



# GENERAL ORDER

## HARTFORD POLICE DEPARTMENT

**SUBJECT: USE OF LESS LETHAL WEAPONS**

**SCOPE:** All Department 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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Weapons Pre-Authorization

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

This General Order consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. PROCEDURE

## I. DEFINITIONS

**NON-DEADLY FORCE:** That amount of force which does not meet the definition of deadly force, but which is an amount of force which, in normal circumstances, can cause bodily harm.

**DEADLY FORCE:** The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

**REASONABLE FORCE:** That force which an ordinary, prudent, and intelligent person with the same knowledge of the particular situation as the officer would deem necessary.

**ELECTRONIC CONTROL DEVICE (ECD):** A non-lethal force weapon 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.

**DEFENSIVE AND ARREST TACTICS (DAAT):** A system of verbalization skills coupled with physical alternatives.

## II. POLICY

A. The Hartford Police Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

Therefore, it is the policy of this Department that police officers shall use only force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another. Deadly force shall never be resorted to until every other reasonable means of apprehension or defense has been exhausted.

## II. PROCEDURE

A. Intermediate Impact Weapon- Batons.

1. An impact weapon may be used by an officer trained in the Wisconsin DAAT system, only when the officer reasonably believes a lesser level of force would be insufficient to control the situation. The use of a Department-authorized baton is permitted against an actively aggressive person when the officer reasonably believes that the subject poses an articulate threat of bodily harm to the officer or another person.

Officers may include in their 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. An officer should not brandish, display or threaten the use of an impact weapon as a threat unless he/she can reasonably conclude that its use may become justified and is anticipated.
3. An officer should not strike a person above the shoulders with an impact weapon:
  - a) Generally, a strike to the head with an impact weapon is considered deadly force and should not be used, unless such an action is justified under the use of deadly force.
  - b) This Section is not intended to apply to an accidental strike to the head as a result of resistance.
4. Officers should only use Department-approved baton techniques.
5. Department-approved batons are the only authorized impact weapons. 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.
6. When a baton is used against the body of a person other than handcuffing or control holds administered with the baton, the officer should notify the Chief of Police or a supervisor and complete an Incident Report.

#### B. Intermediate Impact Weapon- Kinetic Energy Impact Projectiles (Beanbags).

1. Kinetic energy impact projectiles, commonly referred to as “beanbag 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 usage. 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, the use of which would not cause death.”
3. An officer should not brandish, display or threaten the use of 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 the Chief of Police or a supervisor and will complete an Incident Report detailing the circumstances of the incident.
  5. Only Department-authorized and issued kinetic energy impact projectiles may be used. The currently approved and issued kinetic energy impact projectile is the Def-Tec 23: 12-gauge drag stabilized bean bag round
  - 6.
  7. All 12 gauge shotguns used by the department have been converted for less lethal use.
  8. 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.
  9. In each instance where kinetic impact projectiles are deployed at an incident, a determination should be made regarding the need for lethal cover. Lethal cover is required in all cases in which the subject possesses a weapon.
  10. Subjects who are struck by a kinetic energy impact projectile should be transported to a medical facility.
  11. Trained officers shall complete a qualification course and a written examination every two years concerning the use of this weapon.

#### C. Chemical Control Device

1. The aerosol chemical control device authorized by the Hartford Police Department contains oleoresin capsicum (O.C.). No other aerosol chemical restraint is authorized or allowed without prior approval from the Chief of Police or the Chief's 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 are 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.
  - a) O.C. aerosol will be used consistent with the training provided by the Hartford Police Department and/or the Wisconsin Training and Standards Bureau.
  - b) Trained officers shall complete refresher training every two years concerning the use of this weapon.

#### D. Electronic Control Device (ECD) (Taser X2)

1. Authorized ECD / Users
  - a) The authorized ECD for the Hartford Police Department is the Taser X2
  - b) Only officers who have satisfactorily completed the Department's approved ECD certification training course shall be authorized to carry/use such weapon.
  - c) With the exception of senior command staff, all sworn staff shall receive ECD certification training and maintain such certification through recognized re-certification applications.
2. ECD Assignment and Control
  - a) When ECDs are not in use, they will be kept in an area designated by the Chief of Police or his/her designee.
    - (1) Officers assigned patrol duties will check out an ECD at the beginning of their duty shift.
    - (2) ECDs will be returned to the designated area at the conclusion of the officer's duty day.
  - b) To properly track the ECD's, officers are to log the ECD number and inform their supervisor of a low battery level before going out on patrol.
  - c) ECD spare cartridges will be kept in proximity of the ECD's. Replacement ECD batteries will be kept in the sergeant's supply room.

- d) Officers shall report any missing or lost ECDs to their immediate supervisor as soon as possible.

### 3. ECD Care and Handling

- a) Officers will use only authorized ECD equipment issued by the Hartford Police Department.
- b) Officers will inspect their assigned ECD for damage and cleanliness at the beginning of each shift. The battery display will be checked on the CID and readings of 20% or less will require a battery pack change.
- c) The ECD will be carried in a department issued holster on the support side (opposite the duty firearm) of the body.
- d) The ECD will be carried fully armed with the safety on.
- e) Officers are not authorized to draw or display the ECD, except for training and inspection, unless circumstances lead an officer to reasonably believe it may be necessary and appropriate to use it.

### 4. Authorized Use of ECDs

- a) The ECD may be used by trained personnel when a subject is threatening to actively resist or is actively resisting an officer or poses an articulable threat of harm to another person. It may also be used when the subject poses a threat of harm to him or herself such as self-inflicted injury or a suicide attempt.
- b) ECDs have been categorized by the Wisconsin Training and Standards Board as a control alternative method of intervention option.

### 5. ECD Applications

- a) The following are three types of acceptable applications for the use of ECDs.
  - (1) Spark Display - A non-contact demonstration of the ECD's ability to discharge electricity. This is conducted when the ECD's cartridge has been removed. The purpose of this display is to convince a subject to comply with a lawful order to avoid the ECD being deployed in the Drive Stun or Probe mode. The Spark Display is generally not recommended due to delayed weapon readiness caused by removal of the cartridge.
  - (2) Drive Stun - Contact is made by pressing the front of the ECD (cartridge removed) into the body of a subject resisting lawful orders.

While the Drive Stun causes significant localized pain in the area touched, it does not have a major effect on the central nervous system and generally does not incapacitate. The effect of a Drive Stun may assist in taking a subject into custody and it has an effect similar to firing probes at a distance of less than 3 feet.

- (3) Probe- This is the most effective use of the ECD. In the Probe mode, the cartridge is discharged and the probes make direct contact with the subject. Proper application will result in temporary immobilization which allows a “window of opportunity” to safely take the subject into custody.

## 6. Restrictions / Limitations on ECD Deployment

- a) The ECD will not be used in the following circumstances unless exigent circumstances are present, and those circumstances are clearly articulated:
  - (1) When the officer knows the subject has come in contact with flammable liquids, or is in a flammable atmosphere.
  - (2) When the subject is in a position where a fall may cause substantial injury or death.
  - (3) Punitively, for purposes of coercion, or in an unjustified manner.
  - (4) When a subject is handcuffed and offering no active resistance, or is offering resistance which may be overcome using lesser force.
  - (5) When the subject is visibly pregnant.
  - (6) When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.
  - (7) In situations where the subject is in an elevated position where there is a high possibility that the subject may fall if incapacitated by the ECD.
  - (8) As a general rule, on fleeing subjects.
    - (a) If a subject actively resists and subsequently breaks away from an officer, the officer may deploy an ECD in the early stages of a foot pursuit to bring the subject under control.
  - (9) As a general rule, for performing drive stuns.
    - (a) Officers will be required to articulate a higher level of justification for performing a drive stun than will be required for deploying probes.
  - (10) 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.

- b) The ECD should not be used in the following circumstances unless there are compelling reasons to do so and those reasons are clearly articulated:
  - (1) When the subject is operating a motor vehicle.
  - (2) When the subject is holding a firearm.
  - (3) When the subject is at the extremes of age (young or old) or physically disabled.
  - (4) In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officer and/or others as necessary.
  - (5) People with apparent debilitating illness.

#### 7. ECD Deployment – Probe

- a) Whenever practical or possible, officers discharging the ECD should attempt to give a warning to the subject and other officers.
  - (1) The primary target area for ECD deployment is Major Muscle Groups, i.e.: abdomen, legs, arms, back, with an emphasis on trying to get both probes between two muscle groups. i.e. one probe in the abdomen and one in the leg.
  - (2) When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered a target.
  - (3) Officers should attempt to avoid hitting the subject in sensitive areas such as the head, face, neck, upper front chest, groin, or female breast area.
- b) After discharging the ECD, a supervisor shall be notified of the application as soon as possible.

#### 8. ECD Deployment – Drive Stun

- a) Use of the “Drive Stun” is discouraged except in situations where the “Probe” deployment is not possible and immediate application of the “Drive Stun” will bring a subject safely under control.
- b) Multiple “Drive Stuns” are discouraged and must be justified. If initial application is ineffective, officers will reassess the situation and consider other available options.

#### 9. Aftercare of ECD Use

- a) Upon use of the ECD, the deploying officer or another trained ECD officer shall insure the subject is monitored for injury, to include secondary injuries, as soon as practical after the person is under control.
- b) The following persons should be transported by ambulance to a medical facility for treatment after exposure to an ECD:
  - (1) Subjects who are hit in a sensitive region of the body (head, face, neck, groin, or female breast area).
  - (2) Subjects from whom officers have difficulty removing the probes (i.e. probe/barb separation).
  - (3) Subjects who do not appear to be fully recovered within ten (10) minutes after being hit.
  - (4) Subjects who are in a potential susceptible population category, such as those noted in Section VI., B., 3.
  - (5) Any subject who requests medical attention.

#### 10. Removal of ECD Probes

- a) After securing the subject in handcuffs and/or other appropriate restraints, the ECD deployment officer or his or her ECD trained designee will remove the probes according to the trained procedures.
- b) If the probes are in areas such as head, face, neck, groin, or female breast area, the subject shall be treated at a medical facility and the probes removed only by medical personnel.

#### 11. Evidence Procedure for ECD Applications Resulting in Persons Being Treated at a Medical Facility

- a) Officers will take photographs of the probe penetration sites and any secondary injuries caused by falling to the ground when a subject is treated at a medical facility as a result of exposure to an ECD.
  - (1) During incidents in which the groin or female breast area are the penetration sites, an officer of the same gender as the subject will take the photographs with a medical staff member being present to witness.
  - (2) Photographs will be submitted as evidence according to department guidelines.
- b) The air cartridge, probes, and affidavits shall be retained and submitted as evidence in any case where the person(s) affected by the ECD require transportation to a medical facility as outlined in section A, above. The items retained should be handled as a potential biohazard.

- c) Cartridges from ECD applications which do not meet the criteria as outlined in 11.1, above, will be disposed of according to department procedures for biohazard disposal.

## 12. 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).

## 13. Documenting ECD Use

- a) Officers deploying an ECD will articulate the facts involved in the use of the ECD on the police incident report. Officers will clearly state the justification for use, whether multiple deployments were necessary, probe impact area, signs or complaints of injury and aftercare.
- b) Following deployment of the ECD, data will be downloaded from the device, printed and submitted into records according to Department procedure. Once the data has been successfully downloaded, the ECD may be placed back in service.
- c) Patrol supervisors will be responsible for providing a copy of the police report involving the use of the ECD to the department's ECD instructor(s).
- d) If an ECD is used on an animal, the patrol supervisor will be notified and that supervisor will decide on the proper paperwork and documentation of the incident to include the firing record of the ECD.

## 14. Use of the ECD on Animals

- a) The use of the ECD on an animal should be based on the intent to provide a safer, more humane and less traumatic conclusion to the incident.
- b) 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.
- c) Officers should be prepared to use other justified force if necessary.
- d) Officers should be prepared to apply conventional controls once the ECD has subdued the animal.

- e) If an ECD is used on an animal, the patrol supervisor will be notified and that supervisor will decide on the proper paperwork and documentation of the incident to include the firing record of the ECD.

#### 15. ECD Instructors

a) The Department's ECD instructors will:

- (1) Receive, inspect and insure the maintenance and replacement of the ECD devices assigned to the Department.
- (2) Establish and maintain a ECD and air cartridge inventory system.
- (3) Maintain an adequate supply of batteries and air cartridges for replacement.
- (4) Obtain service and or replacement for defective or damaged ECD components from the supplier.
- (5) Provide retraining to certified users.
- (6) Coordinate training for certification as requested within the Department.
- (7) Review ECD deployment police reports for conformance to policy, procedure, and training; with proper notification to the patrol supervisor on those incidents requiring further attention.
- (8) Maintain a log of all ECD use to include those on animals.

Scott MacFarlan  
Chief of Police

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