



# GENERAL ORDER

## WINNEBAGO COUNTY SHERIFF'S OFFICE

**SUBJECT:**            **LESS LETHAL FORCE**  
**SCOPE:**            All Agency Members  
**DISTRIBUTION:**   General Orders Manual

**NUMBER:**            5.03  
**ISSUED:**            01/21/2013  
**EFFECTIVE:**        01/21/2013  
**REVISED:**         08/14/2020

**SHERIFF'S APPROVAL:**   John Matz                    10/04/2012  
**LEGAL REVIEW:**         John Bodnar                 10/04/2012

### REFERENCES:

**RESCINDS:**                                N/A  
**AMENDS:**                                 N/A  
**WILEAG 5TH EDITION:**                5.1.4; 12.1.4  
**STATUTES AND OTHER REFERENCES:**   N/A

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**INDEX AS:**   Baton  
              Chemical Agents  
              Chemical Munitions  
              Electronic Control Devices (ECD)  
              Less Lethal Instruments  
              Noise Flash Diversion Device (NFDD)  
              Oleoresin Capsicum (OC)  
              Specialty Impact Munitions

**PURPOSE:**   The purpose of this General Order is to provide guidelines for the use of force involving less lethal instruments that are authorized for use by the Agency.

This General Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITION
- III. CHEMICAL AGENTS
- IV. CHEMICAL MUNITIONS
- V. ELECTRONIC CONTROL DEVICE (ECD)
- VI. BATONS
- VII. SPECIALTY IMPACT MUNITIONS
- VIII. NOISE FLASH DIVERSION DEVICE (NFDD)
- IX. USE OF FORCE TRAINING

#### I. POLICY

- A. The Winnebago County Sheriff's Office recognizes and respects the value and special integrity of each human life. In vesting deputies with the lawful authority to use force, a careful balancing of all human interests is required. Therefore, it is the policy of this Agency that deputies shall use only that force that is reasonably necessary to effectively bring an incident under control, or protect the lives of the deputy or another. The use of physical force should be discontinued when resistance ceases or when the incident is under control.
- B. The Agency authorizes the use of certain less lethal instruments to assist deputies in protecting themselves/others and accomplishing legitimate public safety objectives.
- C. Less lethal force is defined as that amount of force which under normal circumstances may cause bodily harm, but is not intended to cause death. The potential for death or serious injury is a reality and must be taken into consideration when implementing less lethal weapons.
- D. Application, deployment, or posturing of any less lethal options contained in this General Order requires supervisor notification and detailed documentation in a long form incident report and may require a separate Use of Force Reporting Form. For a more comprehensive discussion, see **General Order 5.05 Use of Force/Reporting and Review.**

- E. Follow through considerations must be adhered to after any application of force to include deployment of any less lethal options resulting in any observed, suspected, or reported injury. Deputies should arrange for professional medical attention if the subject requests it, or if a deputy reasonably believes that the subject needs medical attention. Additionally, if the subject is taken to jail, deputies shall notify correctional staff of the use of force to include less lethal instruments. For a comprehensive discussion, see **General Order 5.04 Rendering Medical Aid.**

## II. DEFINITIONS

- A. **CHEMICAL AGENTS:** A chemical mixture to equal OC (Oleoresin Capsicum) CS (Chloracetophenone) or CN (Orthochlorbenzalmalononitrite) used to incapacitate a subject(s) in order to gain control.
- B. **CHEMICAL MUNITIONS:** A chemical mixture delivered by projectile to equal OC (Oleoresin Capsicum) CS (Chloracetophenone) or CN (Orthochlorbenzalmalononitrite) used to incapacitate a subject(s) in order to gain control.
- C. **ELECTRONIC CONTROL DEVICES (ECD):** A less lethal force instrument that affects the sensory motor system, or causes electro-muscular disruption to a combative, violent, or potentially combative, violent subject. The use of any of these devices is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.
- D. **SPECIALTY IMPACT MUNITIONS:** Are defined as extended range munitions which can be fired, launched, or otherwise propelled to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior without posing a significant potential for causing death.
- E. **NOISE FLASH DIVERSION DEVICE (NFDD):** A device designed to deliver a level of sound and light intended to temporarily divert the attention or disorient a subject within a limited area.

## III. CHEMICAL AGENTS

- A. Only those deputies trained in the use of chemical agents will be allowed to possess and dispense them.
- B. The purpose for using chemical agents is to overcome active resistance or its threat. Chemical agents 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.
- C. Approved chemical agents are provided solely by the Agency and include the following:
- Combined Tactical Systems Oleoresin Capsicum: OC Aerosol
  - Combined Tactical Systems Flameless Expulsion Grenade: OC, CN, CS and smoke
  - Combined Tactical Systems 40mm Muzzle Blast: OC, CN and CS

- Protecto-Jet Fogger: OC, CN and CS
  - Saber Phantom OC
  - Saber Red OC
- D. When using chemical agents deputies shall consider the potential for cross-contamination to the user, other deputies, bystanders, and in particular children less than two years of age.
- E. In a crowd control or tactical incident, the decision to use chemical agents will be made by the Sheriff or his designee.
- F. After control has been established, a deputy will make reasonable efforts to assist the affected subject(s) with decontamination protocols associated with the chemical agents.
- G. When chemical agents are used indoors, a deputy will make reasonable efforts to decontaminate the building or area, as practical under the circumstances of exposure.

#### IV. USE OF CHEMICAL MUNITIONS

- A. Only those deputies trained in the use of chemical munitions will be allowed to possess and deliver them.
- B. The purpose for using chemical munitions is to overcome continued active resistance, assaultive behavior, or their threats typically encountered in the jail setting or a tactical incident to include a subject barricaded in a building.
- C. Approved chemical munitions are provided solely by the Agency and include the following:
- Pepperball - Area Saturation: OC
    - Launcher – Pepperball models TMP Pistol, SA200, TAC700
  - Combined Tactical Systems Powder Barricade 40mm Projectile: OC, CN, and CS
    - Launcher - Penn Arms model GL1 40mm
- D. When using chemical munitions deputies shall consider the potential for cross-contamination to the user, other deputies, bystanders, and in particular children less than two years of age.
- E. In a tactical incident, the decision to use chemical munitions will be made by the Sheriff or his designee.
- F. After control has been established, a deputy will make reasonable efforts to assist the affected subject(s) with decontamination protocols associated with deployment of the chemical agents.

- G. When chemical munitions are used indoors, a deputy will make reasonable efforts to decontaminate the building or area, as practical under the circumstances of exposure.

## V. ELECTRONIC CONTROL DEVICES (ECD)

- A. Only those deputies who have been certified in the use of an ECD, will be allowed to possess and use them while on duty.
- B. The purpose of using an ECD is to overcome continued active resistance or its threat. It may also be used when a subject poses a threat of harm to themselves such as self-inflicted injury or a suicide attempt. Passive resistance without posing an articulable threat of harm to deputies or others does not permit the use of an ECD.
- C. Approved ECDs are provided solely by the Agency and include the following:
- Taser Conducted Energy Weapon (CEW): M-26, X-26, X-26P, X2
  - Nova Technologies: Stun Shield, RACC Belt
- D. The following are three acceptable applications when using the Taser CEW:
1. Spark display: The purpose of this display is to convince a subject to comply with lawful orders to avoid the ECD being deployed. The spark display is generally not recommended due to the delayed weapon readiness caused by removal of the cartridge.
  2. Contact Deployment: While the contact deployment causes significant localized pain in the area touched, use is discouraged as it does not have a major effect on the motor nervous system and generally does not incapacitate the subject.
  3. Distance Deployment: This is the most effective use of the ECD, and proper application will result in temporary dysfunction of the subject.
- E. Multiple or consecutive deployments of any ECD are discouraged and will be closely scrutinized. If the initial application of any ECD is ineffective, deputies shall reassess the situation and consider other available options.
- F. An ECD will not be used under the following circumstances:
1. A deputy knows the subject has come in contact with flammable materials, or is in a flammable atmosphere.
  2. The subject is in a position where a fall may cause substantial injury or death.
  3. The subject is handcuffed and offering no active resistance, or is offering resistance which may be overcome using lesser force.

- G. When the ECD is deployed, professional medical personnel will respond to the location and the subject will be evaluated. If an ECD is deployed in the corrections setting, the subject will be seen by an on-duty nurse or after normal working hours by summoning professional medical personnel.
- H. If the probes of the Taser CEW are imbedded in sensitive tissue areas (i.e. neck, face, groin, or the breasts of a female), or if a Deputy has difficulty removing the probes, a Deputy shall arrange transport to a medical facility for probe removal and medical evaluation.
- I. Following deployments of the Taser CEW, any data will be downloaded from the device, printed, and submitted into central records according to Agency procedure. Once the data has been successfully downloaded, the Taser CEW may be placed back into service.
- J. ECD deployments resulting in serious injury or death to the subject shall require the ECD and any cartridge, probes, and afids to be retained and submitted as evidence. The retained items shall be handled as a potential biohazard and packaged accordingly.

## VI. USE OF BATONS

- A. Only those deputies who have been trained in the use of baton will be allowed to possess and use it.
- B. The purpose of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior.
- C. The baton may be used by a deputy to subdue a violently resisting subject or in self-defense or in defense of a third person if lesser methods have failed, or if circumstances warrant the immediate use of the baton.
- D. Deputies may also posture with the baton as a display of force in crowd control situations.
- E. Deputies assigned to positions requiring the wearing of a full duty belt shall carry a baton while on duty. A deputy shall have the choice of carrying either Agency authorized baton: the expandable baton or the wooden baton.
- F. The intentional use of the baton striking above the subject's shoulders constitutes deadly force.

## VII. SPECIALTY IMPACT MUNITIONS

- A. Only those deputies trained in the use of specialty impact munitions will be authorized to use and deploy them.
- B. The purpose of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior
- C. Approved specialty impact munitions are provided solely by the Agency and include the following:
  - Munitions - Combined Tactical Systems model 4557 Foam Baton Round

- Launcher - Penn Arms model GL1 40mm
- Pepperball – Direct Subject Application: OC
  - Launcher – Pepperball models TMP Pistol, SA200, TAC700

D. Special considerations

1. The target area for deploying specialty impact munitions include the subject’s lower abdomen and upper thigh. Intentionally targeting subject areas other than these primary subject target areas increase the likelihood of great bodily harm or death and should be avoided unless their use is justified.
  2. When deploying specialty impact munitions, special consideration should be given to distance. As distances increase, accurate shot placement will be affected, while too close proximity may preclude the use of the projectile.
  3. When deploying specialty impact munitions, every effort shall be made to alert other deputies present that specialty impact munitions are being deployed. If the initial application of a specialty impact munition is ineffective, deputies shall reassess the situation and consider other available options.
  4. Any multiple or consecutive deployments of foam baton rounds will be closely scrutinized.
- E. Intentionally targeting of specialty impact munitions above the subject’s shoulders constitutes deadly force.

VIII. USE OF NOISE FLASH DIVERSION DEVICES (NFDD)

- A. Only those deputies who have been trained in the use of NFDDs will be allowed to possess and deploy them.
- B. The purpose of NFDDs is to facilitate deputy movement by delivering a level of sound and light intended to temporarily divert the attention or disorient a subject within a limited area.
- C. Approved NFDDs are provided solely by the Agency and include the following
  - Combined Tactical Systems model 7290
- D. In a tactical situation, the decision to use NFDDs will be made by the Sheriff or his designee.
- E. A NFDD has the potential to ignite combustible materials. When practical, a portable fire extinguisher should be readily accessible when this device is utilized. NFDDs will not be used in an environment where known flammable materials exist.
- F. NFDDs and their components will be stored in accordance with ATF regulations.

IX. USE OF FORCE TRAINING

- A. Training shall occur at a minimum biennially for deputies authorized to use less lethal instruments.
- B. The Training Lieutenant is responsible for the purchase, issuance, and storage of less lethal instruments.

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

Initial 01/21/2013

Revised 03/07/2016; 08/14/2020

Reviewed 11/07/2019