

Village of Port Edwards

Municipal Building
201 Market Ave. P.O. Box 10
Port Edwards, Wisconsin 54469
Phone: 715-887-3511

VILLAGE OF PORT EDWARDS

PUBLIC SAFETY MEETING

TUESDAY 29 April ,2021

4:30 P.M. AT THE MARSHALL BUEHLER CENTER, 211 MARKET AVENUE

Due to COVID-19 this meeting is with limited public in attendance and the Members will be meeting at least 6 feet apart. These steps are being taken so that the Committee can hold the meeting and still comply with the social distancing guidelines. The meeting room can accommodate up to 10 people including some public. If you a member of the public and wish to listen, please call the dial in number below and you will be acknowledged

ZOOM- <https://zoom.us/j/94252741023?pwd=bTJOOb3pWclpvMmpZT2dhcDRXYXgrZz09>

Meeting ID: 942 5274 1023, Passcode: 546953, One tap mobile +13017158592

Regular PHONE LINE Meeting Dial-in number: 715-423-6698, Access Code ID: 02067

Agenda:

1. Call to order
2. Roll call
3. Approve Agenda
4. Public comments on agenda items
5. Approve previous months minutes, 6 April 2021
6. Chairperson comments

FIRE DEPARTMENT

7. Review monthly report & budget comparison report
8. Update Committee on in process review of Fire department

POLICE DEPARTMENT

9. Review monthly report & budget comparison report
10. Discuss our review of the Use of Force Rules in the Village
11. Discuss Old Business
12. Discuss New Business
11. Correspondence received
12. Agenda items for next meeting
13. Next meeting date, 27 May 2021, at 4 pm
14. Adjourn

Village of Port Edwards
Eric Saylor – Committee Chairman

VILLAGE OF PORT EDWARDS
Port Edwards, Wisconsin

COMMITTEE: Public Safety

DATE: 6 April 2021

TO: JOSEPH ZURFLUH

cc: BETSY MANCL
DANA DUNCAN
JOHN BINGHAM
DIANE TREMMEL

ERIK SAYLOR
SUE MITCHELL
TIARA GRUNDEN
SCOTT DREW

PATRICK ARENDT
DAILY TRIBUNE
WFHR/WGLX
NICK ABTS

Purpose of Meeting: **Regular Monthly Meeting**

Attendance: T. Grunden (ZOOM), B. Mancl, J. Zurfluh, R. Bossert, S. Drew, P. Arndt, John Bingham (Excused)

Citizens: Scott Stewart (ZOOM)

Subjects Discussed, Action Taken, and Board Action Required:

1. ***Call to order:*** Meeting called to order by T Grunden at 5:00 p.m., Via ZOOM
2. ***Roll Call:*** All Present. (Bingham Excused)
3. ***Approve the agenda:*** **MOTION**, *(Bingham/Mancl)* approved all Ayes
4. ***Approve the previous months minutes and Agenda:*** **MOTION** (Zurfluh/Mancl) to approve minutes of the 2 March 2021 meeting and the agenda. Motion carried.
5. ***Public comments on agenda items:*** None
6. ***Committee Chairman's comments:*** None
7. ***Discuss/action Fire Department Actions and Budget:***
Reviewed monthly report and budget comparison for the Fire Department. Updated the accounting methods to show the number of firefighters responding to each event. We have received 2 more applications for new hires, they will begin the interview process.
8. ***Discuss/action Police Department Actions and Budget:***
Reviewed monthly report and budget comparison for the Police Department. More emphasis on Port and Seneca Road for enforcement has yielded in 30 days only 4 citations. We will continue this endeavor to properly evaluate our efforts.
9. ***New Business:*** None
10. ***Correspondence Received:*** None
11. ***Future Agenda Items:***
 - a. NEPCO lake Safety and Public works center discussion.
 - b. Rome Fire District update
12. ***Next meeting date:*** May 4, 2021 @ 5pm
13. ***Adjourn:*** Adjourned at 5:45 pm. *(Grunden/2nd Zurfluh) all Ayes*

Public Safety Committee Meeting

Date; 04/ 29/2021

For the Month of April

Fires, Rescues and EMS calls for the month:

2 - First Responder Call's

2 - Fire Call's

22 - Fire Calls / 25- First Responder Calls /47 - total calls year to date

26 - Fire Calls/ 30- First Responder Calls / 56 - total calls this time last year

Activities for the month:

04 / 07 Officers Meeting / Business Meeting

04/14 Officers Lexipol

04/16 Drill w/ WRFD water movement

04/20 Drill w/ WRFD water rescue

04/21 Drill Control burn along walking path

Items for discussion:

1/ 04/06 Tim Leverance Area 9 Fire inspection meeting

2/

3/

4/

Port Edwards Fire and EMS call log

April 2021

Fire calls in April

Fire call Saratoga 10-22 3 members came to station

10-50 TOSEC 5 member responded

EMS calls in April

1050 6th st. 1 member

1481 Wisconsin river dr. 2 members

341 Market Ave 1 member



Port Edwards Police Department

Scott Drew, Chief of Police

April 2021

Summary of monthly Activity

In June 2020, in the aftermath of the George Floyd incident, President Trump issued Executive Order 13929 (attached). In this order, President Trump ordered all State and Local Law enforcement to have their Use of Force Policies updated and certified by a credentialed agency to receive any discretionary federal grants. Lexipol immediately worked with each state to get their policies in compliance with the current community needs/standards. The Port Edwards Police Department's Use of Force policy was updated and received certification from the Wisconsin Law Enforcement Accreditation Group on 1/14/21. Governor Evers issued a similar order for State Mandated Law Enforcement, Executive Order #111 (also attached) which does not officially apply to our department, but again our policies are in compliance with this order.

Please know that I am continually monitoring local and national news and trends and will continue to update the department's policies, as necessary.

In the wake of the other Minnesota incident, I have issued our full-time officers yellow tasers, as we did have enough in our inventory to do so.

We are continuing to spend extra time on Port Road/Seneca Road watching for overweight violations. Enforcement action is being taken when violations are observed. 5 citations were issued this month for Weight Violations.

<u>Payroll for April 2021</u>	<u>Payroll for April 2020</u>
<u>480 Full-time Straight hours</u>	<u>320 Full-time Straight hours</u>
<u>0 Full-time Overtime hours</u>	<u>0 Full-time Overtime hours</u>
<u>10 Part-time Straight hours</u>	<u>95 Part-time Straight hours</u>
<u>0 Part-time Overtime hours</u>	<u>8 Part-time Overtime hours</u>
<u>490 total hours paid</u>	<u>423 total hours paid</u>

Enforcement:

38 traffic stops, with 22 traffic citations issued (5 Violation of Weight Restriction, 6 Speeding, 2 Expired Registration, 1 Operating While Suspended, 7 No Proof of Insurance, and 1 No Seatbelt)

7 Ordinance Citations issued (2 Habitual Truancy, 2 Trespassing, 2 Damage to Property, and 1 possession of drug paraphernalia)

2 Juvenile Referrals (1 Trespassing and 1 Damage to Property)

23 Written Traffic Warnings issued.

2020

CFS Count by Agency

04/01/2020 12:00:00AM to 04/01/2020 12:00:00AM

PEPD	
Abandoned Vehicle	2
Alarms-include Varda	1
All Other	5
Animal Complaint	5
Assist Citizen	1
Assist Motorist	1
Assist Other Agency	18
Civil Matter	2
Disturbances	5
Drugs-sale/mnfc/poss	1
Follow Up	5
Lost & Found	1
LOST OR FOUND ANIM/	1
Mental/alcohol Prob	1
ORDINANCE ALL TYPE	1
Property Protection	2
Prowler-susp Sbj/veh	2
Theft	1
Traffic Acc	2
Traffic Cmplnt/parkg	7
Traffic Inquiry	1
Traffic Stop	10
Welfare Check	6
PEPD	81
	81

2021

CFS Count by Agency

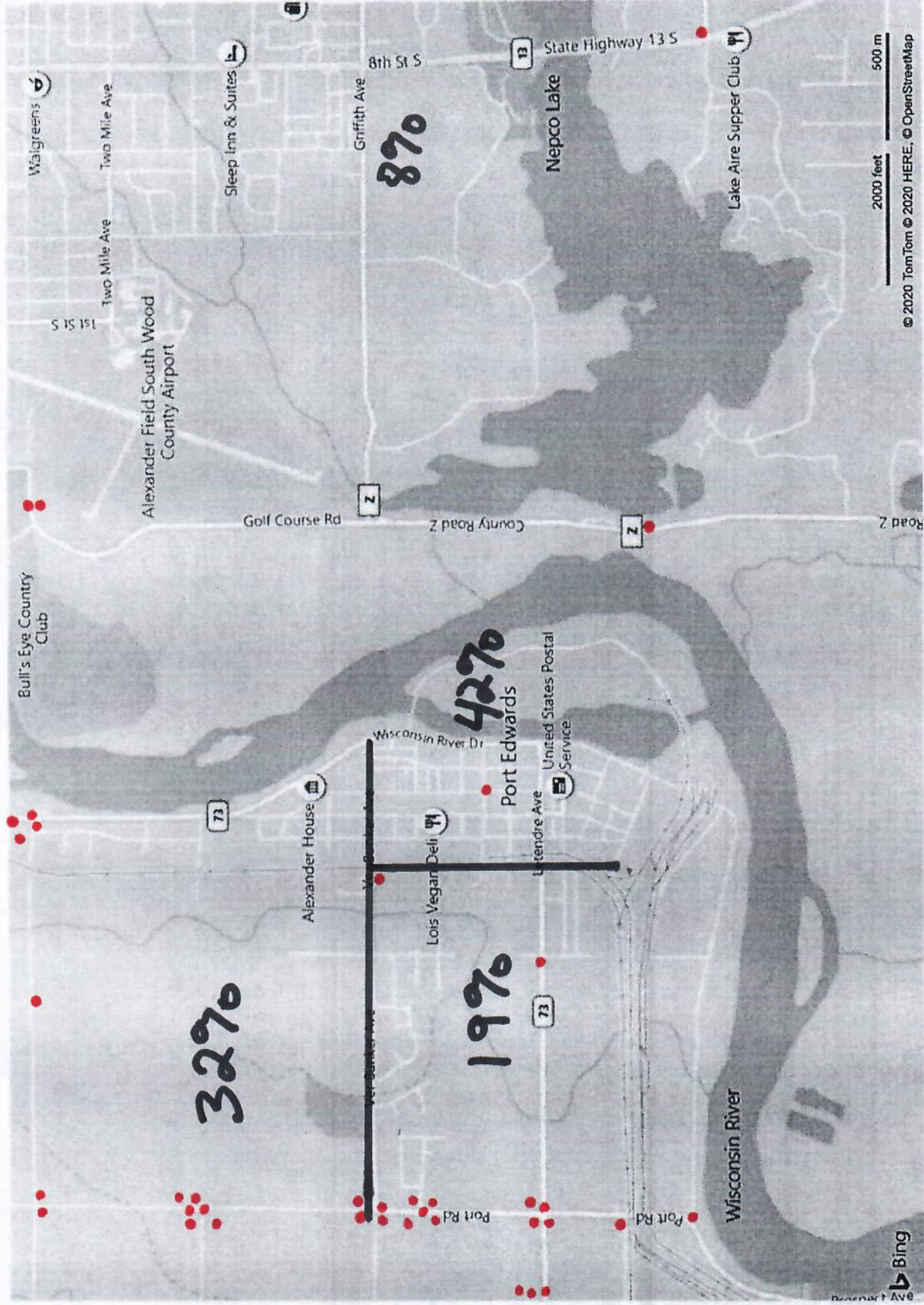
04/01/2021 12:00:00AM to 04/01/2021 12:00:00AM

PEPD	
All Other	5
Ambulance Call	5
Animal Complaint	5
Assist Citizen	1
Assist Motorist	1
Assist Other Agency	20
COMPUTER CRIMES	1
Court	2
Criminal Damage	1
Disturbances	2
EXTRA PATROL	11
FOLLOW UP	2
Lost & Found	1
LOST OR FOUND ANIM/	1
Off Road Veh Cmplnt	1
ORDINANCE ALL TYPE	3
Property Protection	13
Prowler-susp Sbj/veh	1
SCHOOL ZONES	9
Special Detail	3
Telephone Abuse	1
Theft	2
Traffic Acc Deer/Tag	1
Traffic Acc-pi	1
Traffic Cmplnt/parkg	18
Traffic Inquiry	1
Traffic Stop	38
Trespassing	1
Welfare Check	4
PEPD	155
	155

APRIL 2021

village of port edwards wi overview map - Bing Maps

10/5/2020



1270 External • Traffic Stop

Budget Comparison - Detail
POLICE DEPARTMENT

Account Number		2021 April	2021 Actual 04/30/2021	2021 Budget	Budget Status	% of Budget
100-00-52100-110-000	POLICE DEPT. WAGES	14,372.62	56,559.07	219,760.00	163,200.93	25.74
100-00-52100-111-000	POLICE VEHICLE EXPENSE	0.00	0.00	500.00	500.00	0.00
100-00-52100-135-000	POLICE UNEMPLOYMENT	0.00	0.00	0.00	0.00	0.00
100-00-52100-310-000	POLICE FRINGE BENEFITS	241.93	241.93	1,000.00	758.07	24.19
100-00-52100-311-000	POLICE OFFICE SUPPLIES	689.95	1,031.29	4,000.00	2,968.71	25.78
100-00-52100-312-000	POLICE TELEPHONE	262.71	1,079.20	3,500.00	2,420.80	30.83
100-00-52100-330-000	POLICE VEHICLE EXPENSES	738.10	3,147.12	10,000.00	6,852.88	31.47
100-00-52100-340-000	POLICE RADIO/RADAR	0.00	0.00	1,500.00	1,500.00	0.00
100-00-52100-341-000	POLICE RANGE/WEAPONS	0.00	0.00	3,000.00	3,000.00	0.00
100-00-52100-342-000	POLICE COMPUTER SYSTEM	100.24	619.00	4,000.00	3,381.00	15.48
100-00-52100-380-000	POLICE CLOTHING EXP.	-705.00	100.22	3,500.00	3,399.78	2.86
100-00-52100-381-000	POLICE DUTY GEAR	354.23	458.23	3,000.00	2,541.77	15.27
100-00-52100-390-000	POLICE MISC. EXPENSES	0.00	1,205.62	1,000.00	-205.62	120.56
100-00-52100-391-000	POLICE CONFERENCES	149.00	324.00	3,000.00	2,676.00	10.80
100-00-52100-392-000	POLICE SAFETY/COMMUNITY	0.00	222.58	2,000.00	1,777.42	11.13
100-00-52100-790-000	POLICE HUMANE SOCIETY	0.00	0.00	0.00	0.00	0.00
100-00-52100-810-000	POLICE C.O.	0.00	0.00	1,500.00	1,500.00	0.00
100-00-52100-811-000	POLICE NEW VEHICLE	0.00	0.00	10,000.00	10,000.00	0.00
100-00-52110-000-000	CROSSING GUARDS	739.50	3,450.15	10,000.00	6,549.85	34.50
100-00-52120-000-000	BICYCLE LICENSES	0.00	0.00	0.00	0.00	0.00
=====						
Police Department		16,943.28	68,438.41	281,260.00	212,821.59	24.33
=====						
Total Expenses		16,943.28	68,438.41	281,260.00	212,821.59	24.33
=====						
Net Totals		-16,943.28	-68,438.41	-281,260.00	-212,821.59	24.33

Presidential Documents

Title 3—

The President

Executive Order 13929 of June 16, 2020

Safe Policing for Safe Communities

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. As Americans, we believe that all persons are created equal and endowed with the inalienable rights to life and liberty. A fundamental purpose of government is to secure these inalienable rights. Federal, State, local, tribal, and territorial law enforcement officers place their lives at risk every day to ensure that these rights are preserved.

Law enforcement officers provide the essential protection that all Americans require to raise their families and lead productive lives. The relationship between our fellow citizens and law enforcement officers is an important element in their ability to provide that protection. By working directly with their communities, law enforcement officers can help foster a safe environment where we all can prosper.

Unfortunately, there have been instances in which some officers have misused their authority, challenging the trust of the American people, with tragic consequences for individual victims, their communities, and our Nation. All Americans are entitled to live with the confidence that the law enforcement officers and agencies in their communities will live up to our Nation's founding ideals and will protect the rights of all persons. Particularly in African-American communities, we must redouble our efforts as a Nation to swiftly address instances of misconduct.

The Constitution declares in its preamble that one of its primary purposes was to establish Justice. Generations of Americans have marched, fought, bled, and died to safeguard the promise of our founding document and protect our shared inalienable rights. Federal, State, local, tribal, and territorial leaders must act in furtherance of that legacy.

Sec. 2. Certification and Credentialing. (a) State and local law enforcement agencies must constantly assess and improve their practices and policies to ensure transparent, safe, and accountable delivery of law enforcement services to their communities. Independent credentialing bodies can accelerate these assessments, enhance citizen confidence in law enforcement practices, and allow for the identification and correction of internal deficiencies before those deficiencies result in injury to the public or to law enforcement officers.

(b) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those State and local law enforcement agencies that have sought or are in the process of seeking appropriate credentials from a reputable independent credentialing body certified by the Attorney General.

(c) The Attorney General shall certify independent credentialing bodies that meet standards to be set by the Attorney General. Reputable, independent credentialing bodies, eligible for certification by the Attorney General, should address certain topics in their reviews, such as policies and training regarding use-of-force and de-escalation techniques; performance management tools, such as early warning systems that help to identify officers who may require intervention; and best practices regarding community engagement. The Attorney General's standards for certification shall require independent credentialing bodies to, at a minimum, confirm that:

(i) the State or local law enforcement agency's use-of-force policies adhere to all applicable Federal, State, and local laws; and

(ii) the State or local law enforcement agency's use-of-force policies prohibit the use of chokeholds—a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation—except in those situations where the use of deadly force is allowed by law.

(d) The Attorney General shall engage with existing and prospective independent credentialing bodies to encourage them to offer a cost-effective, targeted credentialing process regarding appropriate use-of-force policies that law enforcement agencies of all sizes in urban and rural jurisdictions may access.

Sec. 3. Information Sharing. (a) The Attorney General shall create a database to coordinate the sharing of information between and among Federal, State, local, tribal, and territorial law enforcement agencies concerning instances of excessive use of force related to law enforcement matters, accounting for applicable privacy and due process rights.

(b) The database described in subsection (a) of this section shall include a mechanism to track, as permissible, terminations or de-certifications of law enforcement officers, criminal convictions of law enforcement officers for on-duty conduct, and civil judgments against law enforcement officers for improper use of force. The database described in subsection (a) of this section shall account for instances where a law enforcement officer resigns or retires while under active investigation related to the use of force. The Attorney General shall take appropriate steps to ensure that the information in the database consists only of instances in which law enforcement officers were afforded fair process.

(c) The Attorney General shall regularly and periodically make available to the public aggregated and anonymized data from the database described in subsection (a) of this section, as consistent with applicable law.

(d) The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those law enforcement agencies that submit the information described in subsection (b) of this section.

Sec. 4. Mental Health, Homelessness, and Addiction. (a) Since the mid-twentieth century, America has witnessed a reduction in targeted mental health treatment. Ineffective policies have left more individuals with mental health needs on our Nation's streets, which has expanded the responsibilities of law enforcement officers. As a society, we must take steps to safely and humanely care for those who suffer from mental illness and substance abuse in a manner that addresses such individuals' needs and the needs of their communities. It is the policy of the United States to promote the use of appropriate social services as the primary response to individuals who suffer from impaired mental health, homelessness, and addiction, recognizing that, because law enforcement officers often encounter such individuals suffering from these conditions in the course of their duties, all officers should be properly trained for such encounters.

(b) The Attorney General shall, in consultation with the Secretary of Health and Human Services as appropriate, identify and develop opportunities to train law enforcement officers with respect to encounters with individuals suffering from impaired mental health, homelessness, and addiction; to increase the capacity of social workers working directly with law enforcement agencies; and to provide guidance regarding the development and implementation of co-responder programs, which involve social workers or other mental health professionals working alongside law enforcement officers so that they arrive and address situations together. The Attorney General and the Secretary of Health and Human Services shall prioritize resources, as appropriate and consistent with applicable law, to support such opportunities.

(c) The Secretary of Health and Human Services shall survey community-support models addressing mental health, homelessness, and addiction. Within 90 days of the date of this order, the Secretary of Health and Human Services shall summarize the results of this survey in a report to the President, through the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget, which shall include specific recommendations regarding how appropriated funds can be reallocated to support widespread adoption of successful models and recommendations for additional funding, if needed.

(d) The Secretary of Health and Human Services shall, in coordination with the Attorney General and the Director of the Office of Management and Budget, prioritize resources, as appropriate and consistent with applicable law, to implement community-support models as recommended in the report described in subsection (c) of this section.

Sec. 5. *Legislation and Grant Programs.* (a) The Attorney General, in consultation with the Assistant to the President for Domestic Policy and the Director of the Office of Management and Budget, shall develop and propose new legislation to the Congress that could be enacted to enhance the tools and resources available to improve law enforcement practices and build community engagement.

(b) The legislation described in subsection (a) of this section shall include recommendations to enhance current grant programs to improve law enforcement practices and build community engagement, including through:

(i) assisting State and local law enforcement agencies with implementing the credentialing process described in section 2 of this order, the reporting described in section 3 of this order, and the co-responder and community-support models described in section 4 of this order;

(ii) training and technical assistance required to adopt and implement improved use-of-force policies and procedures, including scenario-driven de-escalation techniques;

(iii) retention of high-performing law enforcement officers and recruitment of law enforcement officers who are likely to be high-performing;

(iv) confidential access to mental health services for law enforcement officers; and

(v) programs aimed at developing or improving relationships between law enforcement and the communities they serve, including through community outreach and listening sessions, and supporting non-profit organizations that focus on improving stressed relationships between law enforcement officers and the communities they serve.

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
June 16, 2020.

[FR Doc. 2020-13449
Filed 6-18-20; 11:15 am]
Billing code 3295-F0-P



EXECUTIVE ORDER #111

Relating to Directing State-Managed Law Enforcement to Review and Update Use of Force Policies

WHEREAS, our state and our country have promised fairness, justice, and equity, and we will continue working each and every day to keep that promise;

WHEREAS, many Wisconsinites have expressed justified and shared frustration and anger about systemic injustices in our justice system, including calling for reforms to reduce the number of officer-involved deaths;

WHEREAS, the United States leads the developed world in officer-involved deaths, with more than 1,000 Americans fatally shot by police in 2020;

WHEREAS, in August, 2020, I issued Executive Order #84, calling the Wisconsin State Legislature into a Special Session on issues of policing accountability and transparency – provisions also included in my 2021-23 biennial budget – and the Legislature has yet to take up the measures; and

WHEREAS, ensuring law enforcement use of force policies reflect community expectations is a first step toward accountability and transparency;

WHEREAS, the people of Wisconsin demand prompt action after years of societal inaction;

WHEREAS, the agencies and state-managed law enforcement covered under this order desire to continue having strong records in positive policing and to lead on these issues by setting the standard and raising the bar for policing in Wisconsin; and

WHEREAS, I encourage all law enforcement to adopt and commit to the stated principles stated below.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and Laws of this State, direct the following:

1. Definitions:

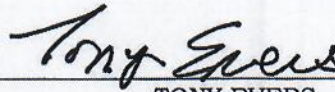
- a. "State-managed law enforcement" means the Department of Natural Resources Division of Public Safety and Resource Protection, the Wisconsin State Capitol Police, and the Wisconsin State Patrol.

- b. "State law enforcement officer" refers to any individual working for state-managed law enforcement who is empowered to use force and exercise police powers in the exercise of their duties.
 - c. "Deadly force" is force that a state law enforcement officer knows or should know creates a substantial risk of causing death or great bodily harm.
 - d. "Force" means any physical or mechanical intervention used by a state law enforcement officer to defend, control, overpower, restrain, or overcome the resistance of an individual.
- 2. State-managed law enforcement shall continue to lead on this issue and update their policies and training to align with the following principles:
 - a. The primary duty of all law enforcement is to preserve the life of all individuals;
 - b. Deadly force may be used only as a last resort when a state law enforcement officer reasonably believes all other options have been exhausted or would be ineffective;
 - c. State law enforcement officers shall use skills and tactics, including de-escalation tactics, that minimize the likelihood that force will become necessary;
 - d. If state law enforcement officers must use force, they shall identify and use the least amount of force reasonably necessary;
 - e. Except in those instances where deadly force may be used, state law enforcement officers may not use a chokehold or any other technique involving the use of an arm or other firm object to apply pressure against a person's windpipe or front of the neck for the purpose of controlling the person's movement; and
 - f. State law enforcement officers shall take reasonable action to intervene to prevent or stop excessive force by another employee or officer.
- 3. All state-managed law enforcement shall provide in their use of force policy the following:
 - a. The instances in which a use of force must be reported;
 - b. How to report a use of force; and
 - c. A requirement that state law enforcement officers who engage in or observe a reportable use of force report it.
- 4. No individual employed by a state-managed law enforcement agency may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because they did any of the following:
 - a. Reported, or is believed to have reported, any violation of a policy described in Section 2 of this Order;
 - b. Initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a violation of a policy described in Section 2 of this Order;

- c. Provided any information, or is believed to have provided any information, about a violation of a policy described in Section 2 of this Order; or
 - d. Took any steps in compliance with the policy described in Section 2(f) of this Order.
5. Each state-managed law enforcement agency covered by this Order shall establish a timeline for completion of policy revisions and updates and completion of training that is expeditious while considering necessary steps of safe and thorough implementation, subject to any changes in state or federal law or policy. Each state-managed law enforcement agency shall make its use of force policy publicly available on a website maintained by the agency.
6. Nothing in this Order shall be construed as precluding a state law enforcement officer from providing mutual assistance to another law enforcement agency under Section 66.0313 of the Wisconsin Statutes.

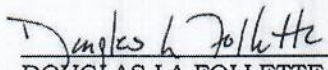


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Executive Residence in the Village of Maple Bluff this twenty-first day of April in the year of two thousand twenty-one.



TONY EVERS
Governor

By the Governor:



DOUGLAS LA FOLLETTE
Secretary of State

WISCONSIN LAW ENFORCEMENT ACCREDITATION GROUP
Challenging Wisconsin's Law Enforcement Agencies to Pursue Excellence



U.S. Department of Justice's Standards for Certification on Safe Policing for Communities.

January 14, 2021

Dear Chief Scott Drew,

On behalf of the Wisconsin Law Enforcement Accreditation Group, this letter confirms we are certifying that the Port Edwards Police Department meets certain eligibility requirements, set forth by the U.S. Department of Justice, for discretionary federal grants. The Port Edwards Police Department is qualified to receive federal grants for three years from the date of this letter.

Pursuant to Section 2 of the Presidential Executive Order on Safe Policing for Safe Communities, dated June 16, 2020, Executive Order No. 13929 (the "Executive Order on Safe Policing"), the U.S. Department of Justice's discretionary grant funding is only available to state, local, and university or college law enforcement agencies that have obtained (or are in the process of seeking) credentials certifying that they meet certain standards on use of force. The Executive Order on Safe Policing empowers the U.S. Attorney General to designate independent credentialing bodies — including the Wisconsin Law Enforcement Accreditation Group — to certify that a law enforcement agency meets the conditions of eligibility for federal grants.

Following our review, we have determined that the Port Edwards Police Department meets the mandatory conditions for certification. Accordingly, the Wisconsin Law Enforcement Accreditation Group will include your agency going forward within our database of certified law enforcement agencies. On or before January 31st of each year, we will provide the name of each certified law enforcement agency to the Director of the COPS Office.

If you would like to discuss further, please do not hesitate to contact me either by email at m.ferguson@glendalewi.gov or by phone at (414) 228-1753.

Respectfully,

A handwritten signature in black ink that reads "Mark Ferguson".

Chief Mark Ferguson, Glendale Police Department

President, Wisconsin Law Enforcement Accreditation Group

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or great bodily harm.

Great Bodily Harm- Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member of organ or other serious bodily injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Use of Force

The Port Edwards Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers 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.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

Use of Force

300.3.1 USE OF FORCE TO EFFECT AN ARREST

A law enforcement officer may use reasonable force to arrest a person or execute a warrant. Additionally, a law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer (Wis. Stat. § 968.07; Wis. Stat. 968.14).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

Use of Force

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Port Edwards Police Department for this specific purpose.

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300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.7 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or great bodily harm.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of great bodily harm or death, and the officer reasonably believes that there is an imminent risk of great bodily harm or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing great bodily harm or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained 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. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be

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witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.

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- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SENIOR OFFICER RESPONSIBILITY

The Senior Officer shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 POLICY AVAILABILITY

This policy shall be made available to the public at no charge upon request (Wis. Stat. § 66.0511(2)).

300.9 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.10 USE OF FORCE ANALYSIS

At least annually, the Chief of Police should prepare an analysis report on use of force incidents. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.