
Control Devices and Techniques

308.1 PURPOSE AND SCOPE

To reduce and minimize injuries to officers and suspects during arrests or detentions 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 injuries to officers and suspects. The below procedures are for the use and maintenance of control devices (e.g., baton, oleo resin capsicum (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.

308.1.1 WHEN DEVICES MAY BE USED

When an arrest or detention of a violent or combative suspect is evident an officer of this Department may use an approved control device in the manner prescribed by this manual or through approved training. Officers may still only use that amount of force which is necessary to apprehend a suspect, prevent escape, or overcome resistance.

308.1.2 REVIEW, INSPECTION AND APPROVAL

Officers of this Department must make periodic inspections of all equipment within their control, including control devices. These devices may also be periodically inspected by supervisors or trainers of this Department for actual possession and condition of the devices. No control device shall be used or carried that has not been previously approved by the Chief of Police or his/her designee. Officers are also required to attend initial training in the use and care of control devices, as well as periodic updated training and/or reviews.

308.1.3 TRAINING FOR CONTROL DEVICES

- (a) Only officers trained and having shown adequate proficiency in the use of any control device are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor. Department policies relating to control devices and the use of force shall be periodically reviewed by any member of this Department using or possessing approved control devices.
- (b) Training for all control devices should occur every 24-months and may be included as part of the POST required Perishable Skills training.
- (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. All officers must complete approved training and periodic updates or review in order to remain proficient in the use of any control device, and only officers meeting the training and proficiency requirements are authorized to carry/use such devices.

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308.2 BATON GUIDELINES

Department impact weapons may include, but are not limited to: Baton (wood, metal, or hardened plastic), PR-24, Orcutt Police Nunchakus (OPN), Less Lethal Munitions (Bean Bag Rounds, Rubber Ball Projectiles, Wood Projectiles, etc.), or any other device approved for use as a defensive weapon used by law enforcement officers.

The use of any impact weapon by members of this Department must only be used in the manner and authority described through approved training or as allowed per this policy manual or law.

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 targeted except in extreme circumstances where the officer reasonably believes the suspect may cause serious bodily injury or death to the officer or others, and the use of such force is deemed reasonable and necessary due to circumstances encountered at the time the device is used.

308.3 TEAR GAS GUIDELINES

The use of tear gas for crowd control, crowd dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, Incident Commander or Special Response Team (SRT) Commander may authorize the delivery and use of tear gas, evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary to result in the safe control of the suspect(s). When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of tear gas weapons should discharge such devices at the scene.

308.3.1 POST APPLICATION NOTIFICATION

Whenever tear gas 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 individuals notified should be included in related reports.

308.4 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and use department issued oleoresin capsicum spray or other approved chemical agents. Chemical agents are tools used to minimize the potential for injury to officers, suspects, or other persons causing a potential threat to safety. They should be used only in situations where such force reasonably appears justified and necessary.

308.4.1 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray. Personnel receiving oleoresin capsicum spray training at an approved Basic Law Enforcement Academy will have been deemed to have received the required training under this policy.

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308.4.2 CARRYING OF OLEORESIN CAPSICUM SPRAY

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 a Department Chemical Agents Instructor for disposal. The officer shall prepare a memorandum detailing the cause of the damage or malfunction, and a new cannister may be issued by the Administrative Sergeant or Department Chemical Agents Instructor.

308.4.3 PEPPER PROJECTILE SYSTEMS

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 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.
- (c) 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. Accidental discharges shall be promptly reported to a supervisor and documented as required by the Use of Force Policy. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

308.4.4 TREATMENT FOR OC SPRAY EXPOSURE

As soon as practical, any person being exposed to oleoresin capsicum spray or powder shall have the affected area flushed with large volumes of cool water and advised not to rub the affected area(s). In no case shall the treatment/de-contamination of an exposure to oleoresin capsicum spray or powder be delayed for any extended period of time.

If the person affected with oleoresin capsicum spray or powder develops a rash, burn, or other unusual condition, he/she shall be immediately transported to an approved medical facility

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for treatment prior to booking, or released from custody, through approved procedures, and transported to the nearest medical facility, or medical facility of the persons choice, within the City of Barstow.

308.4.5 REPORT OF USE

The use of oleoresin capsicum spray or powder is considered a use of force and shall be documented within a police report, as per the use of force policy. The documentation shall include the circumstances surrounding the use of the chemical agent, the deploying officer(s) name(s), the time the chemical agents were deployed, and any treatment given for de-contamination.

The jail intake officer shall be notified that the suspect(s) was/were exposed to chemical agents including the type used and any treatment provided to the affected individual(s).

Chemical agents are defensive weapons and shall be used only as such and in compliance with this policy and Department approved techniques and training.

308.5 KINETIC ENERGY PROJECTILES

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

Kinetic energy impact 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.

Kinetic energy impact projectiles are described as: flexible or non-flexible projectiles, which are designed to incapacitate a subject with minimum potential for causing serious injury or death, as compared to conventional impact weapons.

308.5.1 DEPLOYMENT

Less lethal force options, including Kinetic Energy Impact Projectiles, are an additional tool for police officers and are not intended to replace firearms, self-defense tactics, or other lethal force when necessary. Each incident involving the application of any level of physical force upon a person must be evaluated upon the facts of any particular incident. Only that force which is reasonable and necessary to effect an arrest, prevent escape, overcome resistance, or to protect officers or others from bodily harm shall be used.

The authority for the use of force is to be found in California Penal Code section 835(a) and 835(b).

When deciding to use less lethal force a number of factors must be taken into consideration. These are, but are not limited to:

- (a) Officer/subject physical factors, including age, size, relative strength, skill level, injury, exhaustion, or number of officers versus number of suspects.
- (b) Influence of drugs and/or alcohol.
- (c) Proximity to weapons.

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- (d) Availability of other options.
- (e) Seriousness of offense(s).
- (f) Other exigent circumstances.

Officers must always be aware that any situation which results in the use of force to apprehend, subdue, or to protect any individual will be closely scrutinized and may result in criminal or civil punishment when the amount of force used is deemed to be unreasonable, not in compliance with law, Department policy, or approved training techniques.

308.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

The deployment of less lethal munitions may include, but are not limited to:

- (a) The subject is armed with a weapon and the tactical circumstances allow for the safe application of approved less lethal projectiles or weapons.
- (b) The subject has made credible threats to harm himself/herself or others.
- (c) The subject(s) are engaged in riotous behavior or are throwing rocks, bottles, or other dangerous projectiles at people and/or officers.
- (d) To prevent escape or fleeing subject(s) when other means have proved ineffective.

308.5.3 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 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 deployed.
- (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.

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

308.5.5 SHOT PLACEMENT

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The face, head, neck, and groin 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.

308.5.6 APPROVED MUNITIONS

Shotgun, 12-gauge: These weapons are the standard police Remington 870 shotgun, which are equipped with bright orange stock and forearm for ease of identification as a less lethal impact weapon. The rounds used for deployment by the Barstow Police Department as Kinetic Energy Impact Projectiles are the Defense Technology Corporation 12 gauge Drag Stabilized Bean Bag round.

37mm/40 mm Projectiles and Launcher: These weapons are typically utilized by the Barstow Police Department Special Response Team, although nothing precludes the use by any sworn member of the Department who has been properly trained in the functioning and deployment of these weapons and projectiles. Projectiles for use by this weapon system must be approved by the Chief of Police or his/her designee, and may include, but not limited to, rubber pellets, wooden batons, solid rubber projectiles, multiple round less lethal projectiles, and any other approved less lethal munition.

308.5.7 USE OF KINETIC ENERGY PROJECTILES

A specially marked shotgun, designated for the use of 12-gauge projectiles, is maintained in the trunk of every marked patrol unit.

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

308.5.8 USE OF KINETIC ENERGY PROJECTILES BY SWAT

Officers assigned to the Barstow Police Department Special Response Team may carry and deploy all Department approved 12-gauge and 37/40mm Kinetic Energy Impact Projectiles, after successful completion of an approved training course for the use/deployment of Kinetic Energy Impact Weapons.

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308.5.9 TRAINING REQUIRED FOR USE

Personnel who have successfully completed a Department approved training course shall be authorized to use Kinetic Energy Impact Projectiles. The required minimum number of hours or days for Kinetic Energy Impact Projectiles training will be determined by the Department.

308.6 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 Crisis Response Unit 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.

308.6.1 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.

308.6.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and shall issue all control devices. All damaged, inoperative and/or expended control devices shall be returned to the Rangemaster for disposition, repair or replacement.

308.6.3 MAINTENANCE RESPONSIBILITY

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

308.7 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.

308.7.1 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on

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