

**Administrative Review of
Officer Use of Force**

*Eau Claire Police Department
Case 21PD19346*

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Executive Summary

Introduction

The Eau Claire Police Department officers' use of force decision making and use of force actions during this incident directed at Demetrio Jackson were within guidelines of the Wisconsin Defense and Arrest Tactics (DAAT) manual, Eau Claire Police Department policies and Eau Claire Police Department procedures.

The justification for decisions made and the level of force used were based on a number of objectively reasonable factors. Officers were provided information Jackson had fled on foot and a Taser had already been deployed. Officers had knowledge of Jackson from past contacts. Jackson refused to comply with officers' orders to peacefully surrender. Officers made reasonable decisions to safely take Jackson into custody. Jackson chose to resist the efforts of officers as they obtained physical control of him. Once safely in custody officers immediately engaged EMS to address possible medical concerns.

The conclusions contained in this administrative review are based on an analysis of specific department policies and procedures applied to the facts pertaining to the officer use of force in this case. The facts were gathered from officer reports, officer interviews, Higher Ground Capture 9-1-1 (Communication Center recording system for phones and radio communications), Computer Aided Dispatch (CAD) and officer mobile video recording system (MVR) audio and video.

Summary of Incident

On October 8, 2021 at 0420 hours Officer Gracia Larson was contacted by the Eau Claire County Communication Center to assist the Altoona Police Department and Eau Claire County Sheriff's Department. Telecommunicator (TC) Alyssa Sonnentag advised a subject had fled on foot and that a Taser was deployed. A short time later there was a request from TC Sonnentag to "step it up." Officers Mike Cullen and Rob Schreier chose to respond at that time as well.

Officers arrived to find Altoona Officers Leah Wolff and Kim Schuch, and ECSO Deputy Joe Wollum encircling the suspect, who was not in custody. Officer Larson recognized the suspect from past contacts as Demetrio Jackson. Jackson was initially in a prone position, but moved to a seated position as officers discussed how to take him into custody. Jackson was continually looking around, yelling and was hard to understand.

Officer Cullen attempted to verbally persuade Jackson to surrender but he would not do so. Officers Larson, Cullen and Schreier approached Jackson and were able to secure his arms and legs on the ground without applying pressure to his torso, head or neck. Jackson resisted their efforts by pulling away from officers and by trying to get up from the ground. Officer Larson was able to apply handcuffs to Jackson's wrists and he was searched incident to arrest.

During the handcuffing and subsequent search, Jackson stated a number of times he could not breathe. Officers kept Jackson on his left and right side during most of this time despite Jackson continuing his resistive behavior. Officers assisted Jackson to an upright seated position and helped him remain in that position as EMS personnel took over the contact. Officers stayed with EMS personnel because Jackson continued to move around, kick his legs, shout and not comply with directions. Eau Claire officers remained on scene until EMS transported Jackson by ambulance to Sacred Heart Hospital.

Contents of Administrative Review Report

The Administrative Review, completed by Lieutenant Greg Weber, consists of a comprehensive review and analysis of this law enforcement assist case which occurred at 1907 South Hastings Way.

The Administrative Review will provide a detailed description of the facts. In addition, when the specific event involves officer use of force; the Administrative Review will provide an analysis of the officer use of force labeled “Findings”.

The Administrative Review contains copies of the following:

- Officer written reports
- MVR recordings
- Audio recordings
- DAAT manual
- Specific Eau Claire Police Policies and Procedures (Appendix A)

Officers who completed written reports on this incident are the following:

- Officer Gracia Larson
- Officer Mike Cullen
- Officer Rob Schreier.

Officers interviewed by Lieutenant Weber are the following:

- Officer Gracia Larson
- Officer Mike Cullen
- Officer Rob Schreier.

The following is a comprehensive review and analysis of officer use of force in this incident. Information was obtained through Computer Aided Dispatch notes, Mobile Video Recordings, officer reports, officer interviews, Eau Claire Police Department Policies/Procedures and the Wisconsin Defense and Arrest Tactics Manual

Law Enforcement Assist at 1907 South Hastings Way

Information Dispatched to Responding Officers by Dispatch

The Computer Aided Dispatch (CAD) notes and dispatch radio traffic were reviewed. Only dispatch information made available to City of Eau Claire Police officers was considered in this review.

Officer Larson was contacted by dispatch around 0420 hours. Dispatch advised Officer Larson that Altoona and County were out near Harlem Street and had a subject run from them. Dispatch asked Officer Larson if she was able to assist. Officer Larson acknowledged she could and that she was coming from downtown. A short time later Officer Larson asked if the suspect was in custody or still running. Dispatch responded negative, and advised a Taser was deployed. It was unknown if dispatch meant the suspect was not in custody or not still running. Officer Larson asked if they were on city property. Dispatch responded they did not know where the suspect ended up. Dispatch said the suspect started in Altoona, but could be in the city now. Officer Larson acknowledged and requested EMS get started to the area. Dispatch advised Officer Larson EMS was already responding. Officer Larson acknowledged.

About 10 seconds later dispatch radioed, “Headquarters S166, step it up.” Officers are aware the phrase “step it up” when responding to a call means to expedite the response. As a result, Officer Larson began responding to the area in emergency mode. Officer Schreier radioed dispatch and advised he was responding to the area. Officer Cullen followed and radioed he was responding to the area as well. Officers Schreier and Cullen both responded in emergency mode.

As Officer Larson neared the scene dispatch provided additional information to guide her to the Altoona and County officers. Officer Larson was able to locate them without issue. Officers Cullen and Schreier were also able to find the correct location about one minute later.

Squad Video Review

All available squad video footage and audio was evaluated as part of this review. The MVR video footage from squad cars used by Officers Larson, Cullen and Schreier each provided visual perspectives and audio of the incident. The following is a description of the officers’ contact at 1907 South Hastings Way using officers’ MVR audio/video.

At approximately 04:20:10 hours Officer Larson begins to respond in emergency mode. Her audio was not recorded prior to the emergency response. Officer Larson began her emergency response just after dispatch advised her to, “step it up.” During her response Officers Schreier and Cullen radioed they would be headed to the scene as well.

At 04:22:10 hours Officer Larson arrived in the Walgreen’s parking lot and found other officers were with the suspect in an adjacent parking lot near the WEAU radio tower (1907 South Hastings Way). Officer Larson radioed the correct location and drove through a grassy area into the WEAU parking lot. Officer Larson provided information the suspect was in a prone position.

Altoona Officers Wolff and Schuch and Deputy Wollum were visible on camera. The three officers were surrounding the suspect. Officer Wolff appeared to have her Taser in hand. Officers could be heard shouting commands at the suspect. The suspect made some inaudible yelling noises but did not follow any commands. Officer Larson exited her squad at 04:22:30 hours and walked toward the group. The suspect was heard shouting, "Someone help me" just before he quickly sat up from the prone position to a seated position. As this happened a jacket was observed wrapped around the suspects right arm.

Officer Larson asked the other officers if the suspect had any weapons on him and was advised he did not. Officer Larson recognized the suspect as Demetrio Jackson and told this to the other officers. Officer Larson asked the other officers if they would be comfortable going "hands on" with Jackson once more units arrived, to take him into custody. Officer Larson radioed responding units of the best access to the scene and provided Jackson's name to dispatchers.

Officer Larson began to develop a plan with officers how they would take Jackson into custody if he began getting up further. While the planning occurred Jackson continued to make inaudible noises while seated on the ground. Officer Cullen arrived on scene at approximately 04:23:45 hours. Officer Schreier arrived on scene just after Officer Cullen. Officer Larson planned how they would approach Jackson to take him into custody. She specifically said Officer Schreier would take the left side of Jackson while she and Officer Cullen took the right.

As officers approached, Jackson appeared to be glancing around left to right at all of them. Officer Cullen asked Jackson if he could lay face down. Jackson responded, "I will." Jackson continued moving around in his seated position and Officer Cullen asked him to lay face down again. Jackson then shouted, "somethings coming" to officers. Officer Cullen calmly responded, "Okay, lay face down and we will take care of that other thing." Jackson did not lay face down despite officers asking him to do so several more times. While this occurred, Jackson continued to pivot from his seated position and appeared to be trying to face officers talking to him. Jackson also made several more inaudible noises while officers positioned themselves to physically contact Jackson.

Officers Schreier, Cullen and Larson moved close to Jackson and initiated physical contact with him at 04:24:46 hours. Officer Cullen secured Jackson's left arm and Officer Schreier secured Jackson's right arm. Officers moved Jackson from a seated position to a prone position with his stomach toward the ground. Jackson began moving his legs forward toward Officer Schreier and Officer Larson secured Jackson's legs. Officers were able to secure Jackson on the ground using these points of contact.

Officers began trying to apply handcuffs to Jackson. Jackson had some sort of brace on his wrist and a jacket caught on the brace. As a result, Officer Larson struggled to get her handcuffs on Jackson. Officer Cullen discussed using flex cuffs and mentioned where his were located in his squad. During this discussion Jackson was secure on the ground, not fully prone, but mostly with his left side on the ground. Jackson continued trying to move around and was screaming and making inaudible noises throughout.

At approximately 04:26:00 hours it appeared Officer Larson was able to fully secure Jackson in handcuffs and safety locked them about 15 seconds later. At about that time Jackson was moved into a full prone position. It appeared officers held Jackson down by his arms and legs with no pressure being applied to his torso, head or neck. Officers began a search of Jackson.

At 04:26:42 hours Jackson was heard saying, "I can't breathe." Officers were still searching him at that time and were still restraining him on the ground by only his arms and legs. In addition to searching, officers located and removed Taser probes from Jackson. At 04:27:26 Jackson was again heard saying, "I can't breathe." An officer on scene was heard telling Jackson to take nice deep breaths.

Officers discussed moving Jackson back to a seated position. Jackson said he could not breathe several more times. At that time Jackson was no longer prone on his stomach and was on the right side of his body. Jackson was moved onto his right side at some point during the search, but it was unclear precisely when. Officer Larson began getting off of Jackson's legs but he immediately began moving around. His legs were secured once again.

At 04:27:47 a medic was observed on camera and contacted an Altoona PD officer. Officer Cullen told Jackson medics were on scene and were going to check him out. At 04:28:50 hours officers assisted Jackson back to a seated position. EMS contacted Jackson at that time and asked him what was going on. Jackson told the medic he could not breathe. EMS personnel took over the contact while Officers Schreier and Larson helped keep Jackson in an upright seated position.

Officer Schreier stopped assisting with stabilizing Jackson and stepped away from him at 04:30:50 hours. An oxygen mask was placed on Jackson's face at about 04:31:07 hours.

At 04:31:21 Officer Schreier said, "So are we thinking excited delirium or what?" There were a group of people in the direct vicinity at the time. It appeared Officer Schreier was making a general statement and didn't appear he asked anyone specifically.

04:34:40 hours Officer Larson asked about whether Jackson was going to be transported to the hospital or not. Officer Larson said, "This isn't my case, but with how he is acting and with the Taser deployment, [inaudible] nothing we are saying is making sense to him. I think this is the potential for excited delirium and probably should actually go to the hospital." It appeared Officer Larson was talking to EMS personnel at the time.

At about 04:35:30 hours EMS personnel made a medical assessment and administered medication to Jackson. The entire time EMS was trying to assess and help Jackson he continually moved around, kicked his legs, shouted and refused to follow directions. Officers had to remain with Jackson during this time because of his continued resistive behavior. Officers assisted in keeping Jackson in an upright position and kept him from kicking his legs at anyone in the area.

At 04:36:25 hours Jackson was assisted to his feet and onto a gurney. A short time later Jackson was wheeled out of all camera view where he was loaded into an ambulance and transported to the hospital.

Officer Interviews and Written Reports:

The written reports by Officers Larson, Cullen and Schreier were reviewed. Additionally, Officers Larson, Cullen and Schreier were interviewed regarding their recollection of the incident. Information provided by all officers during their respective interviews were consistent with their respective reports. All interviews and written reports were consistent with squad video reviewed.

Findings:

The following is the findings of the officers' contact at 1907 South Hastings Way including an analysis of officers' decision making and actions pertaining to use of force.

Officer Larson arrived on scene and observed Demetrio Jackson was on the ground in a prone position. Other officers on scene included Altoona Officers Wolff and Schuch, and Eau Claire County Deputy Wollum. Those officers were situated around Jackson and were yelling commands at him. Jackson was not following any officer commands. Officer Wolff was holding a Taser. Wires were observed leading from the Taser to Jackson, indicating the Taser had been discharged. Officer Larson did not see the officers on scene making any progress in getting compliance from Jackson or making any preparations to take him into custody.

Officer Larson began formulating a plan with officers on scene to take physical control of Jackson if he were to get up off the ground. Before those plans were finalized Officers Cullen and Schreier arrived on scene. Officer Larson discussed a custody plan with Officers Cullen and Schreier including who would approach Jackson on what side of his body. Prior to making physical contact with Jackson, Officer Cullen tried talking to Jackson to get him to comply. Jackson said he would lay face down when asked, but never followed through. As a result, officers moved in toward Jackson and took control of his arms, essentially utilizing an escort hold. With his arms secured, Officers moved Jackson from a sitting position to a near prone position on the ground. During this time Jackson pulled away from officers and actively resisted their efforts to control him. Once on the ground Jackson spun his legs around and tried to get up. Officers were able to maintain control of Jackson's arms and secured him on the ground.

The use of an escort hold falls under the intervention option mode of control alternatives. The following excerpts are from the Wisconsin DAAT Manual regarding control alternatives and escort holds:

Control Alternatives:

Control alternatives are designed to control subjects who are resisting or threatening to resist, an officer's lawful orders. The overall purpose is to achieve compliance from a non-compliant subject, but the techniques are specifically geared toward overcoming both passive and active resistance.

Escort Holds:

The goal of escort holds is to safely initiate physical contact. If a subject does not comply with your verbal directions, you can use an escort hold to gain control of the subject, preventing a physical confrontation. An escort hold also enables you to move the subject in a controlled way-out of a dangerous location, for example.

Eau Claire Officers arrived on scene and attempted to gain verbal compliance from Jackson. Jackson did not comply with any officer requests or commands. Officers moved in toward Jackson to take him into custody, securing Jackson's arms in order to move him into a prone position on the ground. Jackson pulled away from officers during this contact and physically resisted their efforts. Escort holds are generally considered the lowest level of physical intervention within the in the Wisconsin DAAT Manual. Officers utilized an escort hold when securing Jackson's arms and when moving him into a safe position for handcuffing without escalating to a higher use of force. The use of an escort hold to gain control of Jackson was appropriate.

Jackson became actively resistive by pulling away from officers and by trying to get off of the ground. Officers Cullen and Schreier secured Jackson's arms while Officer Larson secured his legs. The Wisconsin DAAT manual refers to active resistance as:

Behaviors that physically counteract an officer's attempts to control a subject and which pose a risk of harm to the officer, subject, and others. Examples of active resistance include attempting to pull away from the officer's grasp, running away, getting up after being directed to the ground, and so on.

Jackson was resistive while on the ground. As a result, multiple officers worked together to stabilize him on the ground so he could be handcuffed. The following excerpt is from the Wisconsin DAAT Manual regarding multiple officer ground handcuffing:

Multiple Officer Ground Handcuffing

Multiple officer ground handcuffing is a coordinated procedure for handcuffing a violently resistive subject who has been directed to the ground in a prone position. In this procedure, officers first stabilize the subject's arms, head and legs, then place the arms in the proper configuration for handcuffing. This approach is in accordance with the basic principle that subjects must be stabilized before they can be handcuffed.

Officers secured the proper areas on Jackson's body and were able to stabilize him on the ground. Once stable, officers were able to successfully handcuff Jackson. The Officers use of multiple officer ground handcuffing was appropriate.

The use of force utilized by all officers was objectively reasonable based on United States case law, Wisconsin law, Wisconsin DAAT guidelines, and department policy. Wisconsin law states a law enforcement officer may use reasonable force to arrest a person or execute a warrant. Eau Claire Police Department policy identifies a number of factors used to determine the reasonableness of force. Of those listed, the following factors were present during the incident:

- *The conduct of the individual being confronted, as reasonably perceived by the officer at the time.*

Jackson was uncooperative with officers and refused to follow verbal commands. Once physical contact was made with Jackson he became resistive, trying to pull away from officers. Once on the ground he continued pulling away and tried to get up from the pavement.

- *The effects of suspected drugs or alcohol use.*

Jackson was displaying signs consistent with someone under the influence of drugs. Jackson was also known to have mental health problems. Officers did not know if Jackson's behavior was a result of drugs, mental state or a combination of both.

- *The individual's mental state or capacity.*

Jackson was known to have mental health problems. Officers did not know if Jackson's behavior was a result of his mental state, drugs or a combination of both.

- *The individual's ability to understand and comply with officer commands.*

Officer Larson was familiar with Jackson and did not think he was comprehending commands from officers.

- *Seriousness of the suspected offense or reason for contact with the individual.*

Jackson had fled from Altoona Officers and had resisted arrest even after a Taser deployment.

- *Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer.*

Jackson had fled from Altoona Officers and had resisted arrest. Jackson refused to follow commands and attempted to pull away and get off the ground when officers utilized an escort hold.

- *The apparent need for immediate control of the subject or a prompt resolution of the situation.*

Jackson's behavior led officers to believe he may be suffering from excited delirium. Officers understood the seriousness of the medical issue and understood taking him into custody quickly with the least amount of physical exertion on his part was important.

Eau Claire Police Department policy encourages officers to use de-escalation when circumstances reasonably permit. Summoning additional resources, formulating a plan and attempting verbal persuasion are among the de-escalation tactics officers may use. The goals of de-escalation are to use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance.

Officer Larson recognized the uncooperative behavior of Jackson and allowed additional resources to arrive on scene. Officer Larson recognized the Altoona Officers and Sheriff's Deputy had already engaged Jackson physically and were not able to successfully communicate with him. Officer Larson chose to take over the contact with Jackson as a result. Officer Larson began formulating a plan with initial officers on scene in the event Jackson began to get off the ground. Once Officers Cullen and Schreier arrived on scene she formulated a plan with them to initiate physical contact with Jackson.

Prior to initiating physical contact with Jackson, Officer Cullen calmly tried to persuade Jackson into laying face down on the ground. Jackson did not comply with the verbal persuasion resulting in officers following through with their apprehension plan. Officers Cullen, Schreier and Larson each knew their responsibilities. Although force was used, Jackson was taken into custody with the least amount of force possible. Having a plan allowed officers to greatly decrease the intensity of the physical confrontation and remain calm throughout the process. Officers were able to communicate with one another and used the lowest level of physical force available to them.

During the contact with Jackson officers began to suspect he may be suffering from excited delirium or drug induced psychosis. Officers were aware a person experiencing excited delirium may be in a life-threatening state and may urgently require medical attention. Officers knew EMS had already been contacted and were staging in the area prior to taking him into custody. Officers developed an apprehension plan and were able to quickly take Jackson into custody with little force utilized. Officers only kept Jackson in a prone position for a short period of time while he was being searched for weapons. Jackson was moved to seated position once he was searched and officers could safely do so. As soon as Jackson was seated EMS personnel contacted him. Officer Larson discussed her reasons for suspecting Jackson may be having a medical emergency before suggesting he be transported by ambulance to the hospital.

Conclusion:


The administrative review report of this incident was a comprehensive report which evaluated the use of force decision making and use of force actions of officers involved in this incident. Facts were gathered from multiple sources, to include Eau Claire Police Department officer reports, squad video, recorded dispatch audio, officer interviews and other resources. Departmental Policies and Procedures were identified and used to evaluate the officers' use of force decision making and use of force actions during this incident.

The officers' use of force decision making and use of force actions during this incident directed at Demetrio Jackson were within guidelines of the DAAT manual, Eau Claire Police Department policies and Eau Claire Police Department procedures. The justification for the various uses of force are based on the following facts:

- Nature of the initial dispatch from the Eau Claire Communications Center.
- The information Jackson had fled on foot from officers and a Taser was deployed.
- Officers' knowledge of Jackson from past incidents.
- The refusal to comply with officers' orders by Jackson.
- Jackson resisting the efforts of officers trying to control him.

This completes the administrative review which contained a comprehensive review of the incident, an analysis of the DAAT manual and specific department policies/procedures which was then applied to the facts pertaining to the officer use of force in this incident.

Respectfully Submitted,



Greg Weber
Lieutenant of Police

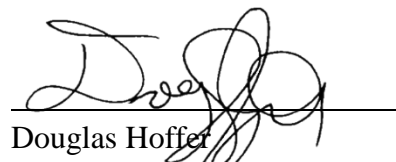
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APPENDIX A

[Policy/Procedure:](#)

The following are specific Eau Claire Police Department policies and procedures related to use of force.

POLICY 300 – USE OF FORCE

300.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

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

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

300.3.1 ALTERNATIVE TACTICS – DE-ESCALATION

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

300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

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

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

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

POLICY 302 – HANDCUFFING AND RESTRAINTS

302.2 POLICY

The Eau Claire Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person’s hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person’s back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person’s size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.7.2 EXCITED DELIRIUM (DRUG INDUCED PSYCHOSIS)

Excited Delirium is a medical condition that is usually brought on by stimulant drug abuse or non-compliance with psychiatric medications. A person experiencing Excited Delirium is in a life-threatening state and urgently requires medical attention. Excited Delirium is a state of extremely agitated behavior recognized by some of the following:

- Extreme paranoia, delusions of persecution and hallucination
- Incoherent yelling and screaming
- Aggression toward objects, especially glass, and other people
- Disrobing, running and hiding
- Extreme physical strength and violent resistance
- Hyperthermia, causing profuse sweating

These behaviors can be caused by large amounts of adrenalin and other chemicals having been released into the body. The effect of these chemicals on the human body is to constrict the blood vessels in the heart and brain, during a time of high oxygen demand. The risk of sudden death (restraint asphyxiation) increases, especially when the subject is restrained in a prone position.

Officers should differentiate between someone exhibiting purely criminal behavior and those having a behavioral illness with criminal features. The following procedures are for control of individuals displaying behavior consistent with drug-induced psychosis/excited delirium.

- Call for medical assistance immediately.
- Then gain control quickly with reasonable force. Be aware that prolonged physical confrontations increase the risk of sudden death.
- Once controlled and restrained, place the individual in a seated position that will allow them to breathe freely. **AVOID PLACING THEM IN A PRONE POSITION.** Closely monitor for medical needs, repeating efforts to calm the subject with conversation. A sign of medical emergency may exist if the subject becomes quiet.
- Feet may be secured together for safety reasons. Feet will NOT be secured to the hands, a position commonly referred to as hog-tying.
- A subject that appears to be suffering from drug-induced psychosis/excited delirium should be transported to the closest emergency room by fire ambulance. Ambulance personnel should be advised of the nature of the case and reminded of the need for transport in a seated position. An officer will ride in the ambulance to assist if requested.
- A complete report detailing use of force and all other relevant information will be completed.