

USE OF FORCE: SPECIAL IMPACT WEAPONS & CHEMICAL AGENTS



DEPARTMENT SOP: #201

CALEA: 1.3.4, 1.3.10, 33.1.5

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CFA: 4.05, 4.07

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PURPOSE: To increase an Officer's options for bringing an incident under control, the Department provides a variety of less-lethal alternatives which may prevent or minimize injury. This SOP will establish guidelines and procedures for the use of these options by authorized Members of the Department.

SCOPE: This SOP applies to all Members of the Department.

POLICY: No policy or guideline can anticipate every Use of Force situation an Officer might face because they are often forced to make split second decisions in circumstances that are tense, uncertain, and rapidly evolving. The Department provides the use of less-lethal weapons and munitions as effective alternatives to reduce injuries and avoid the escalation of violence. Though the Department values the preservation of life, less-lethal weapons and munitions are not intended to resolve issues necessitating the justifiable use of deadly force.

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PROCEDURE:

I. AUTHORIZATION [4.05][1.3.4]

Authorized Members may only carry and use departmentally approved lethal weapons, less-lethal weapons and chemical agents while on or off duty and in the performance of their duties. The weapons and chemical agents described within this SOP will be carried and used in accordance with the "Use of Force" SOP.

II. INJURY POTENTIAL

Members are reminded that the improper use of less-lethal force could cause death or serious injury and may be interpreted as an unauthorized use of lethal force. Therefore, Members will be guided by their training, prudent decision making skills, and written directives (see **Use of Force SOP**) when having to respond to a subject's resistance level.

III. REPORTING PROCEDURES

Whenever an Officer uses any less-lethal weapon or munition, the Officer will notify his Supervisor as soon as possible and complete a Mobile Field Report. Whenever an Officer uses any less-lethal weapon or munitions, Members will refer to **SOP 200.1 Use of Force Reporting Procedures** for reporting procedures.

IV. AUTHORIZED LETHAL WEAPONS, LESS-LETHAL WEAPONS AND CHEMICAL AGENTS [4.05][4.07][1.3.4][1.3.10]

While exercising their Law Enforcement Authority, Members will not carry or use a weapon or chemical agent which delivers less-lethal force, on or off duty, until he has complied with the following: [4.07]

- Successful completion of recognized proficiency training program.
- Submission of a certificate of completion to the Personnel Unit.

A. Approval for Use: [4.07]

The Training Unit is responsible for the review process of any weapons being considered for use by Members, and for periodic reviews of currently approved weapons. The Training Unit will:

1. Maintain written specifications and a current list of all weapons and ammunition authorized for use, both on and off duty.
2. Ensure that a qualified weapons instructor or Range Master reviews, inspects and approves weapons and firearms before issuance.
3. Review all new weapons (including less-lethal) prior to approval for use by Members and complete a report on that weapon. The report will be forwarded through the Chain of Command to the Chief or his designee for final approval.
4. On a regular basis, review all weapons (including Less-Lethal) approved for carry. The review will be forwarded to the Chief or his designee and a copy sent to the Accreditation Unit.

B. Aerosol Chemical Agent (ACA): [1.3.4]

ACA is an approved less-lethal force munition to be carried by trained Community Service Officers, Crime Scene Technicians and Sworn Officers. Su-

supervisors are required to conduct quarterly inspections of members ACA to verify it has not expired. Supervisors will document this on the quarterly Uniform Appearance Inspection Sheet. The use of ACA is considered a **Level 3-Physical Control Technique** and may be used:

1. When a subject is resisting physical control by a Department Member, and poses a threat, ACA may be used to gain control and custody. The intent is to deescalate the situation within the "Use of Force Continuum."
2. To defend a Member, or another person, from what the Member reasonably believes is the imminent use of physical force against themselves, others, property, or self-inflicted injury.
3. When an animal poses an immediate threat to a Member or another person.
4. When necessary, on a disorderly handcuffed prisoner, and only with prior warning. Examples include attempts by a prisoner to:
 - a. Attack the Officer by spitting, biting, head butting.
 - b. Harm himself by banging their head or face within the vehicle or holding cell.
 - c. Damage City property by kicking at the windows of the Police vehicle.
 - d. In an enclosed area where entry will be gained to remove an incapacitated person(s) exhibiting threatening behavior.
 - e. Members should never apply ACA when a person is in control of a motor vehicle.

5. Deploying the ACA:

- a. Officers should be aware that sprays of ACA to the face could be immediately disabling. They should attempt to place themselves at a safe distance from the individual to avoid being hit by its discharge.
- b. A verbal warning will be issued to all persons and to other Members before the discharge, unless the warning would provide a tactical advantage to the person being taken into custody.
- c. Members will maintain a 3 to 10 foot minimum distance from the subject, aim for the subject's face and eyes using bursts of one to two seconds or less. Members will use the fewest number of bursts necessary, to effect temporary immobilization of the individual. Use of ACA will be discontinued once compliance is achieved.
- d. Once a person has been "exposed", the Member spraying the subject should:
 - (1). Allow time for the chemical agent to take effect.
 - (2). Verbally direct the subject to the ground, and:
 - (a). Control and handcuff the subject, or
 - (b). Request assistance from another Officer.

6. Decontamination:

- a. Members using the ACA should not touch their face or eyes until after washing their hands with soap and water.
- b. After spraying and transportation of a subject, afford the subject an opportunity to wash the

contaminated areas by applying wet paper towels to the face, discarding each towel as it is removed from the face. Exposure to wind, A/C cooling vents or a fan will help to dissipate the ACA and reduce recovery time.

- c. Allow the subject to remove any saturated clothing, if such action is necessary and feasible.
- d. When ACA is used inside a vehicle or building, the opening of all windows, to allow the free flow of air, will suffice in decontaminating the area.

7. Assessment:

- a. Ascertain from the subject if he is suffering from any respiratory problems. If acknowledged, notify Fire Rescue to respond to monitor the subject. Medical attention should also be given to sprayed individuals if the symptoms of the ACA have not disappeared within one (1) hour.
- b. Never leave a subject unattended until completely recovered from the effects of the spray.

8. Unintentional Contamination:

- a. Inform Detention personnel and/or the transporting Officer that the subject has been sprayed.
- b. Inadvertent bystander contamination will be dealt with as quickly as possible and documented on a Mobile Field Report.

C. Impact Weapons: [1.3.4]

ASP's are the only authorized Impact weapons of the Department. Impact weapons provide a method for controlling a subject when deadly force is not justified and when empty hand control techniques are not sufficient to effect

control. The use of an Impact Weapon is considered a **Level 4** response.

When considering the use of these weapons, Members will:

1. Direct all strikes toward the major muscle areas such as the forearms, thighs, or calves. Strikes to these areas reduce the risk of permanent injury to a subject.
2. Refrain from striking techniques that purposefully hyper-extend joints such as the knee or impact delicate bone areas such as the clavicle, finger, jaws or wrists unless incapacitation is required. Intentional strikes to the subject's head, neck, throat and spine will be avoided; unless-lethal (Deadly) force is justified.

D. Special Impact Munitions (SIM's):
[1.3.4]

Special Impact Munitions (SIM's) will be used (Authorized Members only) with the intent to encourage compliance, overcome resistance, temporarily incapacitate, or prevent serious injury, without a significant likelihood of causing death. A subject's resistance should be a **Level 4-**, **ACTIVE PHYSICAL RESISTENCE**, for the utilization of SIM's.

1. **Use of SIM's:** SIM's use may occur after other options have been exhausted, are ineffective, or to rapidly de-escalate a situation. SIM's provide:
 - a. A method for controlling a subject when other means of less-lethal force are ineffective.
 - b. A way to neutralize a significant immediate threat, which may otherwise justify the use of deadly force.
2. **Authorized Delivery Weapon and Munition:**
 - a. **General Use:**

(1). The authorized impact deployment weapon for Members is the **orange** colored Remington, 870-pump action shotgun.

(2). The munitions authorized for Members are Defense Technologies of America's #23DS, 12 gauge Beanbag Round.

b. SWAT and Field Force:

Specially trained SWAT and Field Force Members may be authorized to use other SIM deployment weapons and ammunition not identified within this SOP based on their training and duty assignment (i.e. crowd control, special critical incidents).

3. **Response Level:** The use of SIM's will be considered a **Level 4** response.

4. Deployment Considerations:

- a. Lethal force must always be ready as a back up. This necessitates a second Member being present for deployment, when practical.
- b. The two-man team will work in close proximity to each other.

5. **Launching Method:** The Code word "Bean Bag" will be utilized by the deploying Officer to announce the impending launching of SIM's.

6. Storage of Munitions:

- a. Special Impact Weapons will not be carried loaded in vehicles.
- b. Lethal ammunition may not be carried with or loaded into any dedicated SIM weapon.
- c. Only qualified Members will load and deploy the weapon at the time of use.

- d. The Member loading the weapon will ensure, by visual inspection of each round, that only a SIM round has been loaded.

E. Taser: [4.06] [1.3.4]

Tasers will only be issued and utilized by Sworn Members who have successfully completed the required Mandatory certification course. Members must be specifically trained for the particular model of Taser they are carrying. Members will be required to attend an approved Taser refresher course every year to remain proficient with the use of this weapon.

1. Authorized Taser Weapon:

- a. The X-26 Advanced Taser manufactured by Taser International is the only authorized Electro-Muscular Disruption (EMD) and Conductive Energy Device (CED) approved for use by Members of this Department.
- b. The authorized munition for the Taser is the air-cartridge with a 21-foot or 25-foot range issued only by the Department and manufactured by Taser International.
- c. The Taser will be carried in a cross draw holster on the Member's duty belt. Plain clothes Officers and Detectives will carry the Taser in a safe and approved manner as instructed during Training for their particular assignment.
- d. Supervisors will be responsible for conducting regular inspections of the Member's Taser to ensure it is clean, free from defects, and in good working condition. Supervisors will also regularly inspect the air cartridge to make sure it has not expired. Supervisors will spark test the Member's Taser during quarterly inspections.

- e. Members will test their issued Taser's operability and battery function before the start of their shift by conducting a spark test of the weapon. If a malfunction occurs during testing the Member's immediate Supervisor will be notified and the Taser will be removed from service.

- f. A malfunctioning Taser will be turned into the Training Unit to facilitate repairs on the weapon. Members will not use any Taser with a known problem or malfunction.

2. Response Level: [1.3.4]

The use of Tasers will be considered a **LEVEL 4 - ACTIVE PHYSICAL RESISTANCE** response on the Department's Use of Force Continuum. The primary goal in the decision to deploy the Taser is to prevent continuing or escalating violence and to minimize injury to both the Subject and the Officer.

3. Deployment Considerations: [1.3.4]

- a. The Taser will be used with the intent to encourage compliance, make an arrest, overcome resistance, or temporarily debilitate a subject in order to prevent serious injury or death.
- b. Tasers will be used with discretion, consistent with approved training techniques, and sufficient enough to overcome resistance or attack.

4. Members will be Prohibited from using the Taser when: [1.3.4]

- a. Flammable gases or liquids are in close proximity to the subject.
- b. Due to the elevated location of the subject, the risk of falling from a Taser deployment would likely cause serious injury.

- c. The subject is in or near water and could possibly drown.
- d. The subject is the driver of a moving vehicle, including automobiles, trucks, motorcycles, ATV's, bicycles, and scooters unless exigent circumstances exist.
- e. The subject is handcuffed, un-less they are exhibiting aggressive physical resistance, actively attempting to escape from custody or trying to harm themselves or others.
- f. The subject is passive and not exhibiting any resistance.

5. Launching Method:

- a. The code word "Taser" will be announced by the deploying Member to alert other Members of the impending launch of the Taser, unless doing so would place another person or Member(s) at risk.
- b. The code word "Clear" will be announced by the deploying Member prior to the launch of the Taser if other Members are in the vicinity of the target subject.
- c. The Taser will be aimed only in the manner instructed during Training, by pointing the integrated laser to the upper torso area of the body, allowing range for contact by the lower probe.
- d. No more than one Member should deploy the Taser against a resisting, non-compliant subject at a time.
- e. Members will attempt to handcuff the subject while the subject is being incapacitated by the Taser, being careful not to place their hands in between the

probes and in the path of the current.

- f. Members will not use any restraint techniques after a Taser deployment which restricts or impairs the subject's breathing ability.
- g. The Taser "touch stun" or "drive stun" method should only be used as a secondary deployment consideration under the following conditions:
 - (1). Failure of both probes to contact the subject.
 - (2). Attack on a Member by additional subjects after a Taser deployment.
 - (3). When other Member(s) are physically restraining an actively resisting subject.
 - (4). Cartridge discharge failure.
 - (5). The Member does not have anymore Taser cartridges to utilize.

6. Repetitive Cycle/Multiple Officer Deployments:

Members should deploy the Taser for one (1) standard five (5) second cycle and then stop and evaluate the situation. A Member's decision to deploy the Taser utilizing repetitive cycles will be predicated upon the following factors:

- a. The subject continues to exhibit Active Physical Resistance.
- b. The subject refuses to follow Member's commands to "Stop Resisting."
- c. An alternative tactical method is not feasible or could place the Member's safety in jeopardy.

- d. Notwithstanding the above, any attempt by the subject to defeat the Taser by removing the probes, breaking the wires, or grabbing the weapon is sufficient justification for a repetitive cycle deployment.
- e. Members will utilize only the minimum number of repetitive cycles necessary to immobilize the subject(s) and take them into custody.

7. Supervisor Notification of Taser Discharge:

- a. Members will notify their Supervisor immediately whenever they discharge their Taser at a subject. If their immediate Supervisor is not available to respond to the scene, another Supervisor will be notified of the discharge and summoned to the scene to conduct a review.
- b. The Supervisor will be responsible for reviewing the facts and circumstances of the Taser deployment and for ensuring a Supervisor's Response to Resistance Form is completed, photographs taken, and if necessary, medical treatment is administered to the subject.
- c. The Supervisor will notify the Shift Lieutenant if there is any complaint of injury by the subject or if the Taser was used outside of Department Policy.
- d. If a subject is seriously injured or dies during a Taser deployment, the Taser will be taken into custody as evidence by the on-scene Supervisor.

- (1). The Taser and discharged cartridge will be turned over to the Crime Scene Investigator who will ensure the items are placed into Property as evidence.

- (2). The Staff Duty Officer will be notified and has the authority to call out the Training Sergeant or their designee, to respond with a replacement issue Taser for the involved Member. If no replacement Taser is available, one will be provided to the involved Member as soon as one becomes available.

- (3). The Staff Duty Officer will notify the Professional Standards Major who will in turn notify Internal Affairs.

- e. Internal Affairs will facilitate a Data Port download from the Member's Taser as soon as practical.

8. Documentation of Taser Discharges:

- a. Taser Data Port download will be conducted after any deployment.
- b. Taser Data Port download printout will be attached to all Supervisors' Response to Resistance Reports.
- c. The Training and Professional Development Unit will inspect each Taser and conduct a Data Port download once a year during Daylight Savings Time Calibrations of the weapon. Regular Data Port downloads will help to reduce the chances of inaccurate or unreliable data readings.
- d. The Training and Professional Development Unit will maintain a file for each Taser and will store the Data Port Download printouts until they are no longer needed for Administrative or Court purposes. The Data Port Download printouts will be main-

tained in accordance with Public Records retention guidelines.

9. Issuance of Taser and Storage of Munitions:

- a. Taser weapons will be issued by The Training and Professional Development Unit after successful completion of the required Training course.

10. Taser Cartridges:

Each air-cartridge has a unique serial number and will be issued to individual Members. Therefore, the sharing or exchanging of air-cartridges between Members will be permitted only in exigent circumstances, and a Supervisor and the Shift Lieutenant will be notified as soon as practical when this occurs. The Supervisor will then contact the Training Unit and advise them of the situation so a replacement cartridge(s) can be issued to the involved Members.

11. Removal of Taser Probes:

Members will follow the guidelines and removal techniques taught to them during Taser Training for removing the probes from a subject. Only Members who are trained in removing Taser probes or medical personnel will attempt to remove the probes after a deployment.

- a. After deployment, the probes will be considered potential Bio-hazard material, and must be handled with the utmost care. Universal precautions such as latex gloves will be used at all times while handling the probes from a spent Taser Cartridge in order to avoid contact with blood or tissue. The probes will be inserted in the spent cartridge's designated slots, securely taped, and then placed in the proper storage container before

being placed in the Property and Evidence Unit.

- b. Members will not attempt to remove probes that are embedded in sensitive areas of the body, such as the genitals, breasts, or anywhere in the facial region. Qualified medical personnel will be provided or summoned to remove probes embedded in those areas of the body.
- c. Fire Rescue will be summoned whenever there is a serious complaint of injury. If there is no complaint, the arresting Officer will monitor the suspect's condition until they are turned over to Detention Personnel. Detention Staff will be notified whenever a Taser has been utilized on an arrestee so they can continue to monitor their condition.
- d. CSI will also be contacted to photograph the subject whenever there are any complaints or obvious signs of injuries after a Taser deployment. If there is no obvious injury or complaint of injury from the suspect after the probes are removed, then photographs will be requested at the discretion of the investigating Supervisor.

12. Lost or Stolen Taser: When a Member's taser is lost or stolen, the Member will:

- a. Initiate a Police report with the appropriate jurisdiction.
- b. Request the issuance of a replacement taser by submitting a Memorandum via the Chain of Command to the Training Supervisor. Attach a copy of the Police report.
- c. The Training Supervisor will then facilitate the replacement of the taser.

V. FAILURE TO DEMONSTRATE PROFICIENCY [33.1.5]

Members who fail to meet minimum standards on their first attempt will be afforded a second, and if necessary, a third opportunity. If the Member fails on the third attempt, the following actions will be taken:

- A. The Member will be scheduled to attend a remedial training session with the Training Unit or attend recognized proficiency training program.
- B. The Member will be scheduled to comply with all remedial training requirements as set forth by Training and Professional Development.
- C. If a Member cannot demonstrate proficiency with at least one less-lethal weapon, that member will be re-assigned to Non-Enforcement duties.
 - 1. Lose take-home vehicle privileges and be prevented from driving department vehicles.
 - 2. Prohibited from Off-Duty Detail assignments.

VI. DEFINITIONS:

A. LESS-LETHAL MUNITIONS:

Projectiles that require a designated shotgun, launcher, or hand-thrown delivery system.

B. NON-DEADLY FORCE:

Defensive or controlling action that neither is likely nor intended to cause death, great bodily harm, or serious bodily injury.

C. DEADLY FORCE:

The use of force that is likely to cause imminent death, great bodily harm or permanent disfigurement to the recipient.

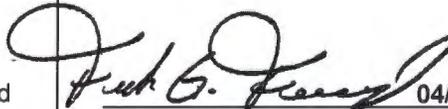
D. SERIOUS BODILY INJURY:

A bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of a limb, function or organ.

E. TASER:

An electronic muscle disruption (EMD) device or conductive electrical weapon (CEW) manufactured by Taser International, which disrupts a subject's central nervous system by means of delivering a battery powered electrical energy charge sufficient enough to cause uncontrolled muscle contractions which override an individual's voluntary motor responses.

APPROVED BY:



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04/01/2015
Date

ATTACHMENTS: