

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Menomonie Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

308.3 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.

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

308.4 RESPONSIBILITIES

308.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

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

Menomonie Police Department

Menomonie PD Policy Manual

Control Devices and Techniques

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Any reports documenting damage to equipment should be forwarded through the chain of command, explaining the cause of damage

308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of great bodily harm or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or vest carrier, or have the baton readily available in their gear bag. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 CHEMICAL AGENT GUIDELINES

The Menomonie Police Department may utilize a variety of chemical agents for the purposes of establishing control of an individual person, or groups of people, who are engaged in or are imminently threatening to engage in violent behavior; have actively resisted lesser levels of force, or display behavior that would lead a reasonable officer to determine that a lesser level of force would be ineffective. The two agents recognized for use by members of the Menomonie Police Department are Chlorobenzalmalononitrile (CS) and Oleoresin Capsicum (OC). Each agent has multiple delivery methods, which may require greater justification for use. In addition, each agent has its own decontamination process.

308.6.1 CHLOROBENZALMALONONITRILE (CS)

CS is available to members and can be delivered in three forms: gas, powder, and spray (gel).

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

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

CS powder can be contained and deployed as a 40mm impact projectile. The 40mm impact projectile is a firm, foam projectile that is filled with CS. Upon impact, the foam ruptures and releases the powder. This may be used against a person(s) who have barricaded themselves in a confined area, such as a vehicle or bedroom. In such a circumstance, shot placement should be directed towards an unoccupied area, or upper corner section of the space. These projectiles

Menomonie Police Department

Menomonie PD Policy Manual

Control Devices and Techniques

may be used directly against an individual. Reference the Kinetic Energy Projectile Guidelines in section 308.10 for deployment considerations.

CS spray contains the agent in a gel form. It is non-atomizing, and may be used in confined spaces directly against a threat. This form is generally recognized as the lowest level of force among the CS options, and is issued to every sworn member of the department after having received proper training. The CS spray device shall be carried in its holster on the equipment belt or vest carrier for uniformed officers. Plainclothes and non-field personnel may carry the CS spray device as authorized, in accordance with the needs of their assignment or at the direction of their supervisor. Large canisters shaped like an extinguisher are stored with other equipment in the patrol squad vehicles.

Treatment for CS exposure should use the following guidelines. Once safe to do so, persons exposed to CS should first be removed from the contaminated environment and brought to fresh air. A decontamination agent can then be applied to the affected areas. Persons wearing contacts should be permitted to remove the contacts once in a safe and controlled environment; generally this will be the jail if the person is in custody. Relief should be experienced within two to five minutes. A full, or near full, recovery should happen within fifteen to twenty minutes. Those persons who complain of further severe effects shall be examined by the appropriate medical personnel.

308.6.2 OLEORESIN CAPSICUM (OC)

OC may be available to members in two forms; powder and liquid spray.

OC powder can be contained and deployed as a 40mm impact projectile and as a pepper projectile system. The 40mm impact projectile is a firm, foam projectile that is filled with OC. Upon impact, the foam ruptures and releases the powder. This may be used against a person(s) who has/have barricaded themselves in a smaller area, such as a vehicle or bedroom. In such a circumstance, shot placement should be toward an unoccupied section, or upper corner section of the space. These projectiles may be used directly against the individual. See Kinetic Energy Projectile Guidelines for deployment considerations.

Pepper Projectile Systems use projectiles that are plastic spheres filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of great bodily harm or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force policy. Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate form.

Menomonie Police Department

Menomonie PD Policy Manual

Control Devices and Techniques

Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

OC spray devices may come in cannisters designed to be worn on a duty belt, or larger cannisters that are shaped like an extinguisher. The Menomonie Police Department does not issue OC spray for members, but instead issues officers CS Presidia Gel self-defense spray as referenced above. OC spray should not be carried by officers unless approved by the Chief of Police.

Treatment for OC exposure should use the following guidelines. Once safe to do so, persons exposed to OC should first be removed from the contaminated environment and brought to fresh air. Clean water should then be provided to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

308.6.3 POST-APPLICATION NOTICE

Whenever CS or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individual's notified should be included in related reports.

308.7 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.7.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines 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.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

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

Menomonie Police Department

Menomonie PD Policy Manual

Control Devices and Techniques

- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.7.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether 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 effective 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 serious 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 great bodily harm or death to the officer or others.

308.7.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles on a regular basis to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Conventional ammunition for shotguns will not be stored in vehicles with shotguns specially marked for use with kinetic energy projectiles.

Menomonie Police Department

Menomonie PD Policy Manual

Control Devices and Techniques

308.8 TRAINING FOR CONTROL DEVICES

The Operations Bureau Commander shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.9 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.