

<b>New Berlin Police Department Directives Manual</b>		<b>Directive Title: Use of Force – Reporting and Review</b>			
<b>Issue Date:</b> 01/26/15	<b>Published Date:</b> 01/05/21	<b>Next Review Date:</b> 08/01/21	<b>Total Pages:</b> Page 1 of 3	<b>Directive Number:</b> 5301	<b>WILEAG Standards:</b> 5.3.1, 5.3.2, 5.3.3, 5.3.4

### Purpose

This policy will provide officers and supervisors with guidelines for reporting uses of force.

### Policy

It is the policy of the department that uses of force, as specified in this directive, will be promptly reported.

### Related

[Wisconsin DAAT System](#)

### Reporting Requirements

Officers will prepare a written report anytime they:

- Use The Emergency Restraint Chair
- Use a Control Alternative (compliance holds, O.C., Taser, passive countermeasures) other than an escort hold.
- Use a Protective Alternative (active countermeasures, incapacitating techniques, baton, LLIM). Use Deadly Force. An officer's report or statement will be prepared consistent with the Department's Officer Involved Death [directive 6306](#).
- Discharge a firearm, except during training or when dispatching a gravely injured or sick wild animal.
- Point a firearm at another person.
- Witness any of the above types of force being used against another person.

In addition, officers will write a report anytime their actions result in, or are alleged to have resulted in, injury or death of another person.

### Reporting Responsibilities

**Officers:** Any time an officer uses a level of force as listed above and has stabilized the incident, the officer will:

1. Immediately notify his/her supervisor that he/she has used a level of force against a person.
2. Explain the details of what occurred to his/her supervisor.
3. Officers shall prepare a report using the DESCRIBE, IDENTIFY and FORCED ACTIONS model in accordance with the Law Enforcement Standards Board. The report shall describe the actions of the person that necessitated the use of force, the reasons why the officer used force, the level of resistance encountered, as well as any complaints of injury, medical treatment received, or refusal of medical treatment. The written report for a use of force incident that involves no injuries or minor injuries will be completed before the end of the officer's shift.
4. Not be required to write a report immediately if the force used resulted in great bodily harm or death. Instead, the officer(s) will be treated as victims, and allowed at least 2 sleep cycles before being required to complete their written report.
5. Ensure that all pertinent information is completed in Spillman "offense code UOF" and "circumstances code."
6. Whenever possible, officers that use force against another person should not be required to transport that person to either the hospital or jail. Uninvolved officers should conduct any transports. The officer(s) that used force will inform the transporting officers of any injuries and/or medical treatment rendered or still needed.

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**Supervisors:** Whenever a supervisor learns that an officer has used any of the above-listed levels of force, the supervisor will ensure all of the following criteria are met either by responding to the scene or consulting with a supervisor from an outside agency if the incident occurred outside New Berlin.

1. Assist to stabilize the scene and ensure that medical treatment is being provided to any injured subjects.
2. In the event an officer's application of force results in great bodily harm or death to another person, the supervisor will gather a verbal report from all involved officers by using the [Public Safety Statement Form](#). The supervisor should take steps to ensure that all parties' (officers, bystanders and suspects) medical needs are being addressed. The supervisor should also take into account the fact that an officer's use of force can be extremely stressful. The supervisor should offer and/or arrange any needed support for the officers involved.
3. Ensure that the scene of the incident is properly documented (photographed, measured, reconstructed, etc.).
4. Notify the Shift Commander as soon as possible if the force used resulted in the serious injury or death of another person.
5. In the event an officer's application of force results in great bodily harm or death to another person, the supervisor will follow the OID [directive 6306](#).
6. Ensure that a copy of his/her report is routed to the Shift Commander and Training Division for review.

### **Removal from duty**

Any officer that uses a level of force that results in great bodily harm or death to another person will be placed on Administrative Leave. The officer will remain on Administrative Leave while the incident is investigated. During the Administrative Leave, the department will take steps to ensure and maintain the medical and psychological health of the officer.

An officer may request Administrative Leave if he/she is having trouble coping with the aftermath of using force on another person. The Chief of Police has the discretion to place the officer on Administrative Leave and make counseling services available to the officer.

Once the investigation into the incident that resulted in serious injury or death to another person is completed, the officer will be notified of the results. If the force used is determined to be justified, the officer, if medically and psychologically able, will be returned to full duty status.

### **The Shift/Division Commander**

The Shift/Division Commander of the officer(s) that used force against a person will conduct an Administrative Review of all the investigative reports, or convene a deadly force review board if the incident was a deadly force incident. This review is not a disciplinary investigation. The Commander may designate a shift/division sergeant to complete the review if the sergeant wasn't directly involved in the use of force. The goals of the Shift/Division Commander's review will be:

1. To determine if the incident was handled consistent with department directives?
2. To determine any evident trends developing with the involved officer(s) or supervisor(s)
3. To identify the need for additional training or equipment..
4. To identify potential changes to directives, procedures or training.

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Once the review is complete it will be forwarded to the Chief of Police through the chain of command.

**Deadly Force Review Board**

In the event that an officer uses deadly force, whether or not that deadly force results in any injury or death of another person, the Chief of Police shall convene a Deadly Force Review Board. The Deadly Force Review Board may consist of:

1. Deputy Chief of Police.
2. Shift/Division Commander of the involved officer.
3. The Special Services Division Commander or an instructor with certifications associated with the type of force that was used.
4. The officer’s immediate supervisor, unless that supervisor was involved in the incident, at which time an alternate Sergeant will be appointed.
5. An officer of equal rank as the officer that used deadly force.

Once any criminal investigation has concluded, the Deadly Force Review Board will meet. No other internal investigation will be conducted into the officer’s actions while the Deadly Force Review Board is conducting its review. At the conclusion of its review, a report from the Deadly Force Review Board will be forwarded to the Chief of Police.

**Bureau of Justice Information and Analysis (BJIA)**

Use of Force incidents shall be reported to the Bureau of Justice Information and Analysis (BJIA) as required under the Use of Force and Arrest-Related Death Reporting Manual. The report shall be made using Tracs. Reportable incidents are Use-of Force incidents that meet one or more of the following criteria:

- Officer Use-of-Force that results in the death of a person
- Officer Use-of-Force that results in the serious injury (great bodily harm) of a person
- Use-of-Force that results in an officer discharging their firearms at or in the direction of a person.

**Annual Use of Force Analysis**

At least once a year, the Department will review each officer’s uses of force. The aim of this review will be to identify any negative trends that may indicate a problem within the department or an officer’s uses of force. Should a negative trend be identified, the Department may identify additional training or remediation for the department or identified officer.

By Order of:   
 Jeffrey Hingiss \_\_\_\_\_ Chief of Police