

# Narragansett Police Department

40 Caswell Street, Narragansett, RI 02882

## ORIGINAL ISSUE

February 22, 2019

## LAST REVISED

January 30, 2024

## NEXT REVIEW

January 30, 2027

## **Policy 310.09**

## **Less Lethal Munitions Policy**

### **01. Purpose**

The purpose of this policy is to provide officers with guidelines regarding the use and deployment of department less-lethal munitions (LLM).

### **02. Policy**

The Narragansett Police Department provides less-lethal munitions and a 40 mm launcher to specially selected and trained officers as less-lethal force options for use in the field.

These less-lethal weapons are not intended to replace verbal problem-solving skills, self-defense techniques, firearms, or any other force options as outlined in the Narragansett Police Department Use of Force policy.

These weapons shall only be utilized in order to assist officers in bringing certain incidents under control while protecting the safety of the officers and others, and only when deemed reasonable according to Department training. Under no circumstances shall these weapons, or any use of force option, be used as a means of interrogation, coercion, or punishment. This policy is an adjunct to Policy 300.01 Use of Force, and as such, it shall be considered within the context of that policy.

### **03. Definitions**

Area Denial: An area that is deliberately contaminated with a chemical irritant to deny and or make the area uncomfortable for individuals to gather at the location (examples- 40mm munitions, Pepperball rounds, handheld delivery systems, and ALS and Sabre Red Foggers.

Chemical Agents: Substances designed to irritate the eyes and mucous membranes (examples- CS/Cn Gas, Pepperball, ALS Fogger VAPOR-cell, ALS Grenade, Smoke etc.)

Field Force Operations (FFO): Activities that involve law enforcement who are trained and equipped to control crowds, handle protests, and perform mass-arrest procedures in disaster situations.

Imminent: Such an appearance of threatened and impending injury as would cause a reasonable police officer to act to stop the threat.

Incident Commander (IC): The individual responsible for overseeing the response to civil disturbances and/or First Amendment assemblies or demonstrations, including the development of

strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting crowd management operations (see All Hazards Plan Policy 360.01 and 360.04 Public Demonstrations for further details).

Less-Lethal Force: Any use of force other than that which is considered lethal, or deadly force.

Less-Lethal Munitions (LLM): Are tools to be used during an escalation of force that does not rise to the level of lethal or deadly force.

Less-Lethal Munitions Officer (LLM Officer): A sworn officer of the Narragansett Police Department who is in good standing with the department, who has successfully passed all required training and who has been selected and authorized to carry and deploy less-lethal equipment in the line of duty.

Lethal Force: Any use of force that is likely to cause death or serious bodily injury. Lethal force is also referred to as deadly force.

Riot Control Agents: Chemical compounds which are used by law enforcement to disrupt, disorient, disable, distract and/or disperse, people who are involved in a riot or unlawful demonstration.

Serious Bodily Injury: Physical injury that (1) creates a substantial risk of death, serious disfigurement or (2) protracted loss or impairment of the function of any bodily part, member, or organ, or (3) causes serious permanent disfigurement.

## **04. Procedure**

### **A. LLM Equipment**

1. The following Department LLM equipment is authorized for field deployment and use by Specially Selected and Trained Officers:
  - a. ALSTAC40- 40mm Single Shot Launcher
  - b. ALS 40mm REACT Impact Round and Chemical tip Round
  - c. TRMR-LE- Training Reloadable Maritime Ready-Law Enforcement Diversionary Device
  - d. Sabre Red MK9 Fogger
  - e. ALS Top Cop 6 oz. Aerosol Grenade
  - f. Mission LL TPR Semi Auto Pistol (Orange)
  - g. Mission LL Impact Round
  - h. Mission LL OC Level 1 Safe Munition Round
2. If there is a mechanical malfunction of any LLM equipment, a member of the Firearms Division will be notified and the weapon will be taken out of service immediately.

### **B. Training**

1. Only certified LLM instructors shall provide training for LLM Officers.
2. No member of this department shall deploy or discharge any LLM unless they have successfully passed all required LLM training courses.
3. In-service training covering LLM usage/proficiency shall be conducted and completed annually by all LLM Officers.
4. Training records shall include a lesson plan providing; the expected performance objectives, training content and instructional techniques, the date of attendance, persons in attendance, identity of instructors and a pass/fail score of all LLM Officers.
5. LLM Officers who fail to meet the training requirements will be prohibited from deploying and/or using LLM equipment unless and until a remedial training course is successfully completed.
6. Training records shall be maintained by the Firearms Division, and shall be made available to the Chief of Police or his designee(s) and the Office of Professional Standards

C. LLM Storage and Transport

1. All LLM will be properly secured in the armory when not in use or properly secured in the OIC's vehicle while on patrol.
2. LLM equipment shall only be removed from the OIC's vehicle when the potential use of the weapon is imminent.

D. LLM Discharge Parameters

1. Only Department-approved LLM Officers are authorized to carry and discharge the LLM as a less-lethal force option.
2. The LLM may be used when a subject is exhibiting active resistance or active aggression, and any attempts to subdue the subject by lesser force options have been, or will likely be, ineffective in the situation at hand.
3. LLM may be used to prevent an individual from harming themselves or others.
4. The LLM officer shall not carry or display any LLM equipment on calls or incidents unless, the officer has specific information that the call or incident reasonably indicates there is a potential for its use.
5. Under no circumstances shall an LLM be displayed, drawn, or used as a means of interrogation, coercion or punishment.

6. Alternative force techniques shall be considered in lieu of using LLM equipment when dealing with pregnant women, elderly persons, young children, and visibly frail persons, unless exigent circumstances warrant otherwise.
7. LLM Officers should always be cognizant of a subject's location when evaluating the consequences of an LLM discharge (i.e., situations where a subject falling may cause substantial risk of injury or death).
8. Unless exigent circumstances exist, LLM Officers shall refrain from discharging an LLM on subjects who are in physical control of any moving vehicle.
9. Officers should utilize contact and cover designating one officer as lethal option and the other officer as the less-lethal option.
10. Lethal option officer's responsibility is to provide deadly force protection at all times.
11. Less-lethal option officer will give all verbal commands to the subject, deploy the less-lethal round if warranted and direct the arrest team.
12. Only one (1) LLM Officer should discharge an LLM upon a subject at any one time.
13. When tactically feasible, LLM Officers shall:
  - a. Issue a warning to the subject prior to discharging the LLM launcher, unless doing so would place any person at risk.
  - b. Notify dispatch that an LLM deployment is imminent and request additional officers to the scene.
14. At the discretion of the LLM Officer, the LLM launcher may be discharged to control animals, such as vicious dogs, when circumstances warrant such usage.

E. Chemical Agents

1. Consistent with RIGL 28-10-7 during any labor strike or lockout of any type officers will not use any tear gas, brombenzylcyanide or any other gas which would affect the respiratory organs.
2. The Incident Commander (IC) shall approve/disapprove the decision to deploy Chemical Agents for dispersing of individuals. Before deploying chemical agents/force the IC shall ensure;
  - a. Clear warnings that chemical agents/ force will be utilized are communicated to the individuals subject to such force.
  - b. The individuals are provided sufficient opportunity to heed the warnings and exit the area.
  - c. The effect of such uses of force will be minimized on those

- individuals who are complying with the lawful commands.
- d. There is a means of safe egress from the area available to the individuals.
- e. At no time shall any use of force be used to frighten or punish individuals for exercising their constitutional rights.
- f. Nothing in this policy restricts an Officer from deploying OC spray consistent with Oleoresin Capsicum Spray Policy #310.02.

#### F. Medical Attention

1. Any suspect who has been subjected to an LLM discharge will be transported as soon as practicable by EMS to a medical facility for evaluation by trained medical personnel.
2. If the suspect is only to exposed RCA, and the suspect is not injured, nor complaining of injury, OIC may determine the suspect needs only decontamination and evaluation from EMS in accordance with the training of the RCA used.

#### G. Post-Incident Requirements

1. A supervisor not involved in the LLM discharge incident shall be notified of and shall respond to the scene of the discharge as soon as practicable. This includes responding to accidental discharges of any nature.
2. The Officer-In-Charge (OIC) shall report all LLM discharges to the Commanding Officer of the Uniform Division, who shall in turn notify the Chief of Police.

#### H. Audits

1. An audit of all LLM equipment shall be conducted at least annually by the Office of Professional Standards or his/her designee, with the assistance of the Firearms Division Commander or his/her designee.
2. Audit results shall be forwarded to the Chief of Police.

**NOTE: This order is for internal use only, and does not enlarge an Officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.**

By Order of:

Chief of Police