

I was just checking back in regards to the Chief's response and if you still had questions. I'd also be glad to forward your concerns to the Mayor as well.

If you would like to meet with me (with or without the police chief) I would be more than happy to and schedule something and talk further of this complex subject.

Have a good weekend,

Tylor Elm

City of Superior | Downtown District 6

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From: Winterscheidt, Paul <winterscheidtp@superiorwi.gov>

Sent: Friday, April 5, 2024 9:58 AM

To: Elm, Tylor <elmt@superiorwi.gov>; Ian Schoenike <ianschoenike@gmail.com>

Subject: Re: Concern

Good morning,

Thank you for including me on this email. As the chief of police, I take every use of force incident seriously and examine them for both policy and tactics improvement. I'd like to provide a fairly comprehensive explanation of the use of force principles. I apologize in advance for the length of this email. In this case, the driver was stopped for a traffic violation. The driver displayed furtive movements following the traffic stop which compelled the officer to initiate a high-risk vehicle contact. Officers are trained to look for excessive movement inside a vehicle during a traffic stop which suggests the driver or a passenger could be accessing a concealed weapon. In this case, furtive movement was clearly visible to the officer, and it was observable on the officer's dashcam video.

The high-risk contact was initiated according to policy and was consistent with the training officers receive in the academy, field training, and regular in-service training. The purpose of a high-risk vehicle contact is to maintain control of the suspect through verbal direction in a manner that limits the suspect's ability to cause harm or flee. Officers are trained to remove the driver and any passengers through a series of verbal commands, which nearly always direct the occupants of the vehicle to exit, hold their hands on their head (away from areas a weapon could be accessed), and face away from the officers. This prevents a suspect from knowing the position of the officers and makes it more difficult for the suspect to plan an attack. The suspect is then generally directed to walk backwards toward the officers to a location where officers can secure the suspect with handcuffs. At this point, officers follow a surrender ritual that further limits the suspect's ability to resist or suddenly assault the officers. In most cases, officers direct the suspect into a kneeling or prone position.

In this case, the driver failed to comply with the verbal, lawful orders of the officer. He failed to comply with the officers' lawful orders throughout the encounter, but his refusal to comply with the orders at the point of the surrender ritual (where he was directed to a kneeling position) was the most problematic because of the close proximity to officers. We know from extensive scientific studies that action will always beat reaction, and a suspect can access, draw, and fire a weapon in less time than it takes for a person's brain to recognize, comprehend, and react... approximately 1.5 seconds. Officers are trained to avoid relying on luck for a positive outcome.

Officers test compliance through verbal direction. If a suspect refuses to follow verbal commands, officers can reasonably assume the suspect will continue to be non-compliant when they initiate physical contact. The close proximity of officers when initiating physical contact (taking control of arms, etc...), creates an opportunity for the suspect to suddenly assault officers. Depending on the nature of given sudden assault, officers may be required to respond with a very high level of force to gain control of the suspect and protect themselves and/or the community. In this case, the application of a conducted energy weapon (commonly known as a Taser) was a preferable de-escalation technique because it offered officers the opportunity to gain definitive control of the resistive, non-complaint suspect without resorting to higher levels of force which officers could reasonably assume would be required if initiating physical contact.

I would like to take a moment to provide you with some information about Wisconsin LESB Defense and Arrest Tactics (DAAT) model. For some context, I have been a DAAT instructor since 2010, and I have held instructor certifications in conducted energy weapons, firearms (handgun, patrol rifle, and precision rifle), and I hold multiple instructor certifications in various de-escalation curricula. I hold a Force Analyst certification from the Force Science Institute, and I have developed advanced training in de-escalation and tactical response for the Superior Police Department and departments throughout the region.

First, DAAT is a system of verbalization skills coupled with physical alternatives. The goal is to gain voluntary compliance through verbal direction. Officers have a wide range of physical alternatives to gain compliance with lawful direction when voluntary compliance cannot be achieved through visible presence or verbal communication. These physical alternatives are divided into three categories: 1) Control Alternatives; 2) Protective Alternatives; and 3) Deadly Force. Control alternatives are the lowest levels of force and include things like compliance holds, decentralization techniques, and control devices (OC spray and CEWs). The purpose of control alternatives is to overcome passive resistance, active resistance, or their threats. Protective alternatives are an intermediate level of force and include techniques such as focused strikes (kicks and punches) and intermediate weapons (baton and 40mm impact munitions). The purpose of protective alternatives is to overcome continued resistance (active or passive) and assaultive behavior. Lastly, deadly force is used only as a last resort to stop the imminent threat of death or great bodily harm to an officer or bystander.

It would be helpful to the context of this traffic stop to examine the three levels of resistance described in the previous paragraph. Passive resistance can be defined as a failure to comply with an officer's lawful orders in a manner that does not physically counteract the officer's efforts AND does not create a risk to officers or others. Simply laying on the ground and refusing to comply would be an example of passive resistance. Active resistance is behavior that physically counteracts an officer's lawful orders and places the officer or others at risk. Examples of active resistance include things like running away, pulling away from an officer, or standing rigid. Continued resistance is a sustained failure to follow an officer's lawful orders. This can include either passive resistance, active resistance, or assaultive behavior. Assaultive behavior is behavior that is directed toward the officer or others and that places an officer or others at risk for injury. Examples of assaultive behavior could include engaging in behaviors that immediately threaten officers, such as physically fighting with an officer or failing to comply with an officer's lawful orders to, such as moving hands toward the beltline or facing officers after being directed not to do so.

In this case, officers were well within the training and statutory authority to initiate a high-risk vehicle contact. The driver failed to comply with the lawful orders of the officers. This represented both active and continued resistance. The suspect was warned that he would be "tazed" if he continued to resist, and he chose to continue. The officers delivered four probes from the CEW to ensure full neuromuscular incapacitation. We equip our CEWs with short-range and long-range cartridges. At close range, they are trained to deliver all four probes to ensure at least two probes are able to create a circuit with sufficient probe separation. It worked as intended, and the suspect was taken into custody without need for higher levels of force.

Thank you for your interest in this matter. I strongly believe in the value of transparency and sharing information with the public, so members of the public can make informed decisions. If you would like to

schedule a time to sit down in person, I would be happy to discuss this in more depth.

Respectfully,
Paul Winterscheidt
Chief of Police

From: Elm, Tylor <elmt@superiorwi.gov>
Sent: Friday, April 5, 2024 6:58 AM
To: Ian Schoenike <ianschoenike@gmail.com>
Cc: Winterscheidt, Paul <winterscheidtp@superiorwi.gov>
Subject: Re: Concern

Ian,

Thanks for reaching out. I really do appreciate it!

I I'm so sorry for the late reply, things have been so busy as of recently catching up on the many emails regarding the power plant.

I have heard of a tasing incident happening however I was never provided a link or reference point to the video. Most were comments were outside of the area emails and wasn't sure of its full validity.

So I thank you for the reference to the YouTube channel. I found the video and watched it. I agree there are very concerning elements, but I need to still learn more. So I apologized I'm not more informed as of this moment.

I'm Cc'ing our police Chief in this email to get and update from him. I'm requesting him to reply to all to include you.

Certainly if you'd like to meet about it I would be glad to.

Tylor Elm - City of Superior Councilor - Downtown District 6 - 218-461-0ELM - Sent from Mobile Device

On Apr 3, 2024 10:37 AM, Ian Schoenike <ianschoenike@gmail.com> wrote:
Good morning Tylor.

One of my colleagues suggested I view body and dashcam footage from a traffic stop conducted by SPD back in February. Based on the footage I viewed, the driver was stopped for driving the wrong way down a one way street and was subsequently tased twice while standing with his hands on his head. Furthermore, he was charged with resisting arrest. The stop occurred nearby to our district and frankly has me concerned and my wife frightened to even be driving the streets of Superior.

Based on the information I have, the gentleman tased is Ian Richard Cuypers and the resisting charge can be found under case number 2024FO000163. The footage can be found on YouTube via a channel called Lackluster.