

Control Devices and Techniques

309.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The below procedures are for the use and maintenance of control devices (e.g., baton, oleoresin capicum (OC) spray and tear gas). Only those control devices that have been approved by the Chief of Police or his/her designee are authorized to be carried by members of this department, and are to be applied only when it appears reasonable under the circumstances.

309.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the circumstances.

309.1.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected by the department Armorer or Rangemaster, or the designated instructor for a particular control device.

309.1.3 TRAINING FOR CONTROL DEVICES

- (a) Only officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.
- (b) Training for all control devices shall be provided by department authorized instructors and will be conducted on an ongoing basis as determined by said instructors.
- (c) All training and proficiency for control devices will be documented in the officer's training file.
- (d) Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training. If, after two additional attempts, an officer still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the officer may be subject to discipline.

309.2 POLICY

The baton is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of the suspect.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally

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targeted except when the officer reasonably believes the suspect may cause serious bodily injury or death to the officer or others.

- (a) The baton may be used in the performance of police duty subject to the following guidelines:
 - 1. The baton must be a type authorized for purchase or issued by the department.
 - 2. The member carrying the baton must have completed a formal training course in its use, either at the academy level or in-service.
- (b) Uniformed members shall carry the baton on their person in the following circumstances:
 - 1. When at the scene of an incident which has the possibility of leading to physical violence, such as disturbance calls; or in situations which could lead to an arrest, such as a vehicle stop.
 - 2. Whenever assigned to foot patrol or other types of enforcement work.
 - 3. Carrying the baton at other times, such as situations in which no enforcement action is anticipated, shall be at the discretion of each individual officer. However, it is recommended that officers carry the baton on their person at all times when in the field due to its immediate accessibility as a defensive tool.
- (c) The following procedures must be followed in all cases after a member strikes a person with a baton:
 - 1. Discontinue use of the baton when additional application is no longer necessary.
 - 2. Handcuff the subject after gaining control.
 - 3. When a person is struck with a baton, that person must be transported to a hospital for examination, treatment, and a medical release by an emergency room physician.
 - 4. Photograph the location of the baton strikes whether or not injuries are apparent.

309.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

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When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

309.4 RESPONSIBILITIES

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

Personnel shall not use chemical agents when taking passively resisting subjects into custody.

309.4.1 WATCH COMMANDER RESPONSIBILITIES

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

309.4.2 RANGEMASTER RESPONSIBILITIES

Uniformed field personnel carrying the oleoresin capsicum spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry the oleoresin capsicum spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

Canisters involved in any type of malfunction or damage shall be turned in to the Rangemaster for exchange. Damage to City Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

309.4.3 PEPPER PROJECTILE USER RESPONSIBILITIES

Pepper projectiles are plastic spheres that are filled with a derivative of oleoresin capsicum (OC) powder. A compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. The potential exists for the projectiles to inflict serious injury if they strike the head, neck, spine or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the individual may cause serious bodily injury or death to the officer or others. The use of a pepper projectile system is subject to the following requirements:

- (a) Officers encountering a situation that requires the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system deployments where the suspect has been hit. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.
- (b) Only personnel certified as having completed department-approved training on the use of pepper projectile systems shall be allowed to deploy and use pepper projectile systems.

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- (c) Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

309.4.4 TREATMENT FOR OC SPRAY EXPOSURE

After using a chemical agent on a person, department personnel must follow the following procedures once they gain control of the subject:

- a.** Allow the arrested person to rinse the affected area(s) with water in order to flush the chemical agent, or assist in doing so.
- b.** If the person has a visible injury or abnormal reaction to the chemical agent, as observed by a department member or by complaint of the arrested party, the person shall be transported to a hospital for examination, treatment, and medical clearance.

309.4.5 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report.

309.5 KINETIC ENERGY DEVICES

This department is committed to reducing the potential for violent confrontations when suspects are encountered. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury.

Kinetic energy projectiles are approved by the Department and are fired from 12 gauge shotguns or 37/40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

309.5.1 DEPLOYMENT

Approved munitions are justified and may be used to compel an individual to cease his/her actions when such munitions present a reasonable option for resolving the situation at hand.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

309.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions
- (b) Has made credible threats to harm her/himself or others
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers

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309.5.3 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider the following factors:

- (a) Severity of the crime or incident.
- (b) Subject's capability to pose an imminent threat to the safety of officers or others.
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
- (d) The credibility of the subject's threat as evaluated by the officers present, and the subject's physical capacity/capability.
- (e) The proximity of weapons available to the subject.
- (f) The officer's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s).
- (g) The availability of other force options and their possible effectiveness.
- (h) Distance and angle to target.
- (i) Type of munitions employed.
- (j) Type and thickness of subject's clothing.
- (k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding deployment distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

309.5.4 DEPLOYMENT DISTANCES

Officers should keep in mind the manufacturer's recommendations regarding deployment when using control devices, but are not solely restricted to use according to these manufacturer

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recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

309.5.5 SHOT PLACEMENT

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted when deadly force is not reasonably justified.

Officers should generally follow the manufacturer's recommendations regarding minimum deployment distances and target areas however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

309.5.6 APPROVED MUNITIONS

Only department approved kinetic energy munitions shall be carried and deployed.

309.5.7 USE OF KINETIC ENERGY PROJECTILES BY OFFICERS

Either a specially marked shotgun, designated for the use of 12-gauge projectiles, or 40 mm less lethal projectile launchers, will be carried in patrol vehicles..

Officers will inspect this shotgun or 40 mm at the beginning of each shift to ensure that it is in proper working order and loaded with approved projectiles only.

309.5.8 USE OF KINETIC ENERGY PROJECTILES BY SWAT

Officers assigned to the SWAT unit and Mobile Field Force Team, who have completed a departmental training course may carry and deploy 12-gauge or 37/40 mm projectiles while on duty or while performing Special Weapons and Tactics (SWAT) missions and or Mobile Field Force missions, when approved by the respective unit Lieutenant.

309.5.9 TRAINING REQUIRED FOR USE

Personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic energy projectiles. Officers deploying kinetic energy projectiles are required to complete a recertification course as determined by department instructors.

309.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Tactical Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

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309.6.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall monitor the use of control devices in the same manner as all other use of force incidents.

- (a) The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training. The request for a control device should be made through the Watch Commander.
- (b) The Watch Commander shall review each use of control devices by any personnel within his or her command.
- (c) The Watch Commander shall ensure training on the use of control devices is provided as needed.

309.6.2 RANGE DIVISION COMMANDER / STAFF'S RESPONSIBILITIES

The Range/Armory Sergeant or the Range/Armory Lieutenant or designee, shall control the inventory and shall issue all control devices. All damaged, inoperative and/or expended control devices shall be returned to a member of the Range Staff or Armory Staff for disposition, repair or replacement.

309.6.3 MAINTENANCE RESPONSIBILITY

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

309.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

- (a) The oleoresin capsicum (OC) may be used in the performance of police duty subject to the following guidelines:
 - 1. The OC must be a type authorized for purchase or issued by the department.
 - 2. The member carrying OC must have completed a formal training course in its use, either at the academy level or in-service.
- (b) Uniformed members may carry OC while in the field, but shall carry an Electronic Control Device per Policy 309.2.
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309.8 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.