

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Milwaukee County Sheriff's Office to review the use of force by its employees that results in a discharge of a firearm, great bodily harm or death to another, or at the discretion of the Sheriff or the authorized designee.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of an incident involving the use of deadly force or an officer-involved death.

301.2 POLICY

The Milwaukee County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using agency equipment, results in death or great bodily harm to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Sheriff or the authorized designee may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in great bodily harm or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, authorized euthanizing of an animal, or recreational use. The use of a kinetic energy weapon (e.g., beanbag shotgun) will be considered on a case-by-case basis.

The Sheriff or the authorized designee may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Chief Legal and Compliance Officer or the authorized designee will convene the Use of Force Review Board as necessary. It will be the responsibility of the Divisional Commander of the involved employee to notify the Professional Standards Division Commander of any incidents requiring board review. The involved employee's Divisional Commander will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Training Director should select five Use of Force Review Board members from the following, as appropriate:

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- Training Director or designee
- Professional Standards Division Commander or designee
- A supervisor from a different division of the involved employee
- A supervisor from the involved employee's chain of command that was not involved in the incident
- Agency instructor for the type of weapon, device or technique used
- Any member as selected by the Sheriff or the authorized designee

The Training Director will serve as chairperson. The Chief Legal and Compliance Officer may be present as a non-voting observer or consultant.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. If an employee is requested to appear, he/she may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the employee at the time of the incident, applying any legal requirements, agency policies, procedures and approved training to those facts. Facts later discovered but unknown to the employee at the time shall neither justify nor call into question an employee's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the agency's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) Administrative approval – The use of force was within Agency policy, procedure, and training, and/or reasonable given the circumstances
- (b) Improve tactics, decision making and/or understanding of policy - The use of force was within Agency policy, procedure, and/or reasonable given the circumstances, but the employee's tactics, decision making, or policy understanding could be improved. Additional training should be provided.

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- (c) No use of force violations; other Agency violations noted or discovered – The use of force was within Agency policy, procedure, and training, and/or reasonable given the circumstances, but other agency violations not related to the use of force were discovered and will be handled as appropriate.
- (d) Policy or agency training issues - The use of force was reasonable given the circumstances, and a review of Agency policy or training is recommended.
- (e) Administrative disapproval/policy violation – The use of force was not within Agency policy, procedure, and training, and/or not reasonable or excessive given the circumstances.

A recommended finding requires a majority vote of the board. The board chairperson will submit the written recommendation to the Sheriff or the authorized designee.

The Sheriff or the authorized designee shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. If the Sheriff or the authorized designee concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Professional Standards Division and notification of the findings should be made to the involved officers..

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law (Wis. Stat. § 346.03(6); Wis. Admin. Code § LES 3.07).

Another purpose of this policy is to minimize the potential for pursuit-related crashes. Vehicle pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where agency policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. A pursuit is a following action at a reasonable distance. Deputies conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.2 DEFINITIONS

Definitions related to this policy include:

Vehicle pursuit - An event involving one or more deputies attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as increasing the speed of the vehicle, extinguishing the lights of the vehicle, disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to a deputy's signal to stop (Wis. Stat. § 85.07(8)(a)).

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Complete roadblock - The use of one or more police vehicles or other obstructions to block a roadway so that any vehicle approaching the roadblock will be forced to stop or crash.

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Controlled deflation device - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

Paralleling - Replicating the speed and direction of a pursuit on contiguous roadways.

Partial roadblock - The placement of an object or objects on the roadway in a way that impedes or alters the normal flow of traffic to induce a fleeing vehicle to stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Trailing - When a deputy follows the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment.

307.3 DEPUTY RESPONSIBILITIES

It is the policy of this agency that a vehicle pursuit shall be conducted with the visible signal of at least one flashing, oscillating or rotating red light, or a blue and red light, and also an audible signal by means of a siren or exhaust whistle activated on an authorized emergency vehicle (Wis. Stat. § 346.03(3)).

The following policy is established to provide deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway (Wis. Stat. § 346.03(5)).

307.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer (Wis. Stat. § 346.03; Wis. Admin. Code § LES 3.07(1)(a)).

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit (Wis. Stat. § 346.03(6)):

- (a) The seriousness of the known or reasonably suspected offense and its relationship to community safety. Absent reasonable suspicion to the contrary; fleeing offenders should be treated as a traffic violator only.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

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- (f) The pursuing deputy's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources.
- (l) The sheriff's unit is carrying passengers other than on-duty sheriff's deputies.

A deputy shall not engage in a pursuit when:

- (a) A prisoner is in the vehicle.
- (b) Any non-sworn passenger has not signed a waiver.
- (c) The deputy is operating a motorcycle.
- (d) He/she is operating the wrong way on a freeway, interstate, or highway, or on any divided roadway.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape (Wis. Admin. Code § LES 3.07(1)(c)).

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- (a) The distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The deputy's unfamiliarity with the immediate area or the direction of travel.
- (c) The pursued vehicle's location is no longer definitely known.
- (d) The deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive. The communication equipment fails or is out of range and it is unsafe to continue the pursuit.
- (e) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).
- (f) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

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- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time (Wis. Stat. § 346.175(3)(a)).
- (h) When directed to terminate the pursuit by a supervisor.
- (i) When it is necessary to stop to render aid to an injured person and no other deputy is available to do so (Wis. Admin. Code § LES 3.07(1)(c)(5)).

When a deputy determines he/she shall terminate a pursuit or when ordered to terminate a pursuit by a supervisor, the deputy shall:

- (a) Notify Milwaukee County 911 Communications Division of the decision to terminate and the location.
- (b) Reduce his/her speed to the posted limit.
- (c) Turn off all emergency equipment.
- (d) Pull over and stop briefly. This is to make it clear to the public that there is no longer a pursuit.
- (e) Continue along the suspect's last known direction of travel to check for any crashes or other incidents.

307.4 PURSUIT UNITS

Pursuit units should be limited to four vehicles. A supervisor may approve of the use of additional squads if special circumstances dictate.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle.

The primary unit should notify Milwaukee County 911 Communications Division, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.

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- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

The primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.4.4 TACTICS FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route.

A supervisor may authorize a deputy to trail a pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this agency that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this agency.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved deputies and Milwaukee County 911 Communications Division of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established agency guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

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- (g) Control and manage MCSO units when a pursuit enters another jurisdiction.
- (h) Preparing a post-pursuit critique and analysis of the pursuit.
- (i) Review all pertinent reports for content and forward them to the Divisional Commander.

307.6 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the designated pursuit channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this agency or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.7 INTERJURISDICTIONAL CONSIDERATIONS

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Milwaukee County Sheriff's Office deputies will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Milwaukee County Sheriff's Office is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit should proceed to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit that was initiated by this agency shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The Milwaukee County Sheriff's Office participation in another jurisdiction's pursuit is appropriate only in response to a specific request for participation. Mere notification of the existence of a pursuit shall not be construed as a request for participation. The Milwaukee County 911 Communications Division, upon notification, shall clarify the question of whether this agency is being requested to assist in the pursuit.

If another jurisdiction's pursuit is observed and this agency has not been notified, the observing deputy shall notify Milwaukee County 911 Communications Division, take up the rear position, and render assistance as needed.

Assistance to a pursuing outside agency by deputies of this agency will terminate at the County limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this agency may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall notify the initiating agency of the termination of the pursuit, provide appropriate assistance to peace officers from the initiating and other involved agencies including, but not limited to, scene

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control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, boxing-in, PIT, ramming or roadblock procedures.

307.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics may require supervisor approval, unless exigent circumstances exist. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

307.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and are subject to the requirements for such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Only those deputies trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to deputies, the public and occupants of the pursued vehicle. This tactic shall only be used if the suspect vehicle is traveling 35 miles per hour or less. If the vehicle is traveling faster than 35 miles per hour, this tactic will be considered deadly force.
- (b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, the criteria for deadly force must exist.
- (c) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.

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- (d) Tire deflation devices should be deployed according to training and procedure. Prior to the deployment of spike strips, the deputy shall notify pursuing units and the supervisor of the intent and location. The suspect vehicle shall be taken into consideration when determining if tire deflation devices are appropriate. Tire deflation devices shall not be used on a motorcycle.
- (e) The use of roadblocks shall be considered deadly force. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

307.8.4 CAPTURE OF SUSPECTS

Deputies should use the trained high-risk stop tactics to take the vehicle occupants into custody.

307.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with local and state regulations (Wis. Stat. § 85.07(8)(b)).

- (a) The primary deputy shall complete appropriate crime/arrest reports.
- (b) The primary deputy or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall make proper notifications as described in the Major Incident Notification Policy.
- (d) After receiving copies of reports, logs and other pertinent information, the Sheriff or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- (e) At least annually, but no later than June 30th of every even-numbered year, the Sheriff or the authorized designee shall direct a documented review and analysis of agency vehicle pursuits to minimally include policy suitability, policy compliance, policy modification and training needs (Wis. Stat. § 346.03(6)).
- (f) The supervisor reviewing a pursuit report shall ensure the report is submitted to Wisconsin State Patrol/Department of Transportation (Wis. Stat. § 85.07(8)(b)).

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified sworn employees will complete Law Enforcement Standards Board (LESB) training (Wis. Stat. § 165.85; Wis. Admin. Code § LES 3.07(4)).

Use of Force Reporting Procedure

350.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies, correctional officer, and their supervisors guidance the review and evaluation process for use of force reporting.

350.2 OVERVIEW

The use of force report and review process will be entirely digital. The incident report and supporting use of force documentation will be completed and maintained in the records management system. All video and photographs will be maintained in evidence.com, and associated with the respective report number. All use of force reports will be reviewed and approved within the records management system, and all digital evidence will be reviewed in evidence.com.

350.3 PROCEDURE

350.3.1 DEPUTY/CORRECTIONAL OFFICER RESPONSIBILITIES

Following a use of force incident, a deputy or correctional officer:

- (a) Shall verbally report the use of force to his/her direct supervisor as soon as practicable.
- (b) Should complete his/her use of force report within 48 hours including all appropriate tabs.
- (c) Should refer to the [Use of Force Policy](#).

350.3.2 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include:

- (a) Sending an email notification consistent with the [Major Incident Notification Policy](#).
- (b) Reviewing digital evidence in evidence.com. The direct supervisor shall review the report and supporting documentation in the records management system, and approve or reject the report as needed.
 1. Once approved, the direct supervisor shall complete the use of force tracking tabs, and notify the Divisional Commander.

350.3.3 DIVISIONAL COMMANDER RESPONSIBILITIES

For the purpose of this subsection, a Divisional Commander includes the Jail Shift Commander.

Divisional Commander responsibilities include:

- (a) Reviewing digital evidence in evidence.com. The Divisional Commander shall review the report and supporting documentation in the records management system, and shall complete the use of force tab. The use of force incident shall be reviewed within 14 days.

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- (b) If a clear problem and/or policy violation is identified, a Professional Standards Division referral shall be submitted, and a copy forwarded to the Bureau Commander for notification.
- (c) Once the use of force review is complete, he/she shall complete the use of force tab. The Divisional Commander shall email the Professional Standards Division, the Training Division Commander, and copy the Bureau Commander noting the compliance status.

350.3.4 PROFESSIONAL STANDARDS DIVISION RESPONSIBILITIES

Professional Standards Division investigator responsibilities include:

- (a) Reviewing digital evidence in evidence.com. The Professional Standards Division investigator shall review the report and supporting documentation in the records management system, and shall complete the use of force tab.
- (b) Reviewing and evaluating the incident for policy or procedure violations. The investigator should refer any questionable use of force incidents to the Training Division Commander for further review, evaluation, and recommendations.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure agency vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of agency vehicles and shall not be construed to create or imply any contractual obligation by the County of Milwaukee to provide assigned take-home vehicles.

703.2 POLICY

The Milwaukee County Sheriff's Office provides vehicles for agency-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Agency, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 PATROL ASSIGNED VEHICLES

The Patrol Division Commander or the authorized designee shall post the squad assignment roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the member's on-duty supervisor.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this agency should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All agency vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

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703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Divisional Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating agency vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any agency vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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703.3.10 PARKING

Except when responding to an emergency or when urgent agency-related business requires otherwise, members driving agency vehicles should obey all parking regulations at all times.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without authorization from the Milwaukee County Fleet Management authorized designee.

703.3.12 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Agency vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other agency members at the discretion of the Sheriff or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where agency vehicles must be used by members to commute to and from a work assignment. Members may take home agency vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Agency.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Milwaukee County limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's

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employment or appointment status. Residence in the County of Milwaukee is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Milwaukee may be required to secure the vehicle at a designated location or the Agency at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and a Divisional Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by a Divisional Commander and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from a Divisional Commander.
 - 4. When the vehicle is being used by the Sheriff, Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All agency identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Divisional Commander or the authorized designee. If the vehicle is not secured inside a locked garage, all weapons shall be

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removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

- (h) Vehicles are to be secured at the member's residence or the appropriate agency facility, at the discretion of the Agency when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Agency shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Agency.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Milwaukee County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or of bodily harm exists (Wis. Stat. § 175.40(6m)(a)) (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their agency-issued identification. Deputies should also ensure that agency radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Agency. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the agency supervisor in charge of vehicle maintenance.
- (d) The Agency shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle service form explaining the service or repair, and leave it under the windshield wiper.
- (f) All weapons shall be removed from any vehicle left for maintenance.

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703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any agency vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. The on-duty supervisor shall determine which agency shall conduct the traffic crash investigation (see the Traffic Crash Response and Reporting Policy).

Damage to any agency vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the on-duty supervisor. An administrative investigation may be initiated to determine if there has been any vehicle abuse or misuse.

703.7 ATTIRE AND APPEARANCE

When operating any agency vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Agency.

Use of Force Review Boards

511.1 PURPOSE AND SCOPE

This policy establishes a process for the Milwaukee County Sheriff's Office to review the use of force by its employees that results in a discharge of a firearm, great bodily harm or death to another, or at the discretion of the Sheriff or the authorized designee.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of an incident involving the use of deadly force or an officer-involved death.

511.2 POLICY

The Milwaukee County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

511.3 REMOVAL FROM DUTY ASSIGNMENT

Whenever an employee's actions or use of force in an official capacity, or while using agency equipment, results in death or great bodily harm to another, that employee will be placed in a temporary administrative assignment or administrative leave pending an administrative review. The Sheriff or the authorized designee may exercise discretion and choose not to place an employee in an administrative assignment in any case.

511.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in great bodily harm or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, authorized euthanizing of an animal, or recreational use. The use of a kinetic energy weapon (e.g., beanbag shotgun) will be considered on a case-by-case basis.

The Sheriff or the authorized designee may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Chief Legal and Compliance Officer or the authorized designee will convene the Use of Force Review Board as necessary. It will be the responsibility of the Divisional Commander of the involved employee to notify the Professional Standards Division Commander of any incidents requiring board review. The involved employee's Divisional Commander will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

511.4.1 COMPOSITION OF THE BOARD

The Training Director should select five Use of Force Review Board members from the following, as appropriate:

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- Training Director or designee
- Professional Standards Division Commander or designee
- A supervisor from a different division of the involved employee
- A supervisor from the involved employee's chain of command that was not involved in the incident
- Agency instructor for the type of weapon, device or technique used
- Any member as selected by the Sheriff or the authorized designee

The Training Director will serve as chairperson. The Chief Legal and Compliance Officer may be present as a non-voting observer or consultant.

511.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. If an employee is requested to appear, he/she may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the employee at the time of the incident, applying any legal requirements, agency policies, procedures and approved training to those facts. Facts later discovered but unknown to the employee at the time shall neither justify nor call into question an employee's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the agency's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) Administrative approval – The use of force was within Agency policy, procedure, and training, and/or reasonable given the circumstances
- (b) Improve tactics, decision making and/or understanding of policy - The use of force was within Agency policy, procedure, and/or reasonable given the circumstances, but the employee's tactics, decision making, or policy understanding could be improved. Additional training should be provided.

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- (c) No use of force violations; other Agency violations noted or discovered – The use of force was within Agency policy, procedure, and training, and/or reasonable given the circumstances, but other agency violations not related to the use of force were discovered and will be handled as appropriate.
- (d) Policy or agency training issues - The use of force was reasonable given the circumstances, and a review of Agency policy or training is recommended.
- (e) Administrative disapproval/policy violation – The use of force was not within Agency policy, procedure, and training, and/or not reasonable or excessive given the circumstances.

A recommended finding requires a majority vote of the board. The board chairperson will submit the written recommendation to the Sheriff or the authorized designee.

The Sheriff or the authorized designee shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. If the Sheriff or the authorized designee concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Professional Standards Division and notification of the findings should be made to the involved officers..

Reporting In-Custody Deaths

516.1 PURPOSE AND SCOPE

This policy provides direction on how in-custody deaths shall be reported.

516.1.1 DEFINITIONS

Definitions related to this policy include:

In-custody death - The death of any person, for whatever reason (natural, suicide, homicide, accident), who is in the process of being booked or is incarcerated by this agency.

516.2 POLICY

It is the policy of this agency to follow state and local guidelines for reporting in-custody deaths.

516.3 MANDATORY REPORTING

All in-custody deaths shall be reported as required.

If the decedent is a boarder for another agency, the Jail Commander shall notify that agency so that agency will assume responsibility for the notification of the decedent's family.

Pursuant to Article 37 of the Vienna Convention on Consular Relations 1963, in the case of the death of a foreign national, telephonic notification to the appropriate consulate post should be made without unreasonable delay and confirmatory written notification shall be made within 72 hours of the death to the appropriate consulate post. The notification shall include the inmate's name, identification number, date and time of death and the attending physician's name.

In the event that a juvenile dies while in-custody, the Jail Commander or the authorized designee shall notify the court of jurisdiction and ensure notification to the juvenile's parent or guardian.

The Jail Commander or the authorized designee shall notify the Wisconsin Department of Corrections regional Detention Facilities Specialist of any death within 48 hours and shall promptly furnish all requested information (Wis. Admin. Code DOC § 350.10(3)).

516.4 PROCEDURE

Upon determining that a death of any person has occurred while in the custody of this agency, the Jail Commander or the authorized designee is responsible for ensuring that the Sheriff and all appropriate investigative authorities, including the Medical Examiner, are notified without delay and all written reports are completed.

The Jail Captain or Lieutenant shall also promptly notify the Jail Commander and the Responsible Physician and make any other notifications required by policy or direction. The Jail Commander shall observe all pertinent laws and allow appropriate investigating agencies full access to all facts surrounding the death.

The Agency shall establish policies and procedures for the investigation of any in-custody death. In-custody deaths shall be investigated according to any existing memorandum of understanding.

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The decedent's personal belongings shall be disposed of in a responsible and legal manner. All property and records shall be retained according to established records retention schedules.

The next of kin shall be notified of all pertinent information as required by law as soon as possible (Wis. Admin. Code DOC § 350.14(5); Wis. Stat. § 157.02).

During an investigation, all inquiries regarding the death shall be referred to the Public Information Officer. Correctional officers shall not make a public comment.

Use of Force Reporting Procedure

530.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide deputies, correctional officer, and their supervisors guidance the review and evaluation process for use of force reporting.

530.2 OVERVIEW

The use of force report and review process will be entirely digital. The incident report and supporting use of force documentation will be completed and maintained in the records management system. All video and photographs will be maintained in evidence.com, and associated with the respective report number. All use of force reports will be reviewed and approved within the records management system, and all digital evidence will be reviewed in evidence.com.

530.3 PROCEDURE

530.3.1 DEPUTY/CORRECTIONAL OFFICER RESPONSIBILITIES

Following a use of force incident, a deputy or correctional officer:

- (a) Shall verbally report the use of force to his/her direct supervisor as soon as practicable.
- (b) Should complete his/her use of force report within 48 hours including all appropriate tabs.
- (c) Should refer to the Use of Force Policy.

530.3.2 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include

- (a) Sending an email notification consistent with the Major Incident Notification Policy.
- (b) Reviewing digital evidence in evidence.com. The direct supervisor shall review the report and supporting documentation in the records management system, and approve or reject the report as needed.
 1. Once approved, the direct supervisor shall complete the use of force tracking tabs, and notify the Divisional Commander.

530.3.3 DIVISIONAL COMMANDER RESPONSIBILITIES

For the purpose of this subsection, a Divisional Commander includes the Jail Shift Commander. Divisional Commander responsibilities include:

- (a) Reviewing digital evidence in evidence.com. The Divisional Commander shall review the report and supporting documentation in the records management system, and shall complete the use of force tab. The use of force incident shall be reviewed within 14 days.

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- (b) If a clear problem and/or policy violation is identified, a Professional Standards Division referral shall be submitted, and a copy forwarded to the Bureau Commander for notification.
- (c) Once the use of force review is complete, he/she shall complete the use of force tab. The Divisional Commander shall email the Professional Standards Division, the Training Division Commander, and copy the Bureau Commander noting the compliance status.

530.3.4 PROFESSIONAL STANDARDS DIVISION RESPONSIBILITIES

Professional Standards Division investigator responsibilities include:

- (a) Reviewing digital evidence in evidence.com. The Professional Standards Division investigator shall review the report and supporting documentation in the records management system, and shall complete the use of force tab.
- (b) Reviewing and evaluating the incident for policy or procedure violations. The investigator should refer any questionable use of force incidents to the Training Division Commander for further review, evaluation, and recommendations.