



# 2018 USE OF FORCE ANALYSIS

Appleton Police Department



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## Overview

It is the policy of the Appleton Police Department that officers shall use only the amount of force that is reasonably necessary to achieve a lawful objective. The force used shall be in accordance with the Constitution of the United States and the Constitution of the State of Wisconsin.

The Department's Use of Force Policy provides sworn personnel with specific guidelines to effect the detention, seizure, or arrest, of a person. The policy also establishes guidelines for using force in self-defense or defense of another, to prevent or interceded in an attempt at self-injury, in defense of property, and in fulfilling the community caretaker function. The guidelines on proper use of force established in the policy will ensure due process for persons as well as provide protection from liability for officers and the Department.

The Appleton Police Department's Use of Force Policy is based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin as developed by the Training and Standards Board (Department of Justice-Bureau of Training and Standards).

The Appleton Police Department prides itself in transparency as it relates to calls for service, citizen complaints, and use of force documentation. Detailed use of force information tends to be difficult to find nationwide. We feel this information is important to maintain trust within our community and provide our trainers with "real world" statistics to ensure our skill and scenario based trainings meet the needs of our officers.

### General Guidelines

The Appleton Police Department's Use of Force Policy has established the following guidelines:

1. Officers shall use only the amount of force that is objectively reasonable to control a situation, affect a seizure, or control a person. The force decision shall be based on the DAAT system.
2. Officers shall not continue to use force beyond that which is objectively reasonable to maintain control once the subject has stopped resisting and control of the subject has been established.
3. All persons arrested will be handcuffed, searched and then transported in a police vehicle, unless exceptional circumstances exist.
4. An officer shall not brandish, display, or threaten the use of any control devices, impact weapons, kinetic energy impact weapons, canine, or firearm unless he or she can reasonably conclude its use may become justified and anticipated.

## Intervention Options Requiring Documentation

When an officer uses any of the following Intervention Options against a person, s/he shall contact an on-duty supervisor as soon as practical after the use of force. The officer shall then complete a written report documenting the incident. Intervention Options necessitating this response include any of the following:

- Electronic Control Devices
- OC Spray
- Passive Countermeasures
- Active Countermeasures
- Incapacitating Techniques
- Impact Weapons
- Kinetic Energy Impact Weapons
- Canine Bites
- Firearms/Deadly Force

Appleton Police Department policy states an on-duty operations supervisor should respond to the location where the use of force incident occurred any time a circumstance listed above has been met. That supervisor is then responsible for the initial gathering and evaluating of information related to the use of force. The supervisor must then complete a Use of Force Supervisor Summary form. Upon completion, each form is attached to the incident report and forwarded to the DAAT Coordinator, Unified Tactics Coordinator, District Patrol Captains, and the Assistant Chief for further review and evaluation.

## General Assaults and Battery to Officer Arrests

The vast majority of people who interacted with Appleton Police Officers were compliant and respectful. However, there were 70 incidents with elevated risk to the officers because of physical non-compliance which required an intervention option. Contributing factors included intoxication, chemical impairment, high levels of aggression, and/or mental health crisis. In 11 incidents, the level of non-compliant behavior escalated to assaultive against the officer.

General Assaults and Battery to Officer Arrests						
	2018	2017	2016	2015	2014	5-Year Avg
Referrals	11	18	12	6	6	10.6

Table 01

Wisconsin State statute 940.203(2) provides the legal framework to the charge of battery to an officer. It states whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of any law enforcement officer is guilty of a Class H felony.

The number of assaults on officers began to rise dramatically in 2016. Between 2004 and 2015, the Appleton Police Department averaged 7.2 referrals to the district attorney's office for battery

to an officer. That number nearly doubled to 12 referrals in 2016 and reached 18 referrals in 2017. Within those referrals were a number of attempted disarming of the officers and one attempted murder of a police officer.

In 2018, the number of referrals to the DA's Office for battery to an officer declined by nearly 40%. While any decline is encouraging, the number only receded back to the 5-year average. In addition to the referrals for battery, there were 25 referrals for threats to a law enforcement officer. Most of the time these threats are not carried out with action, but the dangers are real and all threats must be taken seriously.

### **De-Escalation and Reducing Uses of Force**

Law enforcement is an inherently dangerous profession. In many incidents, a use of force is unavoidable. However, it is the responsibility of the officer to try and minimize the severity and pro-actively prevent as many uses of force as possible. This is achieved through proper analysis of perceptions, threats, and behaviors of subjects during each unique encounter. In addition, officer conditional factors such as stress can be relevant during a use of force incident.

According to Whitelock and Asken (2012), "Stress is a result of a perceived imbalance between the demands of the emergency situation and your ability to meet those demands where failure to do so has important consequences to you." Factors which can contribute to stress include the officer not being able to establish meaningful contact, little or no time to make a decision, risk posed to the officers or public, resource availability, degree of exigency or necessity to intervene. Furthermore, the situation can become increasingly dangerous to both the officer and suspect if the officer loses emotional control, misidentifies the threat cues, overreacts to the threat, has insecurities in their own physical and tactical skill-sets, mission creep, uncertainty in policy and statute, and negative neurophysiological influences.

To help combat the dangers faced by officers, a strong understanding of self-control and de-escalation tactics are required. This is accomplished with a proficiency in psychological understanding, ability to communicate under stress, adaptivity, creative problem solving, and ongoing officer training. Furthermore, if verbal efforts fail each officer needs to be able to restrain the subject and control the incident by utilizing appropriate physical skill-sets.

To be successful, a portion of the officer's training also needs to include early recognition of a person who has cognitive issues or is in mental health crisis. To meet these needs, Appleton Police Department has introduced CIT training to patrol officers. The CIT (Crisis Intervention Team) was designed to improve law enforcement response to people experiencing mental health crisis. We have built a strong partnership with mental health provider agencies, individuals, and families affected by mental illness.

## **Use of Force Review Process**

Policy outlines a specific review process any time an Appleton Police Officer utilizes an intervention option requiring use of force documentation. The process begins with the officer contacting an on-duty supervisor to report a use of force as soon as the situation is reasonably safe. The on-duty supervisor will then attempt to report to the location where the use of force took place to assess any situational factors which may have contributed to the incident.

After the on-duty supervisor has completed the initial assessment, the APD\_103 form is to be completed. That form is then electronically forwarded to the use of force review team. The use of force review team consists of the DAAT Coordinator, the Unified Tactics Coordinator, the District Patrol Captains, and the Assistant Chief. The team reads each officer report and compares the narrative to collected evidence such as body camera footage. Once all the information is collected members of the team determine whether the use of force conformed to department policy. In 2018, all 70 incidents involving a use of force were determined to be within policy guidelines.

Each year, data collected from all use of force incidents are compiled by the DAAT Coordinator for training purposes and public release. Through careful study of a vast array officer situations and techniques, a selected group of “core competencies” have been identified. These core competencies are techniques used most frequently and therefore trained more often. Based on the 2018 data, no training deficiencies were detected. As needs change and evolve, so do the core competencies and in-service training.

## **2018 Use of Force Summary**

During 2018, officers from the Appleton Police Department used a level of force that met the reporting requirements during a total of 70 incidents. As in previous years, passive countermeasures accounted for the majority of techniques used by officers to affect an arrest. Officers utilized a total of 53 passive countermeasures. Appleton officers were also involved in 18 ECD deployments and one incident which resulted in deadly force. These uses of force occurred during a variety of days, times, and locations. As a direct result of the uses of force there were 23 officers with injuries either visible or claimed. Only two officers required medical clearance.

Appleton Police defensive tactics instructors are following best practices from The Police Executive Research Forum (PERF), the President’s Task Force on 21<sup>st</sup> Century Policing, and other experts in the field. The continued emphasis on de-escalation in training coupled with the expanding number of Crisis Intervention Team (CIT) officers has created a new normal. Officers in the field are slowing things down, using effective dialogue, and creating the distance needed to work more safely. This is also reflected in the low number of injuries reported.

The Appleton Police Department prides itself in transparency as it relates to calls for service, citizen complaints, and use of force documentation. Training and documentation of incidents will continue to be a focus of senior command staff. By tracking these incidents, defensive tactics

leaders can narrowly focus on training concerns and craft training to help upgrade skills that are being used frequently.

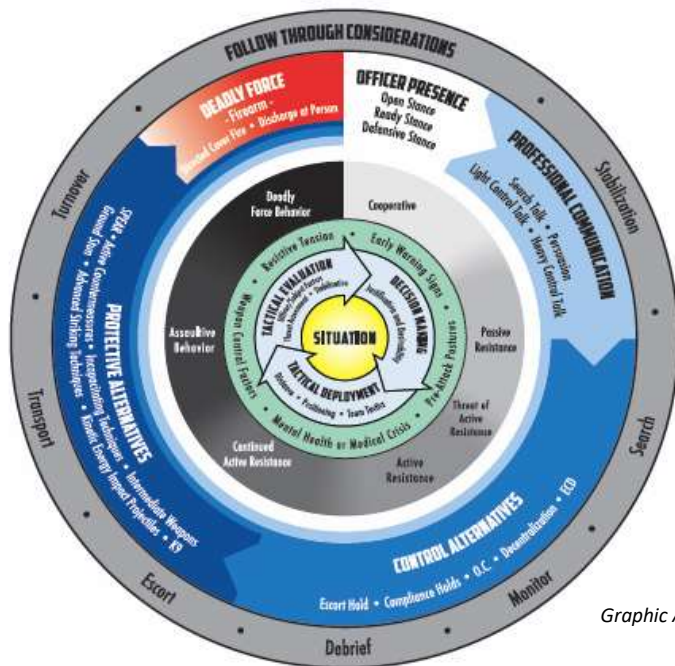
## Situational Analysis

Department policy and Wisconsin Department of Justice DAAT training requires officers to “use only the force necessary that is objectively reasonable to gain control of a suspect.”

It is taught that the first effort at control should be at 100 percent speed and power. Research shows that if the first effort to control a resisting subject is not successful, risk of suspect and officer injury grows. As officers transition from a lower level of force to a higher level, it is because a suspect is actively resisting efforts to be controlled. The early evaluation of the suspect’s behavior is a key component that will be stressed in all training.

The Use of Force Wheel has helped officers visualize the dynamic and fluid nature of use of force confrontations. As you will note, the wheel allows for officers to analyze the suspect behaviors (grey) and counter with an appropriate force option (white to red). See the appendix at the end of this report for a larger illustration.

The Wisconsin DAAT system requires officers to stay one level of force above the suspect’s behavior. The key to this effort, for officers, is the early recognition of the cues displayed by a potentially resistive subject. The defensive tactics cadre consistently taught that distance, calming tones, and patience can be the difference between a use of force and a cooperative encounter. Use of these principles and other efforts to de-escalate will continue to be a key element in 2019 training.



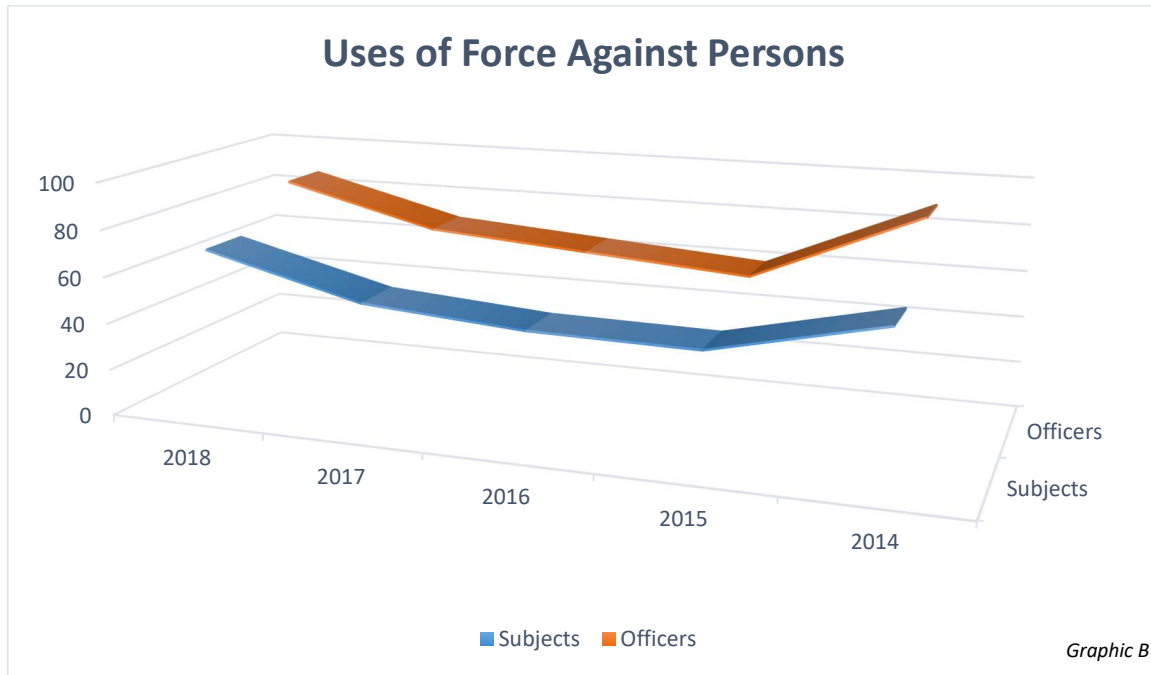
Graphic A

Starting in 2018, a five year training cycle was instituted to ensure they had a measured and balanced exposure to the various techniques taught in the DAAT system. Training this year will focus on the identified needs of year two in the cycle during the spring training session followed by scenario and practical exercises during the fall.



## Total Uses of Force Against Persons

In 2018, there were 70 instances of officers using force against a person. All incidents were reviewed and classified as “justified.” Graphic B shows use of force numbers and total officer involvement from the past five annual use of force analysis reports.



Total Uses of Force Against						
	2018	2017	2016	2015	2014	5-Year Avg.
<b>Subjects Involved</b>	70	53	48	47	63	56.2
<b>Officers Involved</b>	87	70	65	60	98	76.0

Table 02

The number of incidents which required a use of force rose by approximately 24% in 2018. This rise continued a growth-trend started two years prior. The 70 incidents involving a use of force in 2018 was 17 higher than the previous year. Refer to Table 02 for details.

The uses of force in 2018 involved 47 different officers. The total of 47 different officers does not match the 87 officers involved statistic referenced below in Table 02 since some officers were involved in more than one use of force throughout the year.

Level of Resistance Encountered						
	2018	2017	2016	2015	2014	5-Year Avg.
<b>Passive Resistance</b>	4	2	2	3	1	2.4
<b>Active Resistance</b>	48	38	41	39	45	42.2
<b>Assaultive Behavior</b>	16	12	6	4	16	10.8

Table 03

The data collected showed officers encountered active resistance in 68.6% of their incidents where a use of force was required. This is significantly higher than the 5.7% of passive resistance leading to a use of force. Officers were met with assaultive or deadly force behavior in approximately 25.7% of use of force incidents.

All three subject behaviors listed in Table 03 showed an increase from the previous year and are higher than the five year average. The biggest increase was in suspects' active resistance which rose by 10 from the previous year. However, the most significant change from last year was in assaultive behavior. Assaultive suspect behavior creates the greatest danger to all involved and that saw a 25% increase. More importantly, assaultive behavior in 2018 was 33% higher than the five year average.

Officers at the Appleton Police Department are trained to defuse and de-escalate whenever possible. However, the success of these tactics typically decreases as active resistance or assaultive behavior from the subject increases. The higher statistics in 2018 were a direct result of increasingly dangerous subject behavior.

## **Types of Force Used**

Table 04 shows the technique used during a use of force incident. Note that the totals exceed the 70 events. Due to aggressively resisting subjects' continued actions, multiple officers may often need different tactics to gain control. For example, Officer "A" is forced to use passive countermeasures (force subject to the ground) while Officer "B" is required to deliver focused strikes (hands or knees) to gain control of the subject's hands because the subject will not comply with orders to stop resisting.

Passive Countermeasures were utilized in 53 of the 70 use of force incidents. That translates to nearly 76% of all incidents involving uses of force. While the actual number of passive countermeasures increased by 14 from last year, the ratio of uses/incident was only slightly higher. Additionally, declines were recorded in the number of total active countermeasures including a 50% reduction in vertical/ground stuns.

The Appleton Police Use of Force form captures these events and is reported separately for each officer and technique to identify training needs. If an officer uses force five or more times in a year, a use of force review of those incidents is completed to provide a secondary analysis of them from a broader perspective than was possible during the earlier individual review process. The goal is to identify officer or subject actions, if any, which may have led to more frequent uses of force being utilized.

<b>Types of Force Used</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>5-Year Avg.</b>
<b>Total ECD Deployments</b>	18	14	16	14	22	16.8
• Effective	14	9	13	10	<i>Not Available</i>	11.5
• Effective %	77.8%	64.3%	81.3%	71.4%	<i>Not Available</i>	74.2%
• Non-Effective	4	5	3	4	<i>Not Available</i>	4.0
<b>OC Spray</b>	0	0	0	0	0	0
<b>Total Passive Countermeasures</b>	53	39	42	44	53	46.2
<b>Total Active Countermeasures</b>	21	23	14	12	24	18.8
• Vertical and Ground Stun	3	7	3	3	4	4.0
• Focus Strike	18	16	11	9	20	14.8
<b>Baton</b>	0	0	0	0	0	0
<b>Canine Bite</b>	0	0	0	0	0	0
<b>Deadly Force*</b>	1	1	0	0	1	0.6
<b>Incapacitating Techniques</b>	0	0	0	0	0	0.0

\*Count is based on incidents, not the total number of officers involved.

Table 04

## Total Officer Involvement

In the use of force review, the frequency in which an officer used force is also considered. In 2018, there were 47 different officers who used force. This was from a total of 111 total sworn officers. The total number of officers who used force is lower than the total use of force incidents because some officers used force more than once throughout the year.

<b>Total Officer Involvement</b>						
<b>Officers Involved</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>5-Year Avg.</b>
<b>0 Incidents</b>	64	68	79	73	66	70.0
<b>1 Incident</b>	26	24	14	24	22	22.6
<b>2 Incidents</b>	10	12	11	8	12	10.2
<b>3 Incidents</b>	6	4	1	2	2	3.4
<b>4 Incidents</b>	3	0	1	1	3	1.8
<b>5 Incidents</b>	1	2	3	2	1	1.8
<b>6 Incidents</b>	1	0	0	0	2	0.6
<b>7 Incidents</b>	0	0	1	0	0	0.2
<b>8 Incidents</b>	0	0	0	0	1	0.2
<b>Total</b>	111	110	110	110	109	

Table 05

The area of growth compared to both last year and the five year trend is with the officers involved in three or four separate use of force incidents. This would be expected when the growth in uses of force are isolated to specific shift times and locations within the city. Officers who work these times and areas would experience more uses of force than officers outside those areas.

### Ratio of Uses of Force to Total Arrests

Calls for service in 2018 declined approximately 10% from the previous year. The total number of arrests also declined approximately 14%. These declines, coupled with an additional 17 uses of force, caused an increase in the ratio of uses of force to total arrests. However, even with the increase ratio there are still less than two uses of force for every 100 arrests.

<b>Ratio of Uses of Force to Total Arrests</b>						
	<b>2018 Actual*</b>	<b>2017 Actual</b>	<b>2016 Actual</b>	<b>2015 Actual</b>	<b>2014 Actual</b>	<b>5-Year Avg.</b>
<b>Calls for Service</b>	46,056	51,184	49,854	47,694	48,809	48,719.4
<b>Reported Part 1 / Group A Crimes</b>	3,980	4,109	4,363	4,128	4,289	4,173.8
<b>Reported Part 2 / Group B Crimes</b>	4,454	4,750	5,163	5,666	6,027	5,212.0
<b>Number of Adult Arrests</b>	3,860	4,506	4,647	4,511	4,816	4,468.0
<b>Number of Juvenile Arrests</b>	549	598	697	929	979	750.4
<b>Number of Use of Force Incidents Reviewed</b>	70	53	48	47	69	57.4
<b>Use of Force to Total Arrests Ratio</b>	0.015876 equaling 1.58%	0.010384 equaling 1.04%	0.008982 equaling 0.90%	0.008639 equaling 0.86%	0.011907 equaling 1.19%	0.011158 equaling 1.12%

The (\*) references a change in the records management system effective June 25, 2018.

Compilation of data in this report was done as closely as possible from two different systems.

Table 06

## Uses of Force Resulting in Injury

Every time an officer takes someone into custody who is either actively resisting or showing assaultive behavior the situation is inherently dangerous for both the subject and the officers involved. Officers are trained to use the appropriate level of force to minimize injuries.

Uses of Force Resulting in Officer Injury						
Officers	2018	2017	2016	2015	2014	5-Year Avg.
None	64	54	60	49	71	59.6
Claimed	6	6	2	4	7	5.0
Visible	17	10	3	7	20	11.4

Table 07

**Officer Injuries:** In 2018, there were 23 officer reports of injury as a direct result of a use of force. That is significantly higher than the 16 reported in 2017 and the six reported in 2016. Despite the increasing trend, the majority of injuries were minimal. Six officers received first aid for minor injuries sustained during uses of force. Two officers required medical clearance. The clearances were due to a sprained knee and being spit in the face by a subject. The remainder of claimed or visible injuries were initially documented as minor strains, bruises, and/or abrasions.

Overall officers encountered higher levels of resistance than the past five years. Those incidents also tended to involve higher levels of resistance and more frequent assaultive behavior. Recent training methods should be credited in part for not having any major officer injuries.

**Subject Injuries:** In 2018, 20 suspects received medical clearance prior to going to jail. Oftentimes the medical clearance is due to high concentrations of alcohol or potential drug use. For others it was because of minor medical needs. Subjects received lacerations, punctures from ECD probes, and one incident resulted in a few chipped teeth. One individual received gunshot wounds during a deadly force incident.

Uses of Force Resulting in Subject Injury						
Subjects	2018	2017	2016	2015	2014	5-Year Avg.
None	34	32	29	30	35	32
Claimed	5	3	3	7	6	4.8
Visible	31	18	16	10	22	19.4

Table 08

Officers continue to use appropriate levels of force and attempts at de-escalation to limit the injury risk to both themselves and the subject.

## Day and Month Breakdown

The day of the week information is compiled based on the start of the officer's shift and not necessarily based on the actual day of the use of force – meaning if a use of force occurs at 2am on Sunday, it would be counted as a Saturday since the officers involved would have started their

shift Saturday afternoon or evening. This is a change that was made in how data was reported starting in 2015. Therefore, data collected between 2016 and 2018 cannot be reliably compared to prior years. The information is still close enough to draw general conclusions. In Table 09, information is shown in a Sunday-Saturday format.

<b>City-Wide Day Uses of Force by Day of Week</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015*</b>	<b>2014*</b>	<b>5-Year Avg.**</b>
Sunday	9	4	7	9	9	7.6
Monday	11	8	3	8	14	8.8
Tuesday	6	8	7	4	13	7.6
Wednesday	7	7	3	5	3	5.0
Thursday	10	4	4	4	4	5.2
Friday	13	9	16	7	7	10.4
Saturday	14	13	8	10	13	11.6
<b>Total</b>	<b>70</b>	<b>53</b>	<b>48</b>	<b>47</b>	<b>63</b>	<b>56.2</b>

*The (\*) denotes a change starting in 2016 with how the “day” was calculated. Up until 2015 a day was from 0000-2359 hours. Now it is calculated based on when the officer’s shift started to better help with staffing level decisions. The (\*\*) denotes an average with data known to be inconsistent with current data collection methods, but close enough to draw general conclusions.*

Table 09

Use of force totals stayed fairly consistent on Wednesdays and Saturdays. The biggest increase was seen on Thursday, which more than doubled from each of the past four previous years. The reason for this increase is unclear.

An observation of the data seems to show that uses of force seem to be balancing out throughout the week, meaning weekends, which have been historically higher in uses of force, are becoming less of a factor. If Friday and Saturday nights are considered the “weekend nights” our use of force numbers did increase from 22 to 27 in 2018 and these are still the nights most likely to have a use of force. However, if the recent trend continues, it may become just as likely to have a use of force mid-week as it is on a weekend.

Interestingly, February had the most uses of force in 2018. See Table 10 for a detailed breakdown. The eleven uses of force was double the five year average for the month and almost three times the number from the previous year. Seven of the uses of force occurred in the Downtown District with the remainder in the Southern District. Three of them ultimately resulted in felony charges while the others were misdemeanor arrests.

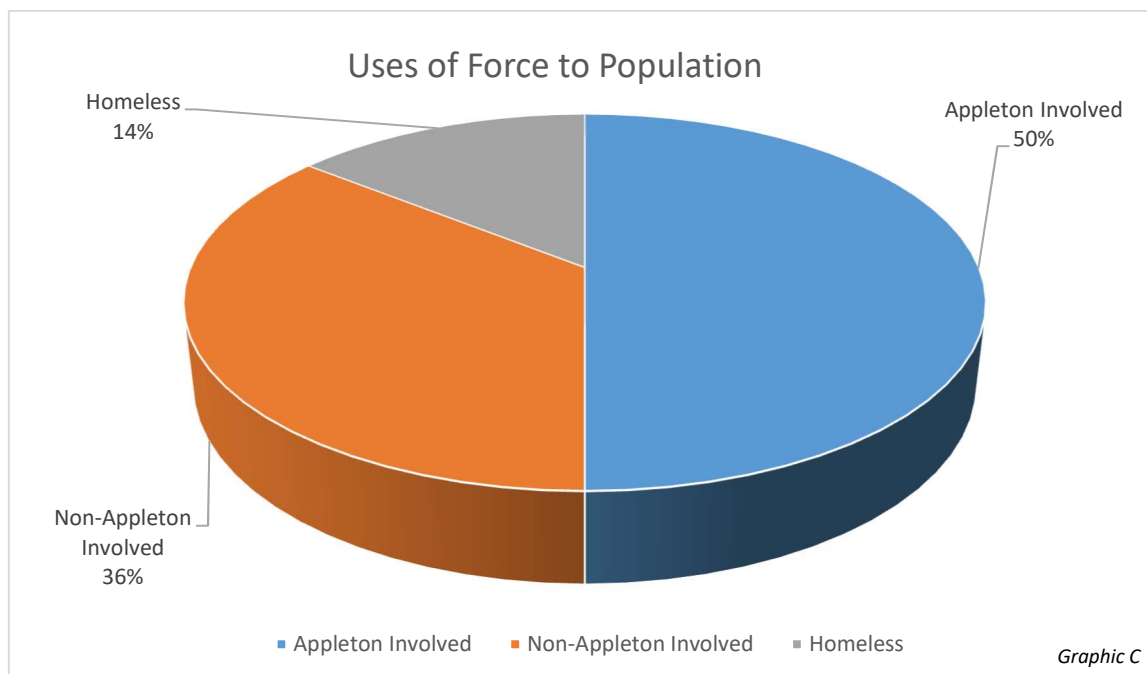
Holidays did not seem to play a part in the use of force distribution. Larger events held over weekends, such as Oktoberfest and Mile of Music, also did not appear to significantly add to the use of force numbers.

City-Wide Uses of Force by Month Breakdown						
	2018	2017	2016	2015	2014	5-Year Avg.
January	6	2	4	8	4	4.8
February	11	4	1	7	5	5.6
March	5	6	8	1	5	5.0
April	2	9	4	7	4	5.2
May	5	3	3	1	6	3.6
June	2	4	5	3	7	4.2
July	9	7	2	1	4	4.6
August	10	3	4	1	5	4.6
September	2	5	6	1	9	4.6
October	7	3	7	2	4	4.6
November	8	3	2	7	8	5.6
December	3	4	2	8	2	3.8
Total	70	53	48	47	63	56.2/4.7

Table 10

### Ratio of Uses of Force to City Population

In 2018, there were 70 total incidents involving a use of force. From those, only half (35) involved actions against an Appleton resident. Non-Appleton residents were involved in 25 use of force incidents while 10 incidents involved a homeless individual.



According to the United States Census Bureau, the population of Appleton in 2017 was 74,653. A USA Today Network article (Behnke, 2016) estimated the overall population of the Fox Valley area was 216,154 based on 2010 census data. Based on the US Census Bureau numbers, a use of force was used against an Appleton resident for every 2,132.9 citizens who live in the city.

### Shift and District Breakdown

Use of force data is collected and broken down both at the city-wide level and at the district specific levels. While the city-wide data provides a useful macro-level of information, district specific information is more useful to the patrol officers.

Overall, the data in both shift and district breakdowns don't show much difference from the previous year.

<b>City-Wide Shift Breakdown</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>5-Year Avg.</b>
<b>0600-1400</b>	19	12	9	15	19	14.8
	27%	23%	19%	32%	30%	26.3%
<b>1400-2200</b>	28	21	18	17	17	20.2
	40%	40%	38%	36%	27%	35.9%
<b>2200-0600</b>	23	20	21	15	27	21.2
	33%	37%	44%	32%	43%	37.8%
<b>Total</b>	70	53	48	47	63	56.2

Table 11

The afternoon timeframe again had the highest use of force numbers. The 1400-2200 timeframe represents the time of the use of force, not necessarily the shift of the officer. Use of force incidents overnight increase in number but declined as a percentage from last year, while the daytime uses of force grew both in number and percentage.

<b>City-Wide District Breakdown</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>5-Year Avg</b>
<b>Northern</b>	9	10	7	6	12	8.8
	12.9%	18.9%	14.6%	12.8%	19.0%	15.7%
<b>Downtown</b>	36	28	26	31	34	31.0
	51.4%	52.8%	54.2%	66.0%	54.0%	55.2%
<b>Southern</b>	24	14	14	10	17	15.8
	34.3%	26.4%	29.2%	21.2%	27%	28.1%
<b>Out of City</b>	1	1	1	0	0	0.6
	1.4%	1.9%	2.0%	-	-	1.0%
<b>Total</b>	70	53	48	47	63	56.2

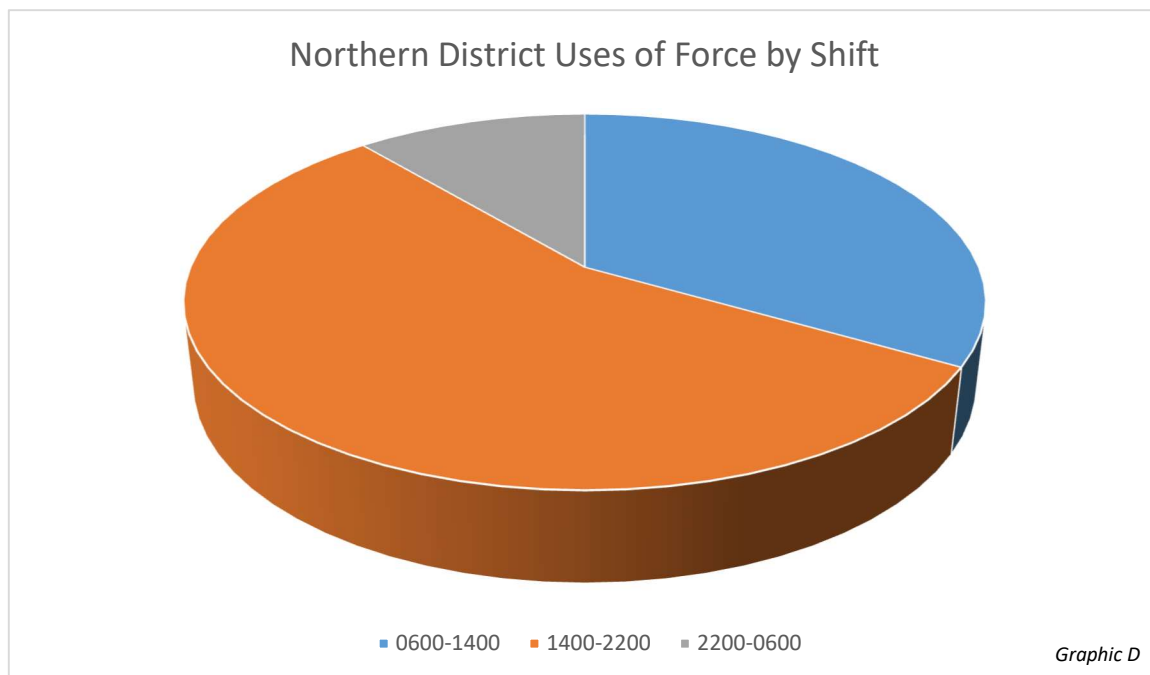
Table 12



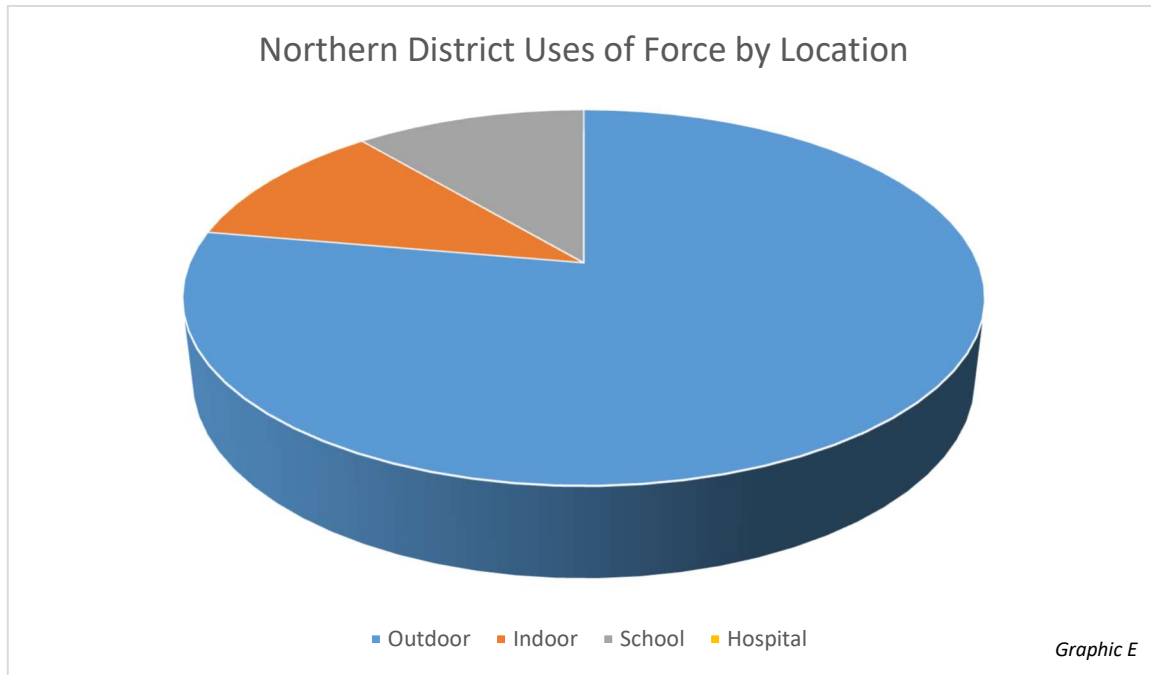
As is typically observed, the Downtown District accounted for the majority of uses of force (51.4%). However, as a percentage that is lower than both last year and the five year average. A significant increase in Southern District uses of force were observed with 34.3%. This increase is likely caused by an increase in interactions with subjects suffering from mental health issues. There were three uses of force when a subject was physically removed from the edge of a bridge. In total, 10 uses of force ultimately led to an emergency mental detention. These numbers coupled with the location of St. Elizabeth Hospital in the Southern District likely account for the increase.

### Northern District

The Northern District had only nine (13%) of the 70 use of force incidents in 2018. Graphic D breaks down the Northern District data into daytime, afternoon, and overnight times. The majority of these (56%) took place during the 1400-2200 afternoon hours. Contrary to what might be expected, only one (11%) occurred during the 2200-0600 overnight hours.



As for location, seven of the nine uses of force occurred in outdoor environments. Refer to Graphic E for details. Only one use of force was required in a school environment. The remaining use of force happened in a more generic indoor setting. No uses of force were documented at the hospital located in the district.



The five year average shows uses of force in the Northern District typically peak in July. That held true in 2018 with exactly one-third (3) of Northern District uses of force. October saw two uses of force while August and November each saw one. Reference Table 13 for details.

Northern District Uses of Force by Month						
	2018	2017	2016	2015	2014	5-Year Avg.
<b>Jan</b>	0	0	0	1	1	0.4
<b>Feb</b>	0	1	0	1	2	0.8
<b>Mar</b>	2	1	2	0	0	1.0
<b>Apr</b>	0	2	1	1	0	0.8
<b>May</b>	0	0	0	0	0	0.0
<b>Jun</b>	0	0	1	0	3	0.8
<b>Jul</b>	3	2	0	0	2	1.4
<b>Aug</b>	1	1	0	1	1	0.8
<b>Sep</b>	0	2	0	0	1	0.6
<b>Oct</b>	2	0	2	0	1	1.0
<b>Nov</b>	1	0	1	1	1	0.8
<b>Dec</b>	0	1	0	1	0	0.4
<b>Total</b>	9	10	7	6	12	8.8

*Table 13*

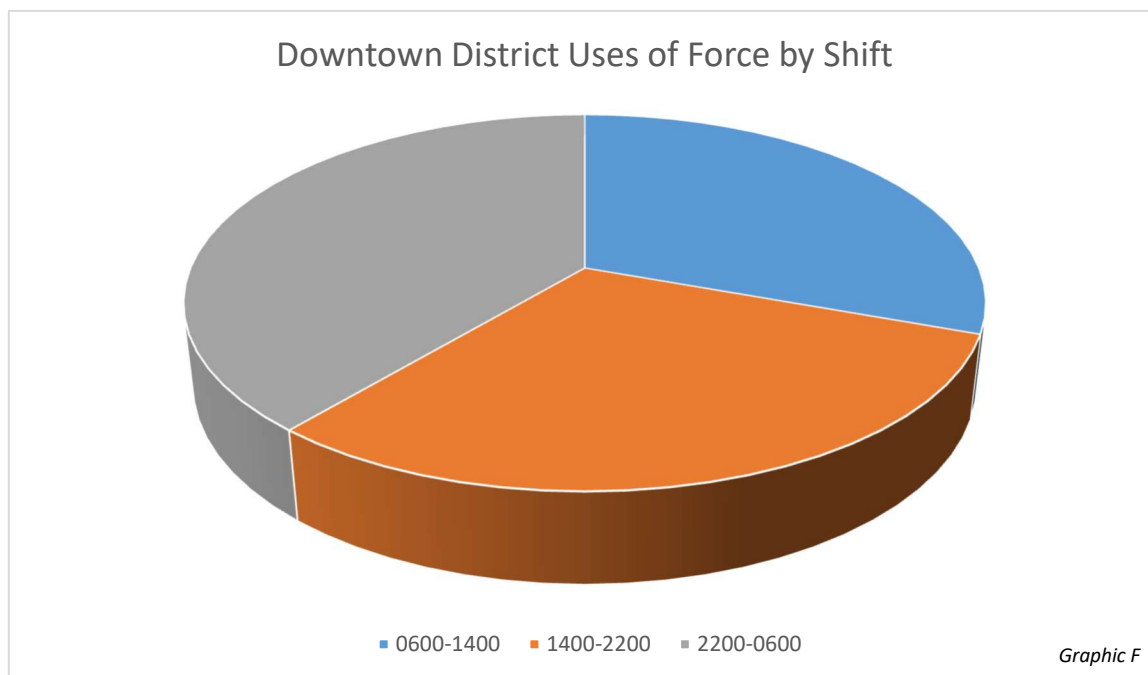
Northern District Uses of Force by Day of Week						
	2018	2017	2016	2015*	2014*	5-Year Avg.**
Sun	1	2	1	0	1	1.0
Mon	2	1	2	2	5	2.4
Tues	2	2	1	0	2	1.4
Wed	0	1	1	1	1	0.8
Thurs	1	0	0	1	0	0.4
Fri	2	2	2	1	1	1.6
Sat	1	2	0	1	2	1.2
<b>Total</b>	<b>9</b>	<b>10</b>	<b>7</b>	<b>6</b>	<b>12</b>	<b>8.8</b>

Table 14

Northern District use of force incidents were relatively evenly distributed by day of week. Wednesday was the only day of the week without a use of force. No day of the week had more than two uses of force. Table 14 shows the previous five years data by day of the week.

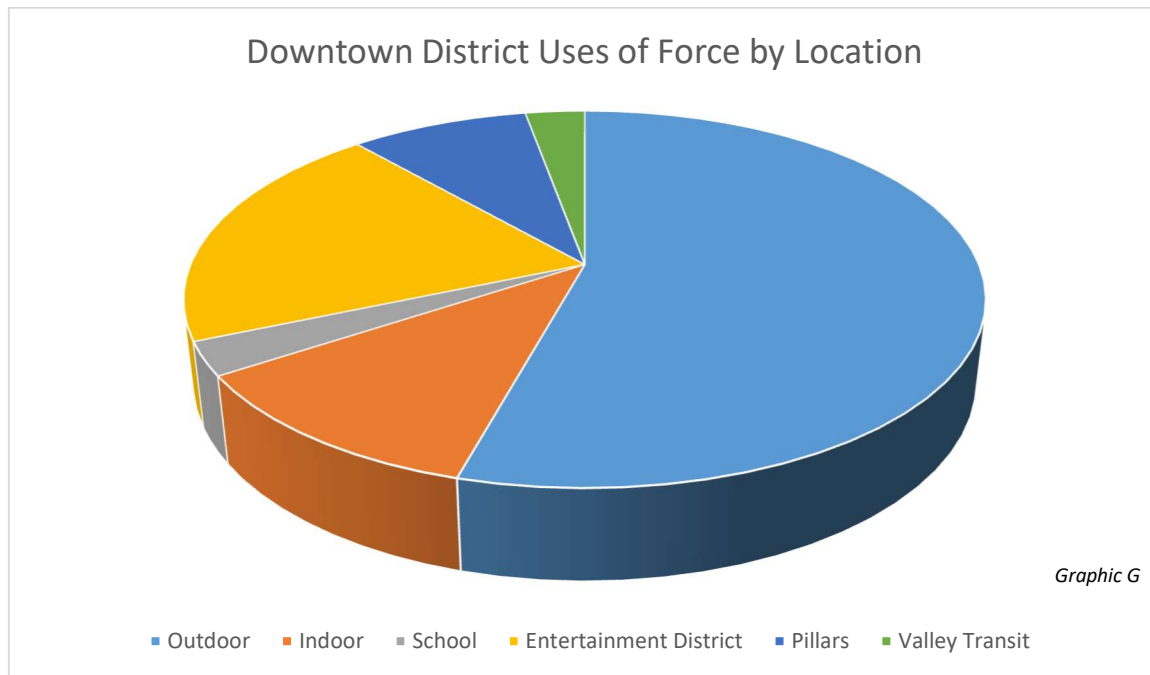
### Downtown District

The Downtown District had the majority (36) of Appleton’s 70 use of force incidents in 2018. Graphic D breaks down the Downtown District data into daytime, afternoon, and overnight times. Most of these (39%) took place during the 2200-0600 overnight hours. The daytime and afternoon timeframes each had 11 (31%) incidents as shown in Graphic F.



Graphic F

Over half (54%) of the uses of force in the Downtown District occurred in general outdoor environments. While still outdoors, another seven (20%) occurred in the outdoor environment referred to as the 'Entertainment District.' Unexpectedly, only one use of force occurred inside Valley Transit and only one occurred inside a school.



The five year average typically shows uses of force in the Downtown District with relatively even distribution. However, in 2018 there were two documented spikes in numbers. February and August both had seven uses of force after just three in the months preceding. After each spike, the numbers dropped back down to three in March and just one in September. It is unknown what factors would have played a role in the two high months. Refer to Table 15 for details.

As might be expected due to the location of the Entertainment District, the majority of uses of force occurred on Friday and Saturday. The uses of force on Friday were more than double from the previous year. Reference Table 16 for details.

<b>Downtown District Uses of Force by Month</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>5-Year Avg</b>
<b>Jan</b>	3	0	4	5	3	3.0
<b>Feb</b>	7	2	0	1	1	2.2
<b>Mar</b>	3	3	4	1	3	2.8
<b>Apr</b>	2	5	2	6	2	3.4
<b>May</b>	3	1	1	0	6	2.2
<b>Jun</b>	1	3	2	3	4	2.6
<b>Jul</b>	3	3	0	1	1	1.6
<b>Aug</b>	7	1	3	0	3	2.8
<b>Sep</b>	1	1	4	1	5	2.4
<b>Oct</b>	3	3	3	2	1	2.4
<b>Nov</b>	3	3	1	6	4	3.4
<b>Dec</b>	0	3	2	5	1	2.2
<b>Total</b>	36	28	26	31	34	31.0

Table 15

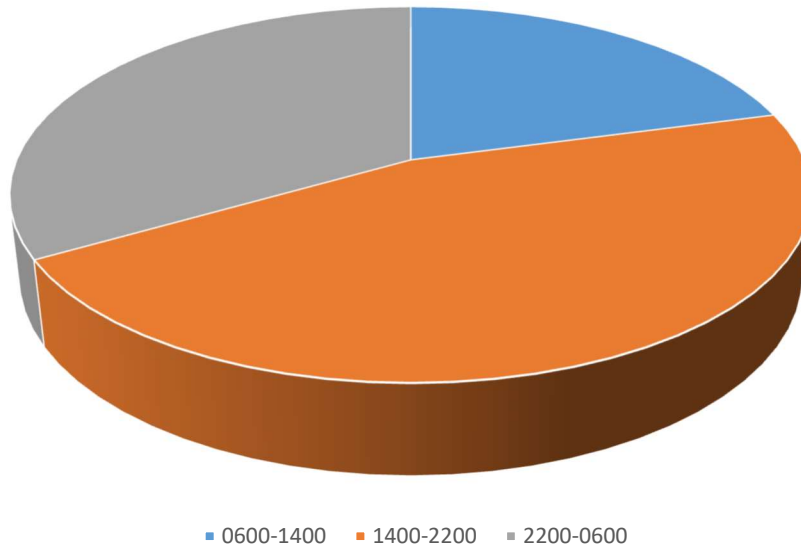
<b>Downtown District Uses of Force by Day of Week</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015*</b>	<b>2014*</b>	<b>5-Year Avg**</b>
<b>Sun</b>	4	2	4	6	5	4.2
<b>Mon</b>	5	4	0	6	5	4.0
<b>Tues</b>	2	5	4	2	8	4.2
<b>Wed</b>	4	5	1	4	1	3.0
<b>Thur</b>	7	2	4	2	3	3.6
<b>Fri</b>	7	3	9	4	5	5.6
<b>Sat</b>	7	7	4	7	7	6.4
<b>Total</b>	36	28	26	31	34	31.0

Table 16

## Southern District

The Southern District had 24 (36%) of the 70 use of force incidents in 2018. Graphic H breaks down the Downtown District data into daytime, afternoon, and overnight times. The majority of these (46%) took place during the 1400-2200 afternoon hours. The overnight hours had eight (33%) while the daytime followed with five (21%) uses of force. Refer to Graphic H for a visual breakdown of the district.

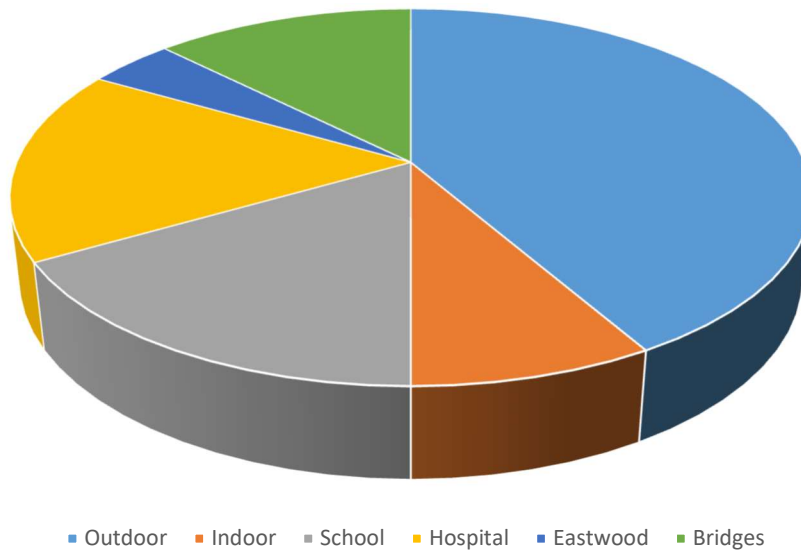
### Southern District Uses of Force by Shift



Graphic H

The general category of “outdoor” encompasses the majority of the uses of force. The Southern District recorded the highest percentage of uses of force inside a school with four. As expected with the mental health aspect, four uses of force were recorded inside St. Elizabeth followed by three on city bridges to save people intending to hurt themselves. One use of force incident occurred inside Eastwood Home on Kensington Dr. Refer to Graphic I for a graphic breakdown.

### Southern District Uses of Force by Location



Graphic I

The five year average shows uses of force in the Southern District typically peak in February. While February did have the most uses of force with four, November also had four incidents. January and December each saw three uses of force which are more than double their five year average. Reference Table 17 for details.

<b>Southern District Uses of Force by Month</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>5-Year Ave</b>
<b>Jan</b>	3	2	0	2	0	1.4
<b>Feb</b>	4	1	0	5	2	2.4
<b>Mar</b>	0	2	2	0	2	1.2
<b>Apr</b>	0	2	1	0	2	1.0
<b>May</b>	2	2	2	1	0	1.4
<b>Jun</b>	1	1	2	0	0	0.8
<b>Jul</b>	2	1	2	0	1	1.2
<b>Aug</b>	2	1	1	0	1	1.0
<b>Sep</b>	1	2	2	0	3	1.6
<b>Oct</b>	2	0	2	0	2	1.2
<b>Nov</b>	4	0	0	0	3	1.4
<b>Dec</b>	3	0	0	2	1	1.2
<b>Total</b>	24	14	14	10	17	15.8

Table 17

<b>Southern District Uses of Force by Day of Week</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015*</b>	<b>2014*</b>	<b>5-Year Ave**</b>
<b>Sun</b>	3	0	2	3	3	2.2
<b>Mon</b>	5	2	1	0	4	2.4
<b>Tues</b>	1	1	2	2	3	1.8
<b>Wed</b>	3	1	1	0	1	1.2
<b>Thur</b>	2	2	0	1	1	1.2
<b>Fri</b>	4	4	3	2	1	2.8
<b>Sat</b>	6	4	5	2	4	4.2
<b>Total</b>	24	14	14	10	17	15.8

Table 18

Southern District use of force incidents were seen primarily at the beginning and end of the week. This is consistent with the trend of the past couple of years. While the mid-week averaged two uses of force each, the extended weekend days had more than double the use of force incidents.

It is possible the increase is due to mental health related factors since many services are not available on weekends and many people feel an increase in anxiety at the start of a new work week. While these factors would be felt citywide, the location of St. Elizabeth Hospital and three

large bridges are unique to Southern District. Each play a role in more mental health related contacts than the other districts. However, there is not enough data to support or discount that possible explanation.

### **Additional City-Wide Situational Factors**

Some additional information related to uses of force during 2018 that were identified during the review of data.

- 17 of the 70 uses of force (24.3%) involved a foot chase prior to the use of force.
- Suspects spit on officers during 4 of the 70 uses of force (5.7%).
- A hobble was utilized in 14 of the 70 uses of force (20%).
- 10 of the 70 incidents (14.3%) had a suspect who was ultimately put on an emergency mental detention instead of confinement.
- Seven of the 70 incidents (10%) involved suspects who met domestic criteria.
- In three of the 70 incidents (4.3%) suspects resisting and using assaultive behavior while handcuffed resulted in a decentralization.



## Conclusion

It is the policy of the Appleton Police Department that officers shall use only the amount of force that is reasonably necessary to achieve a lawful objective. The force used shall be in accordance with the Constitution of the United States and the Constitution of the State of Wisconsin.

Based on the 2018 data, a use of force is most likely to occur in the Downtown District (51.4%), during the afternoon (40%), on a Saturday in the late-summer, and involve a passive countermeasure. Though not tracked specifically by form, intuitively it is known that alcohol or drug intoxication is a contributing factor in these incidents.

Each use of force is documented and reviewed by the Assistant Chief, District or Unit Commander, Unified Tactics Coordinator, and the supervisor assigned to complete the use of force summary. In addition to the formal reviews, many operations supervisors conduct an immediate debriefing following a use of force incident to discuss that worked well and what could be improved. The immediate review of audio/video of an incident, when available, provides officers and supervisors with immediate feedback on the sequence of events.

In accordance with Department Policy, reasonable force is defined as an act by a police officer in the performance of duty used to accomplish a legitimate law enforcement goal and is objectively reasonable under the totality of circumstances as perceived by the officer at the time the officer acted. The totality of circumstances perceived by the officer can include statements made by the person or a known prior history of resistive or assaultive behavior.

The U.S. Supreme Court in *Graham v. Connor* provided law enforcement officers with specific guidelines when determining “reasonableness.” The Court established an Objective Reasonableness Standard which says that reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. Three elements of the standard are:

1. The severity of the alleged crime at issue.
2. Whether the person poses an imminent threat to the safety of officers and/or others.
3. Whether the person is actively resisting seizure or attempting to evade seizure by flight.

From a training perspective, the Department will continue to focus on dialog as a critical intervention option. Providing clear and immediate verbal commands to suspects remains a priority. The use of passive and active countermeasures for decentralizing and controlling the actions of a suspect are used with the greatest frequency.

In 2018, the APD DAAT program continued to discuss and train keeping a safe distance between a subject and an officer. Using principles learned from Crisis Intervention Training on de-escalation, officers are practicing stepping back and allowing a subject to process the arrest command before going “hands-on.” This important concept can be the key to less use of force incidents in the future.

Because training staff pay close attention to statistical analysis of types of force used and the types of injuries sustained, and by instituting best practices of de-escalation, use of cover and slowing things down, the Appleton Police Department is dedicated to reducing force used on citizens.

The Appleton Police Department remains committed to maintaining current policies, realistic training, and comprehensive reviews of all incidents involving the use of force. The training cadre at the APD is further committed to continue reducing the number of physical interventions by practicing verbal de-escalation and giving subjects time and space to consider the implications of their actions. It is a reality in law enforcement that no matter how polite and considerate an officer is there is a small percentage of individuals who have made up their mind to resist arrest. There are also many who are so impaired by drugs or alcohol that they cannot make rational decisions. For those subjects, Appleton Police Department officers will be ready through realistic and difficult training. Use of force is not taken lightly. Officers must be prepared to defend their own life and the lives of citizens. We are steadfast in our resolve to do so legally and ethically.

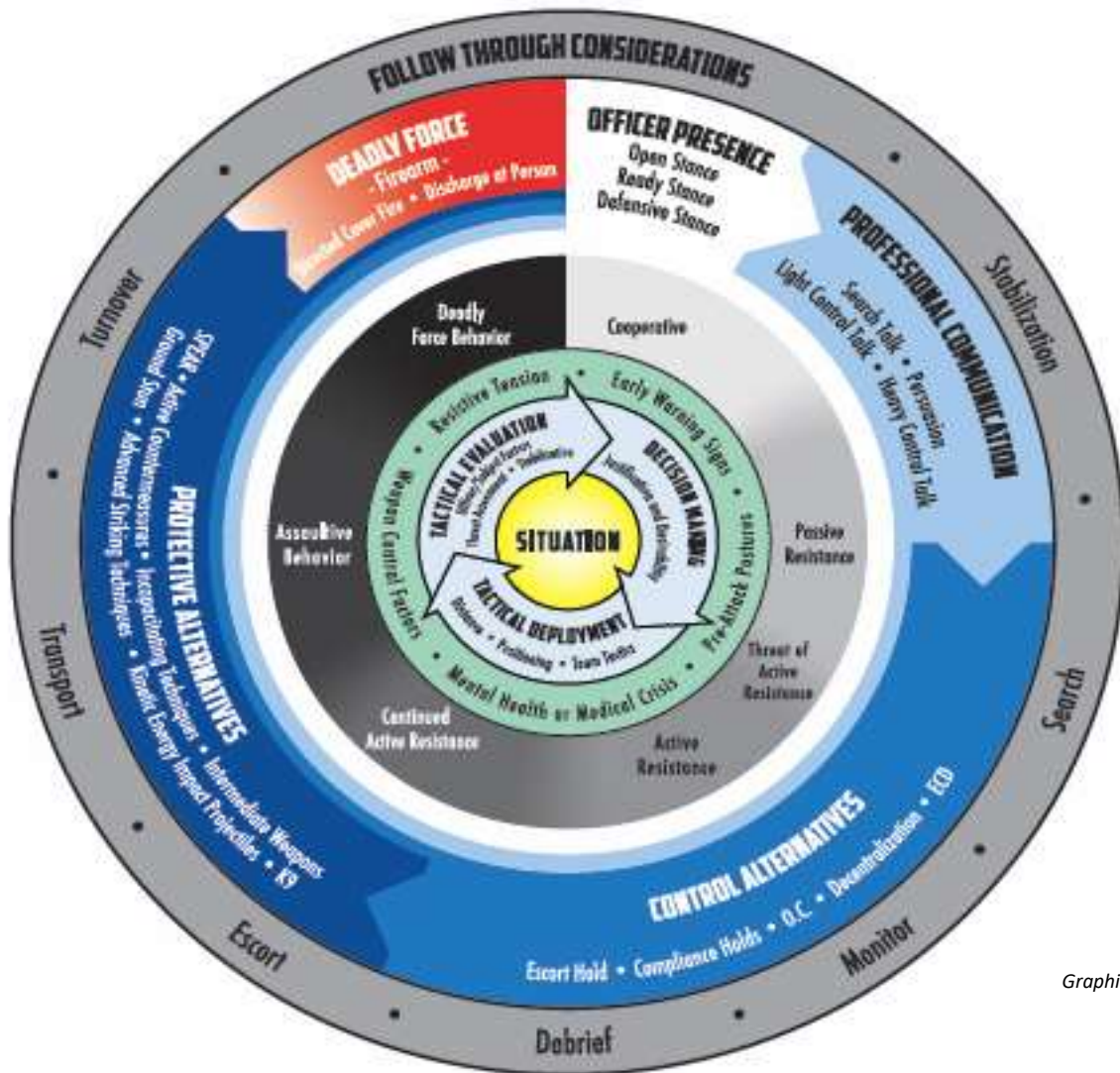
## Appendix

### Intervention Options

<u>Mode</u>	<u>Purpose</u>
A. Presence	<i>To present a visible display of authority</i>
B. Dialog	<i>To verbally persuade</i>
C. Control Alternatives	<i>To overcome passive resistance, active resistance, or their threats</i>
a. Escort Holds	
b. Compliance Holds	
c. Control Devices	
i. OC Spray	
ii. Electronic Control Devices (ECD's)	
d. Passive Countermeasures	
D. Protective Alternatives	<i>To overcome continued resistance, assaultive behavior, or their threats</i>
a. Active Countermeasures	
b. Incapacitating Techniques	
c. Intermediate Weapon (APD Approved Baton)	
E. Kinetic Energy Impact Projectile Weapons	
F. Canine (K-9) apprehension resulting in bite	
G. Deadly Force	<i>To stop the threat</i>

## Use of Force Wheel

There are many different visual variations of Use of Force Continuums. Some are displayed as a matrix, others as pyramid or a graphic correlating increased or continued resistance with additional options to the officer.



Graphic J

## Definitions

Active Countermeasures: An opposing measure, taken in response to the actions of another.

Active Resistance: Behavior which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.

Assaultive Behavior: Direct actions or conduct that generates bodily harm.

Baton: A police impact weapon used to impede an adversary by striking parts of the body. Conventional batons are made of wood or plastic; expanding batons are constructed of a series of telescoping metal shafts.

Continued Resistance: Maintaining a level of counteractive behavior that is not controlled by an officer's current efforts.

Core Competencies: A listing of department trained techniques identified by the DAAT Coordinator which receive more focus than others during training sessions.

DAAT System: A system of verbalization skills coupled with physical alternatives for Wisconsin law enforcement.

Deadly Force: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

Decentralization: To direct a person to the ground in an effort to control their movements and stabilize prior to handcuffing.

De-escalation: To decrease in intensity, to select another, less extreme alternative.

Electronic Control Device (ECD): A device that transmits a safe amount of electrical current through probes deployed into a person with the objective of gaining control through temporary neuro-muscular incapacitation.

Great Bodily Harm: Means 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 or organ or other serious bodily injury. (939.22(14))

Hobble: A heavy-duty nylon strap with a snap hook on one end and a self-locking alligator clip on the other to assist with subject control and transport.

Impact Weapon: Weapon (baton) whose force is manifested by blunt force caused by striking.

Incapacitating Techniques: Techniques and movements done to a person with the goal of creating immediate, temporary cessation of violent behavior.

Intervention Options: An element of Disturbance Resolution in DAAT containing five modes in which an officer can intervene with a subject.

Kinetic Energy Impact Weapon: Kinetic energy is energy possessed by a body in motion. Kinetic energy = half mass x velocity squared.

Objectively Reasonable: The standard by which many actions of a police officer are judged. As an example: 'Would your actions be judged appropriate by a reasonable person based on the totality of circumstances and the information known to you at that time?'

Part 1 / Group A Crimes: Collection of charges include; arson, assault, bribery, burglary, forgery, damage to property, drug offenses, embezzlement, extortion, fraud, gambling offenses, homicide, human trafficking, kidnapping, larceny, vehicle theft, prostitution, robbery, sex offenses, stolen property, weapon violations, and animal cruelty.

Part 2 / Group B Crimes: Collection of charges include; curfew, loitering, vagrancy, disorderly conduct, driving under the influence, non-violent family offenses, liquor law violations, peeping tom, probation violations, and bail jumping.

Passive Countermeasures: Techniques and movements done to decentralize a person.

Passive Resistance: Non-compliant and non-threatening behavior.

Pre-Attack Cues: Signals or certain behaviors provided by the subject that are often associated with a high level of danger to officers. Behaviors that may indicate imminent danger of physical assault.

ECD Leads/Probes: The ends of the ECD projectile that make contact with the target of the deployment.

## Resources

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