



2022 USE OF FORCE ANALYSIS

Appleton Police Department



222 S. Walnut St.
Appleton, WI 54911
(920) 832-5500
www.appleton.org

Prepared by: Lt. William Krieg

Table of Contents

Overview	2
General Guidelines	2
Intervention Options Requiring Documentation.....	3
General Assaults and Battery to Officer Arrests.....	3
De-Escalation and Reducing Uses of Force.....	4
Use of Force Review Process	5
2022 Use of Force Summary.....	5
Situational Analysis	7
Total Use of Force Incidents Against Persons.....	8
Types of Force Used	9
Total Officer Involvement.....	10
Ratio of Uses of Force to Total Arrests	11
Uses of Force Resulting in Injury	12
Day and Month Breakdown.....	12
Ratio of Uses of Force to City Population	14
Shift and District Breakdown	15
Northern District Specific	16
Downtown District Specific	18
Southern District Specific	20
Additional Situational Factors	23
Conclusion	24
Appendix	26
Intervention Options	26
Use of Force Wheel	27
Definitions.....	28
Resources.....	30

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 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 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, they 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 anytime 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 and initially determine if the use of force was within policy guidelines. 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 individuals who presented an 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 instances, the level of non-compliant behavior escalated to assaultive against the officer.

General Assaults and Battery to Officer Arrests						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Referrals	6	10	5	11	8.6	9.2

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 2019, and again in 2021, the numbers did return to pre-2016 levels. However, in 2022, the total assaults and battery to officer incidents charged out by the district attorney's office returned to a 5-year high of 11. Not included in these numbers are incidents where an officer was injured and charges were not filed. Also not included are the high volume of instances officers were verbally threatened by a subject. 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, an electronic entry is made into Axon Standards. That form is then 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 2022, 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.

2022 Use of Force Summary

During 2022, Officers from the Appleton Police Department used a level of force that met the reporting requirements during a total of 69 incidents involving 70 total people. As in previous years, passive countermeasures accounted for the majority of techniques used by officers to affect an arrest. Officers utilized a total of 52 passive countermeasures. Appleton officers were also involved in 14 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 19 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 21st 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.

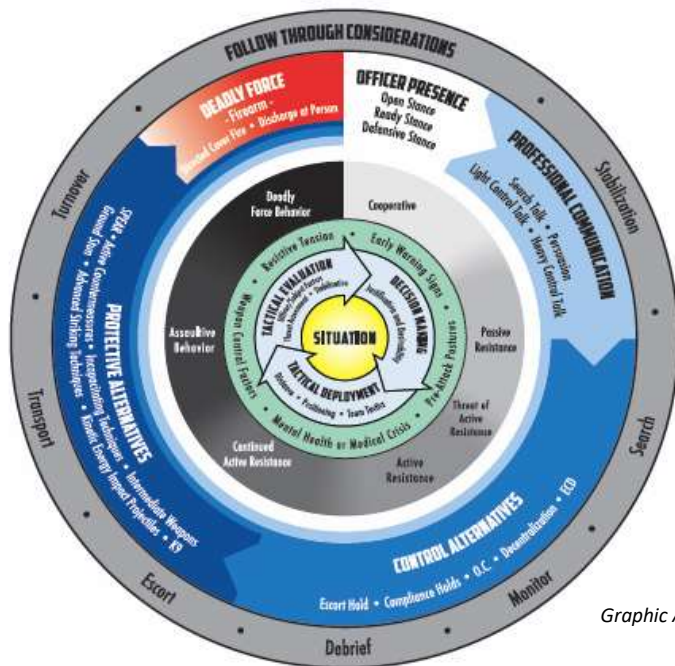
Situational Analysis

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 2023 training.

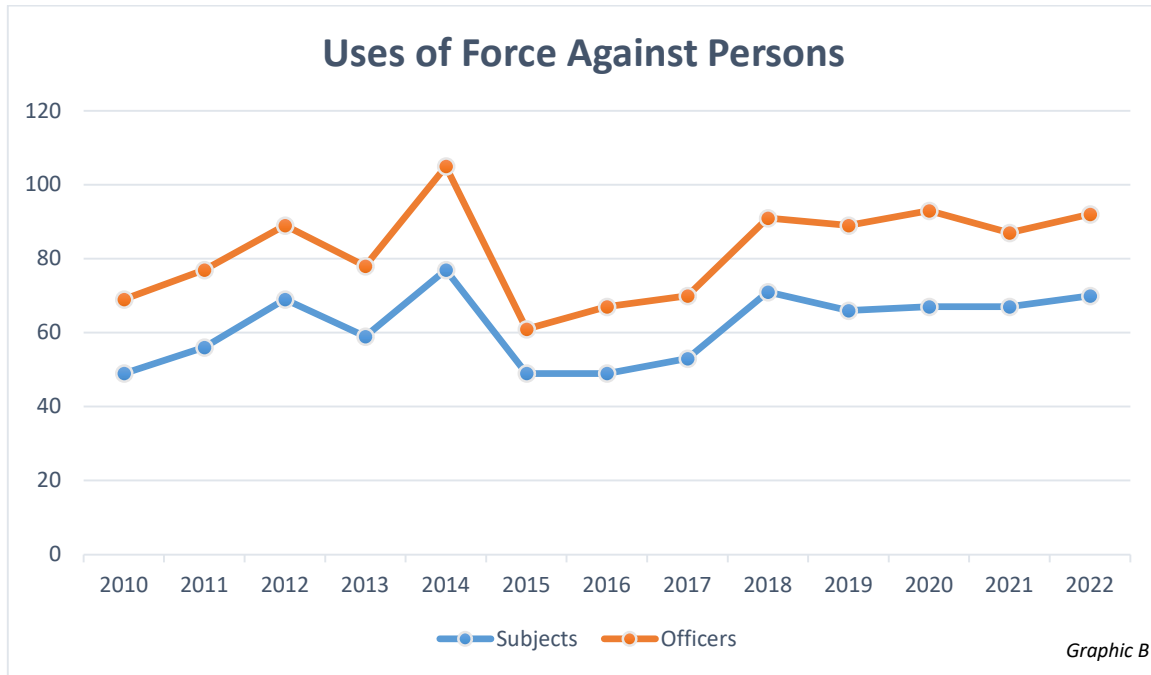


Graphic A

Starting in 2018, a five year training cycle was instituted to ensure had a measured and balanced exposure to the various techniques taught in the DAAT system. Training this year will focus on proper and appropriate uses of focused strikes. In addition, training will include decision making scenarios, active shooter response, and virtual reality training.

Total Uses of Force Against Persons

In 2022, there were 70 instances of officers using of 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 13 annual use of force analysis reports.



Total Uses of Force Against						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Subjects Involved	66	67	67	70	68.2	62.8
Officers Involved	89	93	87	92	90.4	83.3

Table 02

The number of incidents which required a use of force rose slightly in 2022. However, that rise is still within an expected range based on the 5-year average. The major difference is when compared to the 10-year average. The 2022 total is approximately 10% higher. Refer to Table 02 for details.

The uses of force in 2022 involved 46 different officers. The total of 46 different officers does not match the 92 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						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Passive Resistance	5	3	4	10	5.6	4.8
Active Resistance	46	46	47	47	46.6	44.1
Assaultive Behavior	14	16	16	12	15	13.2

Table 03

The data collected showed officers encountered active resistance in 67.1% of their incidents where a use of force was required. This is significantly higher than the 14.3% of passive resistance leading to a use of force. Officers were met with assaultive or deadly force behavior in approximately 18.6% of use of force incidents.

Table 03 showed the occurrences of passive resistance more than doubled from the previous year. It was also nearly double from the 5-year and 10-year averages. Data at the time of this report doesn't offer any specific reason for this increase, but it will be looked at closely as time goes on to see if this is an anomaly or a new trend.

An encouraging decline was seen in the number of times officers were required to use force on a subject presenting assaultive behavior. This showed a 25% decline from the previous year and was lower than both the 5-year and 10-year averages.

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.

Types of Force Used

Table 04 shows that 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 52 of the 70 use of force incidents. That translates to nearly 75% of all incidents involving uses of force. It is important to understand that when utilizing the majority of use of force technique, the officer's objective is to gain physical control. Bringing an individual to the ground aids in that control.

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.

Types of Force Used on Individuals Involved*						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Total ECD Deployments	12	11	16	14	13.8	14.3
Effective	7	7	12	11	10.0	10.7
Effective %	58.33%	63.64%	75.00%	72.73%	62.00%	66.36%
Non-Effective	5	4	4	3	3.8	3.6
OC Spray	0	0	0	0	0	0
Total Individuals Decentralized	50	56	49	52	50.8	46.1
Vertical and/or Ground Stuns	4	3	2	2	2.8	3.8
Hand Strikes	9	5	3	11	7.6	8.2
Elbow Strikes	2	0	3	2	1.6	1.1
Leg Kicks	1	0	0	0	0.4	0.4
Knee Strikes	6	8	3	1	4.6	5.0
Baton	0	0	0	0	0	0
Canine Bite	0	1	0	1	0.4	0.3
Deadly Force	1	0	0	1	0.6	0.5
Incapacitating Techniques	0	0	0	0	0.4	0.5

*Count is based on individuals involved, not the total number of officers who utilized a technique.

Table 04

Total Officer Involvement

In the use of force review. The frequency in which an officer used force is also considered. In 2022, there were 46 different officers who used force. This was from a total of 114 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.

Total Officer Involvement						
Officers Involved	2019	2020	2021	2022	5-Year Avg	10-Year Avg
0 Incidents	63	65	69	68	65.2	67.7
1 Incident	25	26	22	21	24.4	22.7
2 Incidents	18	11	10	11	12.2	11.3
3 Incidents	3	4	6	10	5.8	4.6
4 Incidents	1	3	4	3	2.8	2.3
5 Incidents	3	3	1	0	1.6	1.8
6 Incidents	0	1	1	0	0.6	0.5
7 Incidents	0	0	0	1	0.2	0.3
8 Incidents	0	0	0	0	0	0
Total Sworn	113	113	113	114	112.8	111.3

Table 05

The area of growth compared to both last year and the 5-year trend is with the officers involved in three 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 2022 increased dramatically from the previous year. This is due in part with how calls for service are generated at dispatch. However, there is also a trend of increasing welfare checks and mental health related calls for service that are not necessarily criminal in nature. The total number of adult arrests were slightly lower than in 2021. Conversely, the juvenile arrest count increased by approximately 36%.

Overall, the use of force to arrest ratio increased slightly from 2021 but remained below the ratio seen in 2020. Numbers show just over two uses of force were required for every 100 arrests.

Ratio of Uses of Force to Total Arrests						
	2019	2020	2021	2022	5-Year Avg*	10-Year Avg*
Calls for Service	46,633	45,867	54,795	65,155	51,701.2	50,705.0
Reported Part 1 / Group A Crimes	3,691	4,241	4,529	1,236	3,535.4	3,928.0
Reported Part 2 / Group B Crimes	3,765	4,234	4,852	1,585	3,778.0	4,735.6
Number of Adult Arrests	2,508	2,154	2,638	2,519	2,735.8	3,834.3
Number of Juvenile Arrests	296	227	194	302	313.6	591.7
UOF on Individuals Charged	53	57	56	62	58.2	54.3
UOF to Arrest Ratio	0.0189 or 1.89%	0.0239 or 2.39%	0.0197 or 1.97%	0.0220 or 2.20%	0.0191 or 1.91%	0.0123 or 1.23%

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	2019	2020	2021	2022	5-Year Avg	10-Year Avg
None	65	72	80	73	71.6	65.5
Claimed	12	9	3	7	7.4	7.0
Visible	12	12	4	12	11.4	10.8

Table 07

Officer Injuries: In 2022, there were 19 officer reports of injury as a direct result of a use of force. That is significantly higher than the 7 reported in 2021. However, it is almost exactly what was reported in 2020 and very similar to the 5-year average. The majority of injuries were minimal. Four officers received first aid for minor injuries sustained during uses of force. Two officer required medical clearance.

Subject Injuries: In 2022, there was an increase seen in the number of subjects with visible injuries caused by a use of force. However, only 10% of the uses of force required medical treatment at a hospital. Most of those were also in combination for required medical clearance before jail admittance. No use of force in 2022 required an individual to be medically admitted for treatment because of injury caused by force being used.

Most visible or claimed injuries caused by a use of force are minor. Subjects received injuries such as lacerations, abrasions, and puncture wounds from ECD probes. One individual received gunshot wounds during a deadly force incident.

Uses of Force Resulting in Subject Injury						
Subjects	2019	2020	2021	2022	5-Year Avg	10-Year Avg
None	40	45	37	35	38.4	35.6
Claimed	6	3	6	3	4.4	3.8
Visible	19	19	24	32	25.2	23.3

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 not 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 2022 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.

City-Wide Day Uses of Force by Day of Week						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg*
Sunday	6	9	5	5	7.0	6.7
Monday	9	9	8	5	8.4	8.7
Tuesday	15	7	9	10	9.4	8.9
Wednesday	7	7	15	8	8.8	7.1
Thursday	11	14	10	15	12	9.1
Friday	9	12	10	11	11	10.9
Saturday	9	9	10	16	11.6	11.4
Total	66	67	67	70	68.2	62.8

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.

Table 09

Use of force totals stayed fairly consistent most days of the week. The biggest increases were seen on Thursdays and Saturdays. Both of these were well above the previous year and higher than the 5-year and 10-year averages. Wednesday totals, which were a high last year, returned to expected levels. It is still not clear what may have contributed to these fluctuations.

An observation of the data seems to show that uses of force may be trending back to higher totals between Thursday and Saturday. Previous trends had shown totals balancing out throughout the week. If Thursday, Friday, and Saturday nights are considered the “weekend nights” our use of force numbers did increase from 30 to 42 in 2022. This data, coupled with knowing most uses of force occur in the downtown district at night, reinforce the importance of extra police presence in our entertainment district.

When looking at the use of force data in Table 10, there are three months that should be noted. The first is March, which showed a 50% reduction in the number of times force was used. This relatively low number was also below the 5-year and 10-year averages. Increases were seen in both January and August. Both were well above the previous year’s totals and higher than their monthly averages. With one being in the middle of winter and the other the middle of summer, it is unlikely they share a common reason for the increases.

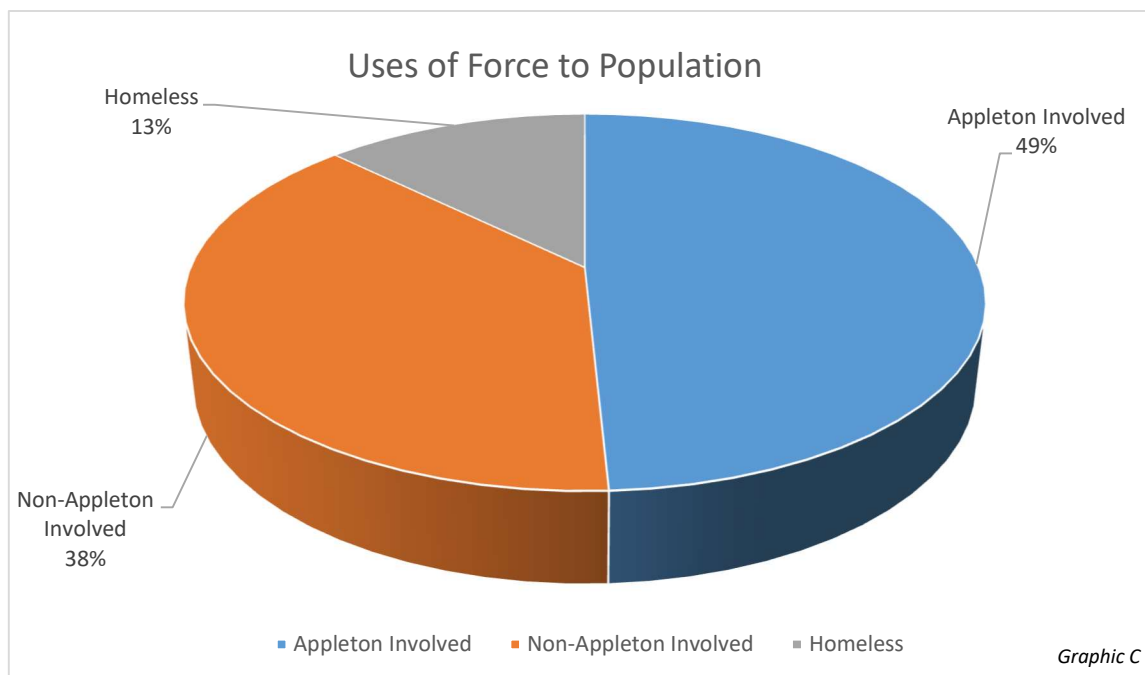
Holidays did not seem to play a part in the use of force distribution. Larger events held over weekends, such as Oktoberfest and Mile of Music, also did not appear to significantly add to the use of force numbers.

City-Wide Uses of Force by Month Breakdown						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
January	3	3	1	6	3.8	4.5
February	2	7	5	2	5.4	4.7
March	6	8	8	4	6.2	5.9
April	6	1	5	7	4.2	5.0
May	5	7	5	7	5.8	4.8
June	5	10	5	3	5.0	5.0
July	3	2	3	4	4.4	4.4
August	5	7	2	8	6.4	5.0
September	9	8	6	6	6.2	6.0
October	10	7	11	7	8.4	6.7
November	6	4	11	9	7.6	6.3
December	6	3	5	7	4.8	4.5
Total	66	67	67	70	5.7/68.2	5.2/62.8

Table 10

Ratio of Uses of Force to City Population

In 2022, there were 70 total incidents involving a use of force. From those, just under half (31) involved actions against an Appleton resident. Non-Appleton residents were involved in 24 use of force incidents while 8 incidents involved a homeless individual.



According to the United States Census Bureau, the population of Appleton in 2017 was 74,653. In 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 for officers working the day shift. However, a dramatic increase was seen for officers working the overnight shifts. In total, almost 45% of all uses of force occurred between 10pm and 6am.

City-Wide Shift Breakdown						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
0600-1400	19	17	17	17	17.8	15.3
	28.79%	25.37%	25.37%	24.29%	26.10%	24.36%
1400-2200	30	25	26	22	26.6	23.7
	45.45%	37.31%	38.81%	31.43%	39.0%	37.74%
2200-0600	17	25	24	31	23.8	23.8
	25.76%	37.31%	35.82%	44.29%	34.9%	37.9%
Total	53	67	67	70	68.2	62.8

Table 11

Historically, the afternoon timeframe tends to be fairly similar to the overnight in terms of overall numbers. In 2019, the afternoon shift has 45% of the uses of force compared to 26% during the overnight. This year had similar percentages, just flipped with the overnight having 45% by the end of the year.

City-Wide District Breakdown						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Northern	11	13	12	13	11.8	10.9
	16.67%	19.40%	17.91%	18.57%	17.3%	17.36%
Downtown	35	33	34	39	35.2	33.1
	53.03%	49.25%	50.75%	55.71%	51.61%	52.71%
Southern	19	20	19	11	18.8	17.1
	28.79%	29.85%	28.36%	15.71%	27.57%	27.23%
Out of City	1	1	2	7	2.4	1.7
	1.52%	1.49%	2.99%	10.00%	3.52%	2.71%
Total	66	67	67	70	68.2	62.8

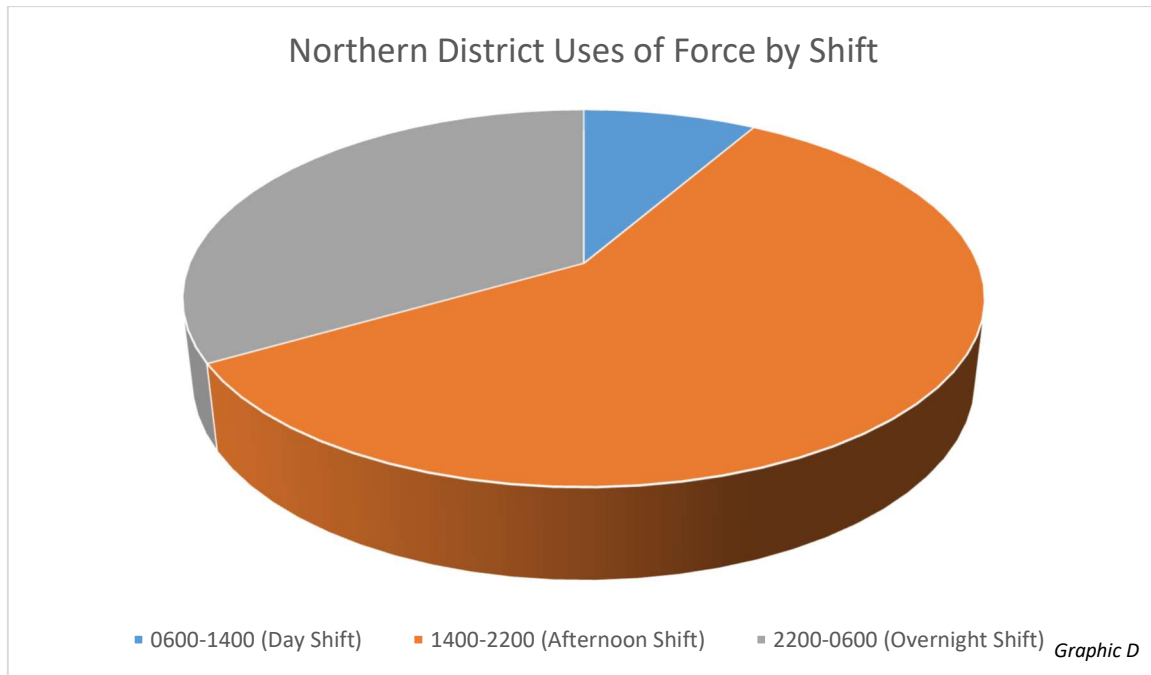
Table 12

As is typically observed, the Downtown District accounted for the majority of uses of force (55.71%). As a percentage, that is higher than both last year and the 5-year and 10-year averages. A significant increase in out of city uses of force were observed. This increase is likely caused by a

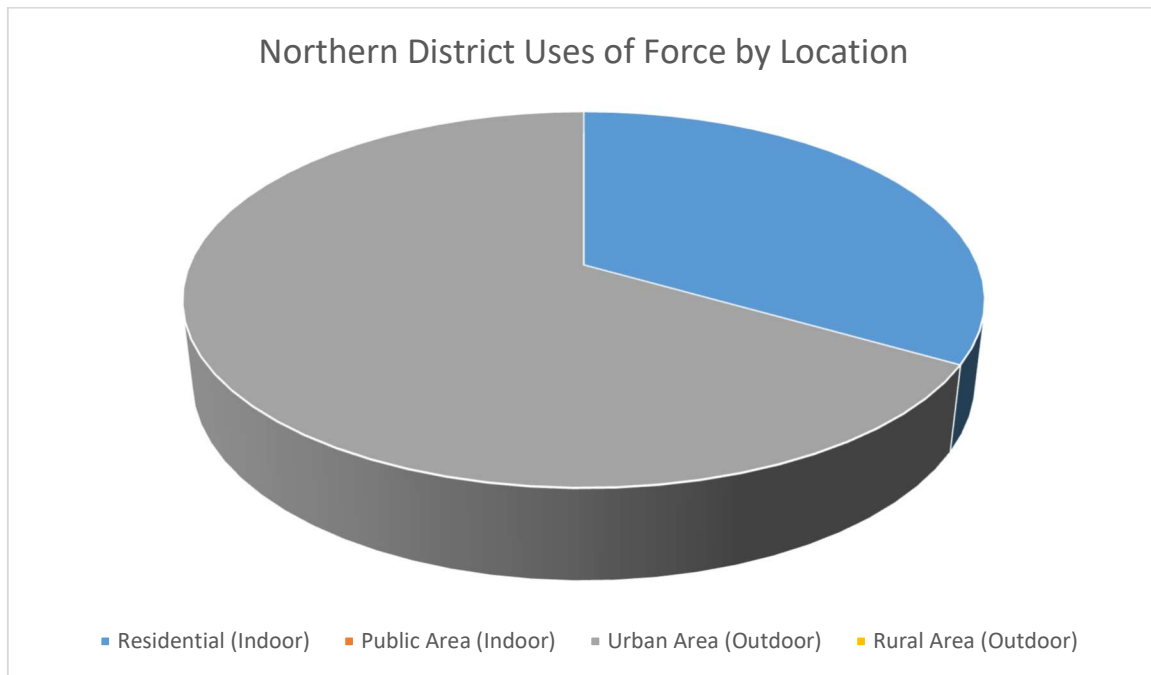
combination of mutual aid requests and SIU (Special Investigations Unit) working with the US Marshals Service.

Northern District

The Northern District had only 12 (17%) of the 70 use of force incidents in 2022. Graphic D breaks down the Northern District data into daytime, afternoon, and overnight times. The majority of these (58%) took place during the 1400-2200 afternoon hours. Contrary to what might be expected, only 4 (33%) occurred during the 2200-0600 overnight hours.



As for location, 8 of the 12 uses of force occurred in outdoor environments. Refer to Graphic E for details. Only 4 uses of force were required within residential indoor environments. No uses of force were reported within indoor public spaces or in more open, rural type settings.



The 5-year average show uses of force in the Northern District typically peak in October. That, however, did not hold true in 2022. January and April both saw higher than usual numbers than the previous years or the averages. Reference Table 13 for details.

Northern District Uses of Force by Month						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Jan	0	1	0	3	0.8	0.7
Feb	0	0	0	0	0.0	0.5
Mar	0	1	2	0	1.0	1.1
Apr	1	0	1	4	1.2	1.0
May	0	2	0	1	0.6	0.4
Jun	1	3	0	0	0.8	0.9
Jul	1	0	0	0	1.0	1.3
Aug	0	1	0	2	0.8	0.8
Sep	2	2	1	0	1.0	0.8
Oct	2	2	1	1	1.6	1.4
Nov	3	0	3	0	1.4	0.9
Dec	0	0	1	1	0.4	0.4
Total	10	12	9	12	10.6	10.2

Table 13

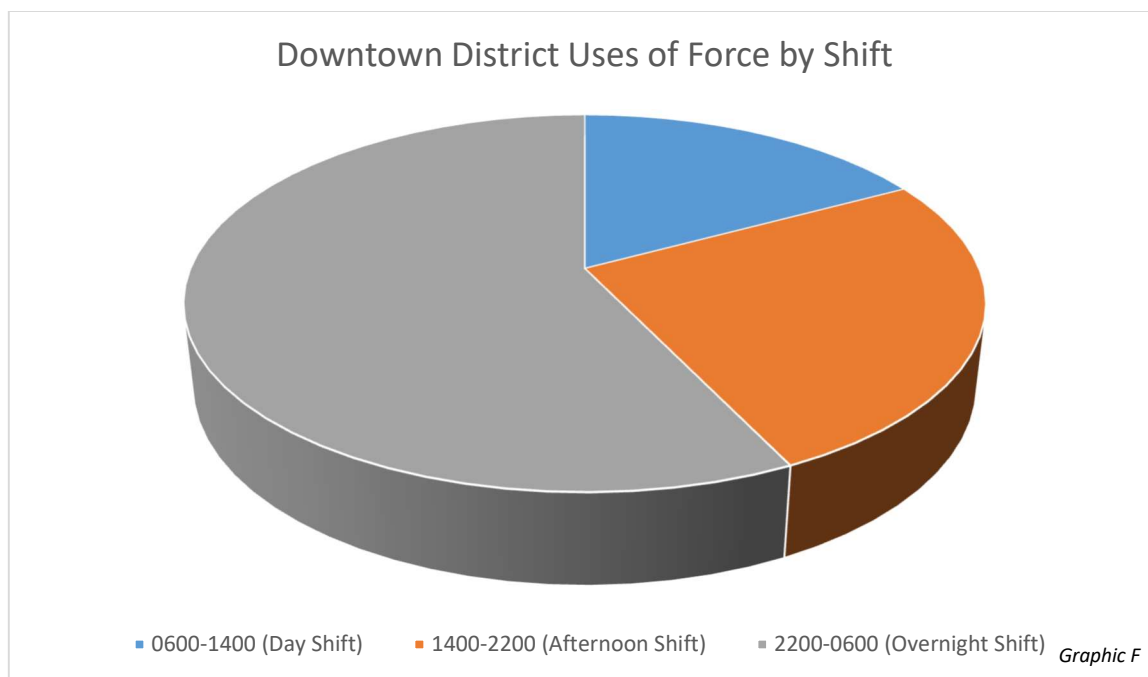
Northern District Uses of Force by Day of Week						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Sun	1	1	2	2	1.6	1.4
Mon	0	2	2	1	1.4	1.6
Tues	3	1	1	3	2.0	1.7
Wed	1	2	1	2	1.2	1.1
Thurs	0	2	1	1	1.0	1.0
Fri	3	2	2	1	2.0	1.8
Sat	2	2	0	2	1.4	1.6
Total	10	12	9	12	10.6	10.2

Table 14

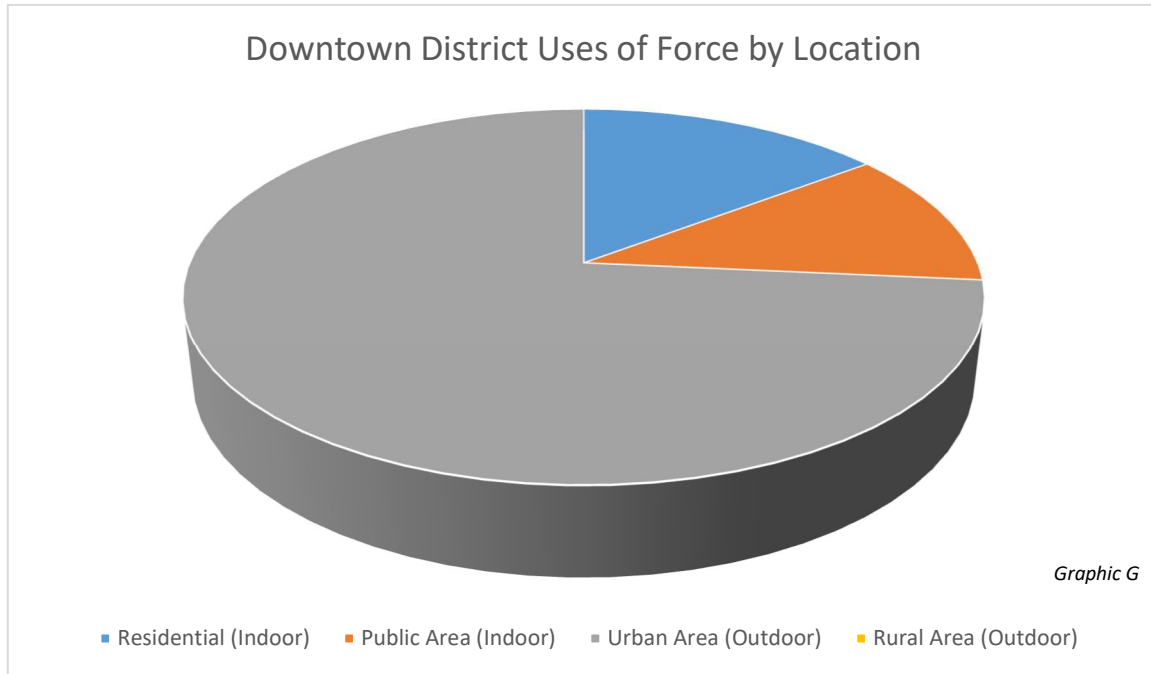
Northern District use of force incidents were relatively evenly distributed by day of week. This is consistent with what someone would expect based on the averages. Tuesday was the highest with 3 recorded. Table 14 shows a more detailed breakdown of the information.

Downtown District

The Downtown District had the majority (35) of Appleton’s 70 use of force incidents in 2022. Graphic D breaks down the Downtown District data into daytime, afternoon, and overnight times. Most of these (57%) took place during the 2200-0600 overnight hours. The afternoon timeframe had approximately 26% while daytime had approximately 17% of incidents as shown in Graphic F.



Nearly three-quarter (26) of the uses of force in the Downtown District occurred in outdoor environments. Four of them occurred indoors within a commercial setting such as a store or public building. Five occurred within a private residence.



In terms of monthly occurrences, the five year average typically show uses of force in the Downtown District with relatively even distribution. The exceptions being in January and February. For the most part, that held true in 2022. A noticeable reduction of incidents occurred in October by dropping down to just one.

The first “jump” in the numbers was seen in March. From there, the numbers staying relatively consistent until dropping in October. November saw the total increase to five, which was the name number reached in 2021. For two years in a row, November had the most uses of force in the Downtown District. Refer to Table 15 for details.

As might be expected due to the location of the Entertainment District, most uses of force occurred on Thursday, Friday and Saturday. Saturday saw the largest increase from the year prior. The Saturday total nearly doubled from 7 to 14 uses of force. Reference Table 16 for details.

Downtown District Uses of Force by Month						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Jan	2	0	1	2	1.6	2.1
Feb	1	3	3	1	3.0	1.9
Mar	3	3	3	4	3.0	2.9
Apr	4	0	3	3	2.4	2.8
May	4	3	3	4	3.4	2.7
Jun	3	6	1	2	2.6	2.8
Jul	1	1	2	4	2.2	1.7
Aug	1	3	2	4	3.4	2.5
Sep	1	4	4	3	2.6	2.6
Oct	4	4	4	1	3.2	2.5
Nov	3	2	5	5	3.4	3.3
Dec	3	2	1	2	1.6	1.7
Total	30	31	32	35	32.4	29.5

Table 15

Downtown District Uses of Force by Day of Week						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Sun	2	4	1	0	2.2	2.6
Mon	2	4	3	2	2.8	3.2
Tues	7	2	3	3	3.6	3.4
Wed	3	3	8	4	4.4	3.5
Thurs	8	7	5	7	6.8	4.3
Fri	3	5	5	7	5.2	5.2
Sat	5	6	7	12	7.4	7.3
Total	30	31	32	35	32.4	29.5

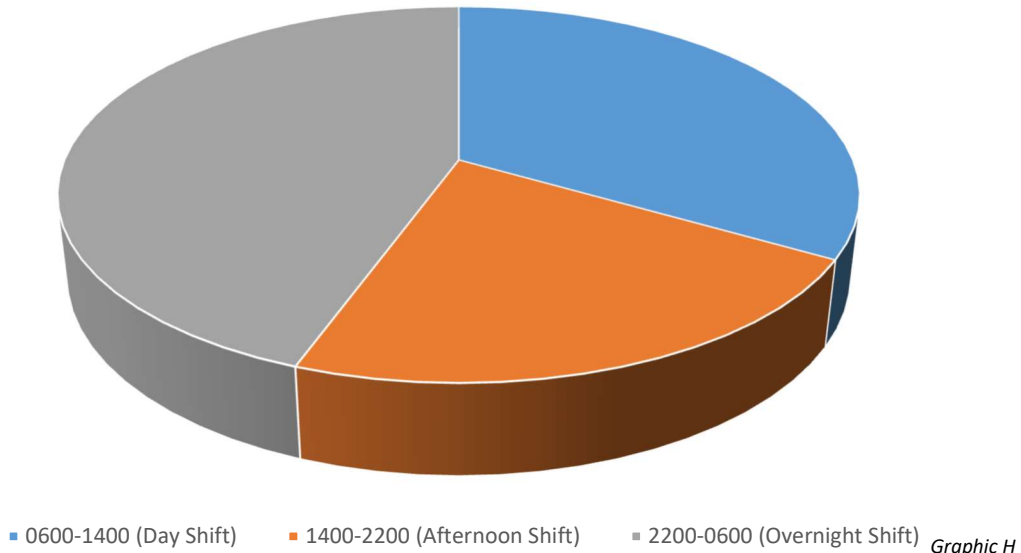
Table 16

Southern District

The Southern District had just nine use of force incidents in 2022. This was a 47% drop from the year prior. Impressively, it was a 55% decrease from 2020 and finished well below the 5-year average (16.8) and 10-year average (15.6). At this time, it is unknown what factors may have contributed specifically to the dramatic drop seen in the Southern District.

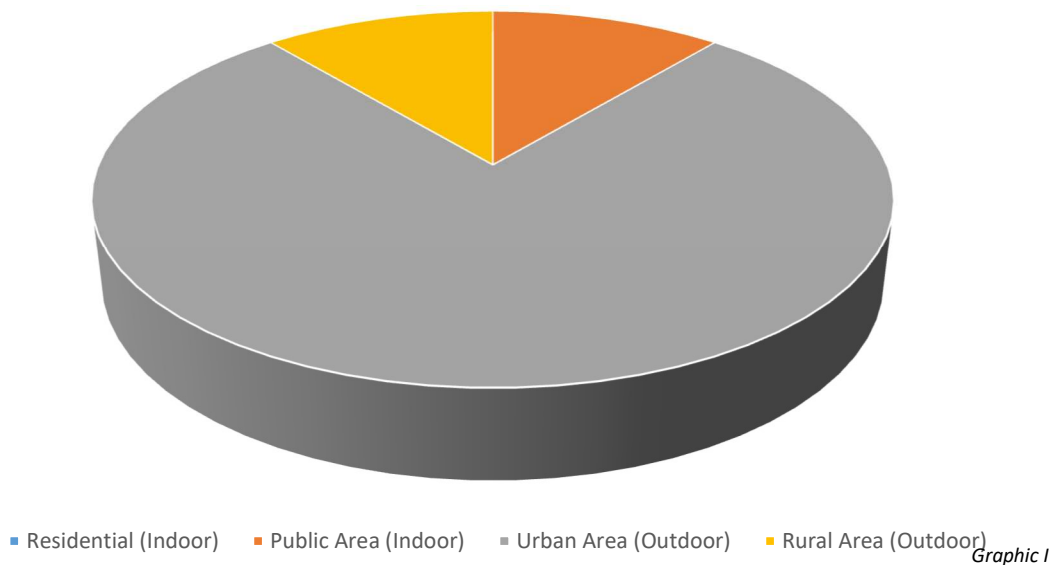
Graphic H breaks down the Downtown District data into daytime, afternoon, and overnight times. There was an even distribution of incidents. The overnight hours of 2200-0600 saw the most with four, while the daytime hours of 0600-1400 had three. The afternoon hours from 1400-2200 saw the fewest with just two. Refer to Graphic H for a visual breakdown of the district.

Southern District Uses of Force by Shift



The general category of “outdoor” encompasses the majority of the uses of force throughout the city. The Southern District recorded a total of seven (nearly 78%) in urban outdoor areas. Understanding typical environments ultimately becomes important during training to provide realistic scenarios and safety risks. Refer to Graphic I for a graphic breakdown.

Southern District Uses of Force by Location



When looking at incidents month-over-month, the 5-year average show uses of force in the Southern District typically peak in August. While August did have the most uses of force with two, December also had two incidents. Nearly half the year finished without a use of force in the Southern District. Reference Table 17 for details.

Southern District Uses of Force by Month						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Jan	1	2	0	0	1.0	1.3
Feb	0	2	2	1	1.6	1.3
Mar	1	3	2	0	1.2	1.2
Apr	1	1	0	0	0.4	0.8
May	0	2	1	1	1.2	1.4
Jun	1	1	4	0	1.4	1.1
Jul	1	1	1	0	1.0	1.2
Aug	4	3	0	2	2.2	1.5
Sep	4	2	1	1	1.8	1.7
Oct	3	1	2	1	1.8	1.6
Nov	0	2	2	1	2.0	1.4
Dec	1	0	2	2	1.2	1.1
Total	17	20	17	9	16.8	15.6

Table 17

Southern District Uses of Force by Day of Week						
	2019	2020	2021	2022	5-Year Avg	10-Year Avg
Sun	3	4	2	2	2.8	2.5
Mon	5	2	2	1	2.6	2.4
Tues	2	2	4	1	2.0	2.2
Wed	2	2	3	0	1.8	1.3
Thurs	3	4	3	2	2.8	2.3
Fri	0	5	1	2	2.4	2.6
Sat	2	1	2	1	2.4	2.3
Total	17	20	17	9	16.8	15.6

Table 18

Southern District use of force incidents were seen primarily on Thursday and Friday nights. However, those totals were only two each – the same as those on Sunday. The low numbers compiled make it difficult to make any meaningful observations based solely on day of week.

Additional City-Wide Situational Factors

Some additional information related to uses of force during 2022 that were identified during the review of data.

- 15 of the 70 uses of force (21.4%) involved a foot chase prior to the use of force.
- Suspects spit on officers during 6 of the 70 uses of force (8.6%).
- A “WRAP” restraint device was utilized in 14 of the 70 uses of force (20%).
- Seven (7) of the 70 incidents (10%) had a suspect that was ultimately put on an emergency mental detention instead of confinement.
- Eight (8) of the 70 incidents (11.4%) involved suspects who met domestic criteria.
- Seven (7) of the 70 incidents (10%) suspects resisting and 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 2022 data, a use of force is most likely to occur in the Downtown District (55.7%), during the overnight (44.3%), 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 2022, 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 pays 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.

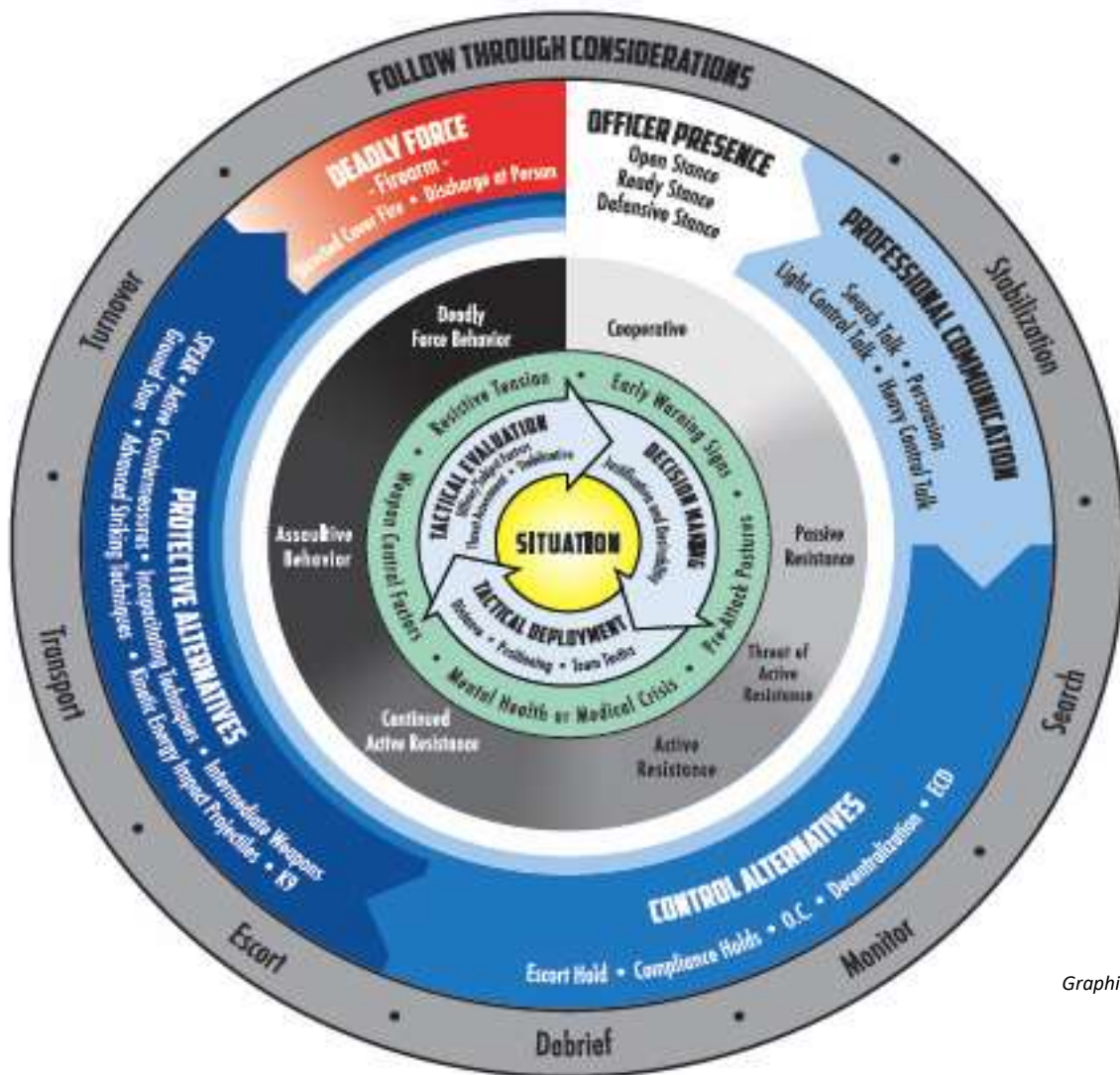
Appendix

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

Alpert, G. & Dunham, R. (2004). *Understanding Police Use of Force: Officers, Suspects, and Reciprocity*. New York: Cambridge University Press.

Appleton Police Department. (2015). *Use of Force: Policy*.

Law Enforcement Standards Board. (2007). *Defensive and Arrest Tactics: A Training Guide for Law Enforcement Officers*. Wisconsin Department of Justice. Retrieved from <https://wilenet.org>.

Mesloh, C., Henych, M., & Wolf, R. (2008). *Less Lethal Weapon Effectiveness, Use of Force, and Suspect & Officer Injuries: A Five-Year Analysis*. Weapons and Equipment Research Institute. National Institute of Justice.

NTOA. (2008). *Operators defensive tactics for combative subjects*. Retrieved from: <https://ntoa.org/conference/courses.html>

President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Orientated Policing Services.

<https://www.census.gov/quickfacts/appletoncitywisconsin> retrieved Feb 3, 2019

<https://www.postcrescent.com/story/news/local/2016/10/03/fox-cities-population-exceeds-216000/91111516/> retrieved Feb 3, 2019 USA Today Network writer Duke Behnke on Oct 3, 2016 estimates the population of Fox Valley to be 216,154 based on 2010 census data.

Whitelock, K. A. & Asken, M. J., (2012). *Code Calm on the Streets: Mental Toughness Skills for Pre-Hospital Emergency Personnel*. (1st Ed). Sunbury Press Inc. in Boiling Springs, PA