

Kenosha Use of Force Policy Summary:

Purpose:

The purpose of the document is to provide guidelines on reasonable use of force. It states that “there is no way to specify the exact amount or type of reasonable force to be applied in any situation” and that deputies must use the provided guidelines to make “decisions in a professional, impartial, and reasonable manner.”

Reasonability:

When determining if a deputy’s use of force was reasonable, another deputy who was at the scene will make the determination. When doing so, the judging deputy must consider “that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.”

There is a non-exhaustive list of factors that one should consider when determining whether to apply force and then if that force was reasonable. Letter (r) on the list is: “Whether the individual appears to be . . . attacking the deputy.”

Types of use of force:

Deputies are told to “use only that amount of force that reasonably appears necessary given the facts and circumstances” at the time of the event. Also, since no policy can be all encompassing, “deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.”

The named uses of force in the document are:

- Pain compliance techniques
- Carotid control hold
- Respiratory restraints
- Use of force to seize evidence
- Deadly force
 - Moving vehicles

Notify supervisor:

The policy provides a list of nine (a-i) circumstance that require a supervisor being informed of use of force

Medical considerations:

Once a deputy determines is it reasonable safe, they need to obtain medical assistance “for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious.”

Supervisor responsibilities:

Supervisors should respond to reported use of force when it results in visible injury. They are provided guidelines re how they should carry out their responsibility in order to get all information re the use of force.

The shift commander will review each use of force with deputies within their command to ensure that the policy/ guidelines were followed and to address any training issues.

Training:

Deputies receive periodic training

Policy as it related to ACLU Kenosha investigation:

The policy makes no mention of chemical munitions or rubber bullets. Given the policy's expressly stated stance that there is no way to specify what reasonable force is, and that use of force may be used when deputies feel attacked, and that the officers were provided chemical ammunition as well as rubber bullets, it does not seem like an argument that the policy was violated is very strong, given the breadth of the policy as currently written.