




Clayton County Police Department PROCEDURES

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| Subject LESS-LETHAL SKILLS AND IMPACT WEAPONS | | Procedure # D29 | |
| Authorizing Signature  | Effective 10-02-2023 | <input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds | Total Pages 7 |

I. PURPOSE

To establish a policy that governs the use of and demonstrated proficiency of authorized police less-lethal skills and impact weapons.

II. POLICY

Consistent with the Clayton County Police Department's policy of using the level of force reasonable and necessary to control or otherwise subdue violent or potentially violent individuals, the Department authorizes the use of less-lethal skills and less-lethal weapons (e.g., hands, impact weapons, Oleoresin Capsicum spray, electronic control devices and/or the conducted energy weapon/TASER, and similar objects) by designated officers with this Department. The Clayton County Police Department (CCPD) does not authorize the use of neck restraints or similar weaponless control techniques. The deployment or use of less-lethal skills and impact weapons shall strictly follow the guidelines in this procedure, the Department's training program, and the Department's use of force policy.

III. DEFINITIONS

Impact Weapons: Means all police striking weapons which have been approved for duty carry by the CCPD, which are designed to establish control by means of mechanical impact; including, but not limited to, the ASP expandable baton, and wood or polymer straight striking weapons.

Less-Lethal Force: Physical control techniques or implements that a reasonable officer would not normally expect to cause death or serious bodily injury, involving a physical effort to control, restrain, or overcome the resistance of another. Impact weapons, electronic control devices and/or conducted energy weapons/TASER and similar objects are generally considered less-lethal.

Less-Lethal Skill: As used in this directive applies to all physical skills used as a means of personal defense or lawful control of a resisting offender.

Less-Lethal Weapons: Means weapons that, when deployed, are not likely to cause death or great bodily harm, but have the potential to do so in certain circumstances.

Officer: As used in this directive applies to all GPOSTC-Certified sworn employees regardless of rank.

IV. PROCEDURES

A. Authorized Impact Weapons

1. Each officer will be issued an expandable baton which will normally be carried by each uniformed officer, when on-duty and away from their police vehicle. Upon completing the formal training course and receiving certification in the use of an expandable baton, officers may carry that baton while on-duty. No officer shall carry or use any other baton while in the performance of their duties as a police officer.
2. The Chief of Police may grant exceptions for officers engaged in special operations such as the Mobile Field Force (MFF) Unit. In such cases, the officer must be certified with the baton before being allowed to carry it.
3. A firearm shall not be utilized as an impact weapon, except in those instances in which the element of immediacy is present, no other reasonable alternative is readily available, or the officer is defending against an unauthorized grabbing of the firearm. For further information refer to CCPD SOP: *A5: Use of Force*.

B. Property Control

1. A system for the inventory of Department, to include less-lethal weapons, shall be established and maintained by the Logistics & Operations Unit.
For further information on inventory, refer to CCPD SOP: *B14: Agency Property Control*.
2. All less-lethal weapons must be inspected by a qualified weapons instructor or armorer to ensure the weapon is safe, functional, and operational before issuance for use. This inspection may occur during the required certification and recertification training sessions. [CALEA 4.3.1 c.]
3. The initial issue of less-lethal weapons may be handled by the Logistics & Operations Unit and/or the Academy & Training Unit.
 - a. Generally, new hires who are certified through the Georgia Peace Officer Standards and Training Council (GPOSTC) will be issued less-lethal weapons by the Logistics & Operations Unit; and
 - b. New recruits who are not certified through the GPOSTC will be issued less-lethal weapons by the Academy & Training Unit at the applicable time.
4. A written record of issued less-lethal weapons will be signed by the issuer and the recipient. The original document (i.e., *CCPD Equipment Issue & Return Form*) will be kept in the recipient's personnel file.
5. The Logistics & Operations Commander, or authorized designee, will maintain a listing of all Department-approved less-lethal weapon specifications as well as a complete inventory of all less-lethal weapons issued for official use by officers. [CALEA 4.3.1 e.]

C. Inspections

Most personnel inspections will be performed informally by first line supervisors during roll-call; uniformed officers will be inspected daily for compliance with grooming and dress standards, general appearance, readiness for duty, and to ensure the general condition of issued and/or approved less-lethal weapons are in a state of operational readiness as set forth by CCPD SOP: *D2: Dress Code*.

1. Officers are responsible for the care, control, maintenance and operational readiness of all less-lethal weapons permanently and/or temporarily assigned to them.
2. Officers shall inspect all issued less-lethal weapons in accordance with training prior to each use to ensure operational readiness.
3. The Commander, or authorized Supervisor, of a Division/Unit is responsible for the care, control, maintenance and operational readiness of all less-lethal weapons assigned and/or used by their command. The Commander, or authorized Supervisor, shall conduct inspections and maintain inventory of less-lethal weapons assigned/used, maintained or stored by their Division/Unit.
4. Employees shall immediately notify and/or report the following circumstances to a concerned supervisor: when less-lethal weapons are lost, stolen, damaged, obsolete and unusable, or when defects or hazardous conditions exist with any equipment. Depending on the circumstances, an *Incident Report* may be required.
5. At the discretion of the assigned employee's concerned supervisor, less-lethal weapons that are damaged, will either be turned over to the supervisor immediately, or taken to the appropriate personnel or facility as soon as possible, for replacement/repair. [CALEA 4.3.1 d.]

D. Carrying of Impact Weapons Off-Duty

Officers will be allowed to carry an approved impact weapon off-duty. Only the Department-issued impact weapon (i.e., expandable baton) is approved for carrying off-duty. Other impact weapons may be approved for off-duty use, provided that officer has the baton registered with the Department's Training Unit Lieutenant and the officer has been certified with the baton. The Chief of Police has authority in determining which batons will be carried off-duty. Request for approval must be in writing and sent to the Department's Training Unit Lieutenant. The Department's Training Unit Lieutenant will then forward the request to the Chief of Police.

E. Use of Impact Weapons

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment:
 - a. To protect the officer or others from immediate physical harm;
 - b. To restrain or subdue an individual who is actively resisting or evading arrest; or
 - c. To bring an unlawful situation safely and effectively under control.
2. Officers will use only that level of force reasonably necessary to bring the incident under control.
3. When encountering unreasonable actions of other employees or public safety officials that could result in injury, death, or violations of constitutional or civil rights, intervention must be

immediate and any such actions shall be reported immediately to the employee's immediate or on-duty supervisor. Failure to report or intervene can result in disciplinary action up to and including termination. Any time an officer observes another officer using force that is beyond what is objectively reasonable force under the circumstances will, when in a position to do so safely, intervene to end and prevent the use of such excessive force.

4. Any time a person has visible injuries or claims to be injured due to force, or any other type of police action used against them by an officer, the officer must take appropriate actions (up to their ability) to provide medical care for the injured person. This includes providing first aid, requesting emergency medical services (EMS), and/or arranging for other transportation to a hospital or emergency medical facility. In addition, the officer will also notify their supervisor as soon as possible.
5. Officers engaged in the application or use of restraining devices are reminded of the dangers of positional asphyxia. Under no circumstances will a detainee being restrained, have their arms and legs secured together in a fashion commonly known as "hog-tying." Officers must maintain visual contact with all restrained detainees to ensure that no condition exists that may result in positional asphyxia, or other hazard. Medical assistance/evaluation shall be sought immediately for any detainee who is injured, as a result of being restrained or complaints of injury.

F. Use of Force Reporting

1. Any officer and/or supervisor, whether on or off-duty, involved in a use of force incident shall contact an on-duty supervisor as soon as immediately possible to have the *Use of Force Report* completed.
2. Completion of *Incident Reports* and *Supplemental Reports*
 - a. An *Incident Report* or *Supplemental Report* shall be completed by each officer and/or supervisor of this Department involved in and/or present for any use of force incident.

Each individual officer and/or supervisor involved in and/or present for a use of force incident shall complete their own *Incident Report* and/or *Supplemental Report*. This policy applies to two-man units, as well as Field Training Officers (FTO) with Probationary Officers (PO).
 - b. Upon completion, all *Incident Reports* and/or *Supplemental Reports* related to the use of force incident will be reviewed by the supervisor responsible for the *Use of Force Report*, when practical. This is due to the reporting supervisor having detailed knowledge of the facts and circumstances. When not practical, review by an immediate supervisor of the involved and/or concerned officer(s) is acceptable.

For further information on use of force, refer to CCPD SOP: A5: *Use of Force*.
3. A *Use of Force Report* is required anytime an officer applies force through the use of less-lethal munitions, impact weapons, electronic control devices (ECD's) and/or the conducted energy weapon/TASER, oleoresin capsicum (OC) or chemical irritants.
4. EXEMPTION to *Use of Force Report*

Special Weapons & Tactics (SWAT) actions while in an official SWAT deployment and under the command of the SWAT Commander or Assistant SWAT Commander, shall be documented in the *After-Action Report* completed by the Commander, or designee. A *Use*

of Force Report is not required for official SWAT deployments unless the incident results in, or is alleged to have resulted in, the injury or death of another person.

G. Display of Force Documentation

1. If lethal and/or less-lethal weapons are displayed to gain compliance (e.g., during building clearance, engaging a suspect or person of interest, etc.), but are not utilized to apply force, a *Use of Force Report* shall not be completed.

In such incidents the concerned officer(s) are only required to complete an *Incident Report* and/or *Supplemental Report(s)* and justify their actions in the narrative.

2. In any incident in which a lethal and/or less-lethal weapon is displayed to gain compliance or attempt to gain compliance, the first listed Incident Type on the *Incident Report* shall be "PDFD" (Police Department Force Displayed). Only the acronym of PDFD shall be used as an Incident Type on an *Incident Report*.

Depending on the lethal and/or less-lethal weapon displayed to gain compliance, the corresponding Incident Code on the report shall be as follows:

- a. PDFD(f) - when firearms are displayed;
- b. PDFD(t) - when electronic control devices (ECD's) and/or the conducted energy weapon/TASER are displayed;
- c. PDFD(b) - when impact weapons are displayed; and/or
- d. PDFD(c) - when chemical irritants are displayed.

For each officer who displays a weapon to gain compliance during an incident, one (1) count of each applicable Incident Code shall apply. For example, if two (2) officers displaying firearms are clearing a building and encounter a person of interest, the *Incident Report* will reflect two (2) counts of Incident Code PDFD (f).

H. Specialty Less-lethal Weapons and Munitions

1. Any Department-authorized specialty less-lethal weapons and munitions may only be carried by officers who have satisfactorily completed training and demonstrated proficiency in their use. [CALEA 4.3.1 a.]
2. Department-authorized specialty less-lethal weapons and munitions include:
 - a. Tactical wooden "straight stick" baton;
 - b. Impact projectiles (e.g., bean bag rounds);
 - c. 40 mm launched chemical munitions; and
 - d. Hand-held canisters/devices for chemical (other than OC) deployment. [CALEA 4.3.1 b.]
3. Where possible, deploying officers should inform other personnel in the immediate vicinity that impact rounds or chemical munitions will be deployed.
4. Deployment of specialty less-lethal weapons and munitions will be at the direction of a supervisor unless it is reasonably likely that failure to take immediate action would result in serious injury or death to the officer or another person.
5. Types and specifications for authorized specialty less-lethal weapons and munitions assigned to the Special Weapons and Tactics (SWAT) Team or Mobile Field Force (MFF) will be maintained by the Team Commanders.

I. Training and Proficiency

1. At least annually, all Department personnel authorized to carry weapons are required to receive in-service training on the Department's use of force policy and demonstrate proficiency with all approved lethal weapons and the CEW (TASER) that the employee is authorized to use. Such instruction shall specifically addresses constitutional and legal issues surrounding law enforcement use of force, the Department's use of force policy and any other related subject matter. [CALEA 4.3.2]

For further information on CEW (TASER) refer to CCPD SOP: *D30: Conducted Energy Weapon (Taser)*.

2. In-service training for other less lethal weapons (e.g., OC spray, impact weapons, and specialty munitions) and weaponless control techniques shall occur at least biennially with each weapon they are authorized to use. [CALEA 4.3.3]

For further information on OC, refer to CCPD SOP: *D19: Use of Oleoresin Capsicum (OC)*.

3. Instruction and qualification for all Department-authorized less-lethal weapons must be provided by a GPOSTC certified weapons or defensive tactics instructor currently assigned to, or approved in writing by, the Department's Training Unit. [CALEA 4.3.3 a.]
4. Officers are authorized to utilize only those impact weapons with which they have been certified and where such certification is current. Certification may be obtained by attending training and classes that have been recognized and authorized by the Department's Training Unit.
5. Biennially, each sworn employee will be given a proficiency assessment of their ability to perform less-lethal tactics skills. This skills assessment will include, but not be limited to, personal defense strategies and impact weapon tactics currently taught in the Department's defensive tactics program. Such proficiency assessment must be administered and monitored by a GPOSTC certified weapons or defensive tactics instructor currently assigned to, or approved in writing by, the Department's Training Unit. An officer, who fails to adequately perform required tactics, will receive a deficiency rating. Officers receiving a deficiency rating will be scheduled for remedial training.
6. Officers may report to the defensive tactics classroom, or other designated location, for any scheduled defensive tactics assessment session in order to fulfill this mandate. Officers who are on-duty and scheduled through the Department's Training Unit for a specific assessment date and time shall be given preference. All other officers shall be permitted assessment as opportunity creates later availability.
7. Individual skill enhancement can be scheduled through the Department's Training Unit.
8. Officers may attend other defensive tactics and striking weapon training sessions as offered by the Department or other qualified parties, when possible. Officers may attend on-duty where such training has been approved by appropriate supervisory personnel. Attendance at such sessions while off-duty shall be governed as mandated by existing policy.
9. Officers who are unable to perform approved controlling tactics will receive remedial training. Officers who continue to exhibit an inability to perform required un-armed tactics following such remediation may be directed to the Office of the Chief of Police Division, or authorized designee, for a change of status review.

10. Officers who fail to demonstrate proficiency with any less-lethal weapon issued to them will complete remedial training and will no longer be authorized to carry the weapon until such time as proficiency is demonstrated and documented. [CALEA 4.3.3 c.]
11. It will be the responsibility of the Department's Training Unit Lieutenant, or authorized designee, to schedule proficiency training for officers in accordance with this policy and to ensure such training is appropriately documented. [CALEA 4.3.3 b.]
12. All defensive tactics training will be documented by the Department's Training Unit Lieutenant, or authorized designee, through the use of either written or electronic means. All Department training will be properly documented by use of the GPOSTC Course Completion Form (Post Form C-12).
13. The Department's Training Unit Lieutenant will maintain a record of officers who are authorized to carry and have satisfactorily demonstrated proficiency relative to this procedure.
14. All personnel who are authorized to carry less-lethal weapons shall receive training relative to, and be issued a copy of, this procedure. Training in the content and intent of this policy will be accomplished and acknowledged prior to personnel being authorized to carry less-lethal weapons. [CALEA 4.3.4]

V. CANCELLATION

This policy amends and supersedes the following standard operating procedure: D29: *Less-Lethal Defensive Skills and Striking Weapon Proficiency*, dated July 6, 2009.