

Proposed Use of Force Policies

Training-AB 439

- Specify 8 hours of annual scenario-based training on use of force options, focusing on skills and tactics that minimize the likelihood of using force, including de-escalation tactics. Wis. Stat. § 165.85(4) currently only requires mandatory annual training in vehicle pursuits and firearms.¹
 - De-escalation: De-escalation techniques are actions used by officers which seek to minimize the likelihood of the need to use force during an incident. Officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.
 - Add \$500,000 of funding, based on financial need of the department.

Standards-AB 438

- Require that law enforcement's written use of force policy required in Wis. Stat. § 66.0511, include policies that incorporate the following principles²:
 1. The primary duty of all members of law enforcement is to preserve the life of all individuals.
 - Recommended by President Obama's Taskforce on 21st Century Policing and PERF's Guiding Principles on Use of Force.
 - Incorporated by the US Department of Justice (DOJ).
 2. Deadly force is to be used only as a last resort.
 - Recommended by PERF's Guiding Principles on Use of Force.
 3. Officers should use skills and tactics that minimize the likelihood that force will become necessary, including de-escalation tactics. If officers must use physical force, it should be the least amount of force necessary to safely address the threat.
 - Recommended by President Obama's Taskforce on 21st Century Policing and PERF's Guiding Principles on Use of Force.
 - Incorporated by the US DOJ.
 4. Officers shall take reasonable action to stop or prevent any unreasonable use of force.
 - Recommended by PERF's Guiding Principles on Use of Force.

¹ Specific de-escalation training is recommended by both President Obama's Taskforce on 21st Century Policing and the Police Executive Research Forum's (PERF) Guiding Principles of Use of Force.

² The Law Enforcement Standards Board (LESB) has indicated these principles are consistent with the way law enforcement officers are trained in Wisconsin. This proposal would simply require that these principles are specifically added to use of force policies. As was pointed out by President Obama's Taskforce on 21st Century Policing, "policies must reflect community values."

Representative Police Departments

Dallas PD (2013)

- Revamped foot chase policy to discourage officers from making risky decisions if alone on a foot chase.
- Commends those officers who intervene when they witness colleagues use excessive force.
- Improved quality of reality-based training and increased mandatory officer use of force training from every 2 years to every 2 months.
- Emphasis on de-escalation tactics.
- The level of control used must be necessary and reasonable considering the subject's resistance.
- Officers will treat the arrest of a subject exhibiting symptoms of drug-induced psychosis/excited delirium, or a psychotic episode as a medical emergency.
- Says priority is preserving life.

Results: Number of excessive force complaints and officer-involved shootings have dropped dramatically since 2010. 13 excessive force complaints in 2015 (down from 147 in 2009). 11 officer-involved shootings in 2015 (down from 23 in 2012).

Las Vegas Metro PD (2012)

- Give verbal warning before using force and give subjects a reasonable amount of time to comply.
- Duty to stop excessive force.
- Says priority is preserving life.
- Requires de-escalation.
- "No Hand On" Policy – Prevents a pursuing officer from being the same officer to physically apprehend a suspect.

Results: Resulted in use-of-force reports dropping from 1400 in 2005, to 842 in 2012, to 734 in 2013.

Philadelphia PD (2013)

- Says priority is preserving life.
- Requires de-escalation.
- Duty to stop excessive force.
- Required to use the minimum force necessary.
- Deadly force can only be used given immediate danger.
- Increased quality and quantity of reality-based training.

Results: Number of officer-involved shootings have dropped from 59 (with 15 fatalities) in 2012 to 23 (with 2 fatalities) in 2015.