lethal, or nonlethal weapons shall be issued copies of and receive instruction regarding the use-of-force policy before being authorized to carry any weapon.
- B. Documentation of all training, including training in policies and procedures, will be documented in the employee's training proficiency file.

1.3.13 USE OF FORCE BY SECURITY OFFICERS

The following procedures shall generally govern the use of force by non-sworn officers:

- A. Under most circumstances a security officer does not have the authority to use force in the performance of duties. When possible, assistance should be summoned before an attempt is made to control a subject. Exceptions include the following:
 - 1. Security officers assigned to UW Health Science Complex authorized to use physical techniques in which they are trained to defend themselves or another person or to control a patient, an action generally taken under the direction of medical staff or a police officer;
 - 2. When exposed to attack or exposed to the threat of great bodily harm;
 - 3. When protecting themselves or others against immediate threat of bodily harm; or
 - 4. When responding to the lawful order of a police officer.
- B. Security officers trained in the use of OC are authorized to carry issued OC on their person. The use of issued OC by security officers is limited to preventing injury to self and others in situations when other means of avoiding physical confrontation have been exhausted or are deemed to be ineffective.

1.3.14 LAW ENFORCEMENT OFFICERS SAFETY ACT (HR 218) – OFF DUTY PERSONNEL

The following shall specify procedures outlined by the federal government for interstate concealed carry for off-duty personnel:

- A. Police officer status is conferred by each state. The way in which states recognize out-of-state police officers vary. In many states, with the exception of carrying a concealed firearm under HR 218, an out-of-state police officer is treated as a civilian.
- B. Personnel involved in an incident where a firearm was displayed or discharged while being carried off duty under the Law Enforcement Officers Safety Act will notify their supervisor and prepare a report concerning the incident. The incident will be investigated accordingly.
- C. Off duty personnel carrying concealed under this directive must carry the law enforcement photographic identification issued by the Department.
- D. Notwithstanding any other provision of the law of any state or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the required identification may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (B).
- E. This section shall not be construed to supersede or limit the laws of any state that
 - 1. Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
 - 2. Prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park.

1.3.15 LAW ENFORCEMENT IDENTIFICATION – RETIRED AND FORMER PERSONNEL

The following shall specify procedures for issuing identification to retired and former law enforcement personnel not intended for concealed carry purposes:

- A. The Department will not require a former law enforcement officer to relinquish his or her card when the officer separates from service unless one of the following applies:
 - 1. The officer may not lawfully possess a firearm under federal law.
 - 2. The officer did not separate from service in good standing as a law enforcement officer with the agency.
 - 3. The officer served as a law enforcement officer for an aggregate of less than 10 years. This does not apply if the officer, after completing any applicable probationary period of service with the agency, separated from service with the agency due to a service-connected disability.
 - 4. An employee separated for mental health reasons will not be issued or relinquish his or her card if the following applies:
 - a. A qualified medical professional employed by the Department has found the officer to be unqualified to be a law enforcement officer for reasons related to the officer’s mental health.
 - b. The officer has entered into an agreement with the Department in which the officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to the officer’s mental health and in which the officer declines the photographic identification for that reason.
- B. If a law enforcement identification is not relinquished upon separation, the card will be stamped as former or retired law enforcement.
- C. The Department will issue an identification card to a law enforcement officer who is eligible and has separated from service upon the former officer’s request and at his or her expense.

1.3.16 LAW ENFORCEMENT CONCEALED CARRY – RETIRED AND FORMER PERSONNEL

The following shall specify procedures outlined by the federal government and state law for concealed carry for retired and former personnel:

- A. The University of Wisconsin–Madison Police Department will assist its former officers, who meet the requirements of state and federal law and are separated from service in good standing, in exercising the concealed firearm carry authority.
- B. Qualified law enforcement officers who have separated from service must meet the following criteria:
 - 1. Has separated from service in good standing with the University of Wisconsin–Madison Police Department as a law enforcement officer;
 - 2. Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for , and violation of law, and had statutory powers of arrest;

3. Before such separation, served as a law enforcement officer for an aggregate of ten (10) years or more; or separated from service after completing any applicable probationary period of such service; due to a service-connected disability, as determined under section 40.65, Wis. Stats.;
 4. During the most recent twelve (12) month period, met at the expense of the individual, University of Wisconsin–Madison Police Department’s testing standards for active law enforcement officers;
 5. Have not been found by a medical professional hired by the Department to be unqualified for reasons relating to mental health;
 6. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance while carrying a concealed weapon; and
 7. Is not prohibited by Federal law from possessing a firearm.
 8. All officers separated from service must successfully complete a background check to establish the legal ability to possess a firearm and to determine the applicant’s eligibility to participate in firearms qualification. Grounds for failure of the background check include: any condition, circumstance, conviction or event which would make it unlawful for the applicant to possess a firearm; and /or any conduct engaged in or offense committed by the applicant which would be considered grounds for refusal to hire if engaged in or committed by the applicant for employment.
 9. If a certification card is requested, the separated party must attend and successfully complete the University of Wisconsin–Madison Police Department’s firearms qualification course. The Training Unit will confirm the officer’s eligibility and approve photographic card issuance. The ability to carry concealed is only valid within the calendar year from qualification. The separated party must meet standards equivalent to the active duty standards for qualification in firearms proficiency training to carry a firearm of the same type as the concealed firearm.
 10. The Chief of Police or designee will exercise the right to question, approve or deny any request for an identification card described in this directive.
- C. The Department shall issue an identification/certification card to those qualified former law enforcement personnel. The certification card shall contain:
1. Qualification date of the last successfully completed qualification course.
 2. Expiration date – all cards shall expire twelve (12) months from the date of issuance.
 3. Rank at which the applicant last held in the agency.
 4. Signature of the Chief of Police.
 5. A statement that the card does not confer any law enforcement authority on the holder and does not make the card holder an employee or agent of the Department.
 6. The certification card shall contain on one side all of the following:
 - a. The full name, date of birth, and residence address of the person who holds the certification card.
 - b. A photograph of the certification card holder and a physical description that includes sex, height, and eye color.
 - c. The name of this state.
- D. The Department shall maintain a database of retired officers. This database will indicate whether the retired officer is eligible to request a certification card.
- E. All certification cardholders must maintain a current address and telephone number with the University of Wisconsin–Madison Police Department and report any changes within 10 days after the change.
- F. The Department will host a firearm qualification session annually during an in-service where officers separated from service may attend. Officers attending will be made aware of the elements of the qualification course. Qualified officers separated from service must complete the following:
1. Read and sign a release, waiver of liability, and assumption of risk agreement that contains at a minimum the following:
 - a. A waiver of liability and assumption of risk related to the use of any facility used during the firearms qualification session.
 - b. Acknowledgement that the certification card does not confer any law enforcement authority and is limited to the provisions of the Law Enforcement Safety Act and of state law.
 - c. Certification that the officer has read and is familiar with federal and state law, and that he or she is a qualified law enforcement officer separated from service.
 - d. Certification that they are not prohibited from purchasing or possessing a firearm by either federal or state law.

2. Pay a non-refundable annual fee which covers range rental, ammunition costs and instructor time.
3. Successfully complete and pass the firearms proficiency qualification course to the same standards as currently required by active officers. Failure to pass the qualification will result in a card not being issued.
4. Qualify with a firearm approved by the University of Wisconsin–Madison Police Department.
5. Card renewals, reapplication after application denial, reapplication after failure to successfully complete the firearms qualification course, and /or request to be qualified on another approved firearm shall follow the same procedure as for initial application.

1.3.17 LAW ENFORCEMENT OFFICERS FLYING WITH A FIREARM

The following provides general guidelines for law enforcement officers flying with a firearm:

- A. Flying with a firearm. Firearms and ammunition are accepted as checked baggage. Firearms will only be accepted if unloaded and in a locked, hard-sided container. Ammunition must be packed in its original packaging. Loose ammunition will not be accepted. Firearms may not be checked curbside.
- B. Flying armed. For a law enforcement officer to fly armed, the officer must be full-time, have a Department approved need to access the weapon during the flight, and be trained in flying while armed protocols. The Department will only approve requests to fly armed if dignitary protection or prisoner transport is required. The officer flying armed is required to check-in with the airport agent and to submit a National Law Enforcement Telecommunications System (NLETS) message during the check-in process. The message must be sent to the appropriate airlines agent by the Department Communications Center. The message replaces an original letter of authority, signed by the chief or agency head, required under 49 CFR 1544.219. Once the NLETS message is received, a return NLETS message will be sent to the Department with an eight-character unique alphanumeric Identifier for verification at the airport on the day of travel.