



# GENERAL ORDER

## TWO RIVERS POLICE DEPARTMENT

**SUBJECT: LESS LETHAL WEAPONS**

**SCOPE:** All Sworn and CSO Personnel  
**DISTRIBUTION:** General Orders Manual

**REFERENCE:** WI State Statutes: 939.45, 939.48, and Chapter 941; DAAT Incident Response and Disturbance Resolution Model

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Two Rivers City Manager provided a copy:

Date: 02-17-2021

This General Order cancels and supersedes any and all written directives relative to the subject matter contained herein.

By Order of:

Brian W. Kohlmeier  
Chief of Police

**INDEX AS:** Baton  
Chemical Control Device  
Control Devices  
Deadly Force  
De-escalation  
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Weapons Pre-Authorization

**PURPOSE:** The purpose of this General Order is to establish policies and procedures regarding the use of less lethal weapons, including de-escalation measures and to identify the responsibilities of officers of the Two Rivers Police Department when using them or after they have been used.

This General Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURES
- IV. TRAINING

## I. POLICY

- A. It is the policy of the Two Rivers Police Department to value and preserve human life therefore; officers shall use only the force, including less lethal force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and/or others. Officers may include in their decision to use this force option, information known to the officer(s) at the time of the incident or conduct or statements by the subject or a prior history of resistive or assaultive behavior. Deadly Force shall never be resorted to until every other reasonable means of apprehension or defense has been exhausted or would clearly be ineffective. Less Lethal weapons may be used in Deadly Force applications when the use of Deadly Force is justified. Refer also to General Order 5.02: Deadly Force.

## II. DEFINITIONS

- A. **CHEMICAL CONTROL DEVICE:** Chemical Control Devices or OC (Oleoresin Capsicum) are devices that work by creating in the subject a variety of physical effects that may result in confusion and disorientation, thus disrupting the subject's ability to resist or continue to resist.
- B. **DEADLY FORCE:** The intentional use of a firearm or other instrument, the use of which would result in a high probability of death or great bodily harm.
- B. **DE-ESCALATION:** Taking action or communicating verbally or non-verbally during a potential force situation in an attempt to stabilize the situation and reduce the immediacy of the threat without the use of force or with a reduction in force necessary. It is a concept that involves an officer's use of time, distance, and relative positioning in combination with professional communication.
- C. **DEFENSIVE AND ARREST TACTICS (DAAT):** A system of verbalization skills coupled with physical alternatives.
- D. **ELECTRONIC CONTROL DEVICE (ECD):** A non-lethal force device that causes electro-muscular disruption to a combative, violent, or potentially combative, violent subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.
- E. **IMPACT WEAPON:** An intermediate defensive weapon of specific design.

G. **REASONABLE FORCE:** That force which an ordinary, prudent, and intelligent officer with the same knowledge of the particular situation as the officer or another officer with similar training and experience would deem necessary.

H. **PEPPERBALL PROJECTILE SYSTEM (PPS):** Non-lethal force projectiles that are plastic spheres filled with 5% powdered or liquid Oleoresin Capsicum (OC). The projectiles, when delivered by an air powered launching device, burst on impact and release OC. The projectiles subdue suspects by inflaming the mucous membranes in their nose, lungs, and respiratory tract.

### III. PROCEDURES

#### A. Batons

1. The baton is an impact weapon that may be used by an officer only when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation. The baton may be used by an officer to subdue a violently resisting subject, in self-defense, or in defense of a third person if lesser methods have failed or would clearly be ineffective, or if circumstances warrant the immediate use of the baton.

a) Only those officers or Code Enforcement Officers trained and qualified in the Defensive and Arrest Tactics System shall be allowed to carry or use a baton.

b) The acceptable primary target areas for the baton are the elbow, knee, and abdomen.

c) The intentional striking of an individual above the shoulders is considered Deadly Force and should not be used, unless such an action is justified under the use of Deadly Force.

However, it is recognized that because of a person's own resistance, the accidental, unintentional striking of a person above the shoulders may occur. If that happens, the officer must articulate this in detail in the report of the incident and will seek immediate medical attention for the subject if treatment is necessary.

d) Department-approved batons are the only authorized batons. Other devices, flashlights, radios, firearms, etc., are not recommended to be used as impact weapons; however, the Department recognizes that emergency self-defense situations involving other objects and instruments may occur. Expandable or wooden batons are authorized providing the baton of choice is readily available for on-duty, uniformed officers.

e) When a baton is used against the body of a person, the officer should notify a supervisor as soon as is practical and complete a Use of Force Report.

## B. Kinetic Energy Impact Projectiles (Beanbags).

1. Kinetic energy impact projectiles, commonly referred to as “beanbag” rounds or “less lethal” rounds may be utilized by trained Department personnel in circumstances where a level of force less than Deadly Force may be appropriate for resolving the situation, and when the risk associated with closing on the subject to take control makes other alternatives undesirable.

The option to use kinetic energy impact projectiles may be used when a person poses a significant threat of harm to self or others and unarmed tactics have either been exhausted or would not be effective or safe given the circumstances. Officers may include in the decision to use this force option information known to the officer at the time of the incident, including conduct of or statements by the subject or prior history of resistive or assaultive behavior.

2. When utilized, the Department places the use of kinetic energy impact projectiles and other Less Than Lethal Munitions at the Intermediate Weapon Mode. Less-lethal is defined as the “intentional use of an instrument to impede a subject”
3. An officer should not brandish, display or threaten the use of a kinetic energy impact weapon unless he/she can reasonably conclude its use may become justified and is anticipated.
4. When kinetic energy impact projectiles (beanbag rounds) are used against the body of a person, the officer should notify a supervisor and will complete an Incident Report and Use of Force Report detailing the circumstances of the incident.
5. Only Department-authorized and issued kinetic energy impact projectiles may be used, whether delivered by a department authorized specialized launcher or a less lethal converted 12 gauge shotgun. Any converted firearm shall be colorized so that it is immediately identifiable that it is for less lethal use.
6. The less lethal converted 12 gauge shotgun will be kept in the shift commander vehicle. The officer will verify that the less lethal shotgun will have only less lethal bean bag rounds loaded before deployment.
7. Kinetic energy impact projectiles may be delivered to the subject's body in accordance with the following guidelines:
  - a) Primary Target Areas (legs and Buttocks): In addition to legs and buttocks, arms may also be considered a primary target under some circumstances. The officer must consider the proximity of the targeted portion of the arm to vital areas of the body. Primary target areas are considered when incapacitation is necessary, but the threat is not imminent. Multiple impacts to the primary target areas should be considered before progressing to the secondary target area.

- b) Secondary Target Area (Lower Abdomen): The secondary target area is considered when incapacitation is critical due to the imminent threat posed by the subject, but deadly force has not yet become necessary.
  - c) Head/ Neck/ Chest Area: Intentional impact to these areas is avoided unless the use of deadly force is justified. However it is recognized that because of a person's own resistance, the accidental, unintentional striking of a person above the shoulders may occur. If that happens, the officer must articulate this in detail in the report of the incident and will seek immediate medical attention for the subject if treatment is necessary.
  - d) A kinetic energy impact shall not be used when the subject is visibly pregnant with the exception of justified Deadly Force.
8. In each instance where kinetic impact projectiles are deployed at an incident, a determination should be made regarding the need for cover by a Deadly Force weapon. Deadly Force cover is required in all cases in which the subject possesses a firearm.
  9. Subjects who are struck by a kinetic energy impact projectile should be transported to a medical facility.

#### C. Chemical Control Device

1. The aerosol chemical control device is authorized by the Department contains oleoresin capsicum (O.C.). No other aerosol chemical restraint is authorized or allowed without prior approval from the Chief of Police or designee. All O.C. must be non-flammable.
2. When an officer is threatened with physical force or dealing with a resistive or combative person and lesser control factors have failed or are clearly ineffective, consideration should be given to the use of control devices.
3. All uniformed officers issued O.C. aerosol will be required to carry it while on duty. This rule shall not apply to administrative personnel and other officers assigned to plain clothes duties within the Department.
4. O.C. aerosol will be used consistent with the training provided by the Department and/or the Wisconsin Training and Standards Bureau.
5. If an adverse reaction to the O.C. aerosol occurs, or if requested by the person, emergency medical services shall be provided to them.

#### D. Electronic Control Device (ECD)

1. Only officers who have satisfactorily completed the Department's approved ECD certification training course shall be allowed to carry/use such an authorized ECD.

2. The ECD may be used by trained officers when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person. It may also be used when a subject poses a threat of harm to themselves such as self-inflicted injury or a suicide attempt.
3. The ECD is considered to be in the Control Alternatives section of the Intervention Options on the Disturbance Resolution Model.
4. Any use of the ECD shall be consistent with the manufacturer's recommendation and precautions.
5. Passive resistance without posing an articulable threat of harm to officers or others, or themselves does not permit the use of an ECD.
6. An officer shall not brandish, display, or threaten the use of an ECD unless he or she can reasonably conclude its use may become justified and is anticipated.
7. In each instance that an ECD is deployed in an incident, consideration should be made regarding the need for Deadly Force cover.
8. Officers should be prepared to apply conventional controls once the ECD has subdued the subject.
9. Officers who deploy an ECD against a subject shall ensure the subject is monitored for injury as soon as practical after the subject is under control.
  - a) If an adverse reaction to the ECD occurs, or if requested by the person, emergency medical services shall be provided to them.
  - b) If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or the breasts of a female, officers shall arrange transport to a medical facility for removal. If the probes are imbedded in other non-sensitive tissue areas, an ECD-trained officer may remove them according to the trained procedures.
  - c) After the probes have been removed, they shall be handled as a biohazard and packaged according to the trained procedure. Photographs of the wound site shall be taken if practical. Probes and wires will be retained as evidence.
10. Restrictions/Limitations on ECD Deployment
  - a) The ECD should not be used in the following circumstances unless exigent circumstances are present, and those circumstances are clearly articulated:

- When the officer knows the subject has come in contact with flammable liquids, or is in a flammable atmosphere.
- When the subject is in a position where a fall may cause substantial injury or death.
- Punitively, for purposes of coercion, or in an unjustified manner.
- When a subject is handcuffed and offering no active resistance, or is offering resistance which may be overcome using lesser force.
- When the subject is visibly pregnant.
- When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.
- In situations where the subject is in close proximity to water where, if incapacitated by the ECD, there is a high probability that the subject could drown.
- When the subject is at the extremes of age (young or old) or physically disabled.
- When a person has an apparent debilitating illness.

#### 11. Detention Facility Notification / ECD Use

- a) Upon use of an ECD on a subject who is subsequently placed in a detention facility, officers will notify detention personnel of such ECD use and any other details that may be appropriate (such as injury complaint).

#### 12. Use of the ECD on Animals

- a) ECD may be used on animals when:

- (1) A vicious animal is threatening or attacking a person or other animal and the use of other force is not reasonable, or may not be desired given the situation.
- (2) An animal needs to be controlled for reason of public peace or safety, preservation of property, or other legitimate purpose; and the animal poses an active threat to officers in their efforts to perform their duties.

- b) Officers should be prepared to use other justified force if necessary.
- c) Officers should be prepared to apply conventional controls once the ECD has subdued the animal.

#### 13. When an ECD is deployed against a subject, the officer shall notify a

supervisor, and shall complete an incident report and a Use of Force Report detailing the circumstances of the incident.

14. ECD will be used consistent with the training provided by the Department and/or the Wisconsin Training and Standards Bureau.

#### E. Pepperball Projectile System (PPS)

1. Only officers who have satisfactorily completed the Department's approved PPS training course shall be authorized to carry/use such weapon.
2. PPS function as both a kinetic energy impact weapon and a chemical control device.
3. Use of the PPS shall be consistent with the manufacturer's recommendation and precautions.
4. The PPS is considered to be in the Control Alternatives section of the Intervention Options on the Disturbance Resolution Model
5. The PPS may be used by trained officers when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person. It may also be used when a subject poses a threat of harm to themselves such as self-inflicted injury or a suicide attempt.
6. The PPS may be used in cases of active resistance where the target is hidden behind cover or concealment. The target area will not be the subject in this case, but will be solid objects around the target which upon impact will cause the PPS rounds to break and release a chemical agent or irritant.
7. In each instance that a PPS is deployed in an incident, consideration should be made regarding the need for Deadly Force cover.
8. Recommended target areas for the PPS are the middle of the chest and abdomen.
9. Intentional impact to the head, neck and genital areas is avoided with a PPS. In addition intentional impact to the body of a visibly pregnant subject is prohibited. However it is recognized that because of a person's own resistance, the accidental, unintentional striking of a person above the shoulders or in the genitals may occur. If that happens, the officer must articulate this in detail in the report of the incident and will seek immediate medical attention for the subject if treatment is necessary.



#### IV. TRAINING

- A. Training whether noted above or not for less lethal weapons shall occur at a minimum biennially for officers authorized to use such weapons or techniques.