

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

Civilian members who are issued Department-authorized control devices shall abide by existing law, and use force as reasonably appears necessary to defend himself/herself or others against at apparent threat of unlawful and immediate violence from another.

303.3 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 Chief of Police or the authorized designee.

Only members 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 sworn officer has made a decision 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 necessary, is proportional and reasonable (as these terms are defined in the Use of Force policy) under the totality of the circumstances known to or perceived by the officer at the time. When feasible, based on the totality of circumstances presented at the time, officers should use de-escalation tactics and techniques (as discussed in the Use of Force Policy) to avoid the need to use these devices. A verbal warning and opportunity to comply should precede the use of these devices.

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

303.3.1 GUIDELINES FOR CIVILIAN MEMBERS ISSUED CONTROL DEVICES

In accordance with existing law, a civilian member of the Department may use an authorized control device as reasonably appears necessary to defend himself/herself or others against an apparent threat of unlawful and immediate violence from another. In such circumstances, the civilian member must reasonably believe that their use of force was necessary to prevent immediate, unlawful physical harm to himself/herself or others.

303.4 BATON GUIDELINES

The baton is authorized for use when, based upon the circumstances perceived by the sworn officer, such force reasonably appears justified and necessary to result in the safe control of the

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suspect. 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 serious bodily injury or death to the officer or others. A baton should not be used against a person who is already handcuffed or otherwise restrained, unless the person poses a substantial risk of harm or threat to officers or others.

Civilian members issued batons shall adhere to policy 303.3.1 Guidelines for Civilian Members issued Control Devices.

303.5 AUTHORIZED BATONS

The following batons are authorized for carry by sworn officers:

- (a) Straight baton: constructed of wood, plastic, or metal, 26-29 inches in length
- (b) Straight baton (Department-issued): 36 inches in length for crowd control situations
- (c) Side handle baton: standard manufactured baton constructed of either plastic or metal and having a spinning or fixed handle
- (d) Friction lock (collapsible) baton, 21 or 26 inches in length
- (e) Yawara Stick
- (f) Horse baton
 - 1. The horse baton shall be made of lightweight, hardwood, and be black in color.
 - 2. It shall be 40 inches in length, and shall be carried in a baton ring attached to the saddle.

Civilian members shall only carry batons issued to them by the Department and for which they have received Department-approved training.

When carrying a baton, uniformed members shall carry the baton in its authorized holder on the equipment belt.

Plainclothes and non-field sworn members may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

Batons shall not be modified in any way. Members shall only carry the type of baton with which they have been properly trained.

303.6 OPN GUIDELINES

The Orcutt Police Nunchaku (OPN) shall only be carried by sworn officers who have successfully completed Department-approved training in the use of the device. The OPN shall not be modified in any way. A sworn officer may choose to carry the OPN in the field; however, the officer must include his/her baton among their other required equipment (i.e. riot helmet, gas mask, etc.). In the event an officer is called to respond to a crowd control incident, the officer's baton should be readily available in the field for deployment.

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The OPN is authorized for use as a control device when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of the suspect. 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 serious bodily injury or death to the officer or others.

The OPN may also be an effective compliance device, but shall only be used in accordance with the Compliance Techniques and Devices policy and Department-approved training.

Any application of the OPN on a subject shall be documented in the member's report by the member who used the OPN. Additionally, the member will notify a supervisor of the application of the OPN per § 300.14.2 Use of Force Notification to Supervisors.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, sworn officers may consider the use of oleoresin capsicum (OC) spray and pepper projectiles to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior that poses a risk to the safety of the officers or the public. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public. OC spray should not be used against a person who is already handcuffed or otherwise restrained, unless the person poses a substantial risk of harm or threat to officers or others.

Civilian members issued OC spray shall adhere to policy 303.3.1 Guidelines for Civilian Members issued Control Devices.

303.7.1 OC SPRAY

Only authorized members may possess and maintain Department-issued oleoresin capsicum spray. Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt or load bearing vest. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

All members authorized to carry OC spray, shall complete the required course of instruction prior to possessing and using the OC spray.

Canisters involved in any type of malfunction or damage shall be turned in to the Rangemaster for exchange.

303.7.2 OC SPRAY RECERTIFICATION

Members authorized to possess and maintain Department-issued oleoresin capsicum spray shall complete Department-approved training.

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303.7.3 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 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 and can clearly articulate that the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Only officers certified as having completed Department-approved training on the use of pepper projectile systems shall be allowed to deploy and use pepper projectile systems.

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.

Any pepper projectile system used for civil unrest, shall be deployed in accordance with existing law and the guidelines set forth in policy 303.11 Civil Unrest.

303.7.4 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 CHEMICAL AGENT GUIDELINES

Chemical agents (CS/OC) may be used against barricaded suspects based on the totality of circumstances. Only the Watch Commander, or Incident Commander in consult with the Tactical Commander or Special Operations Section Lieutenant may authorize the delivery and use of chemical agents, and only after 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 practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to control any fires and to assist in providing medical aid or gas evacuation if needed.

Only SWAT team members or Mobile Field Force members trained in the use of chemical agents should discharge such devices at the scene.

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Any chemical agents used for civil unrest, shall be deployed in accordance with existing law and the guidelines set forth in policy 303.11 Civil Unrest.

303.9 POST-APPLICATION NOTICE

Whenever chemical agents including OC spray/powder have 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.

303.10 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.

Kinetic energy projectiles are approved by the Department and are fired from 12 gauge shotguns, 37 mm and 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.

Other types of specialized kinetic energy projectiles are only to be used by trained members of the SWAT team or Mobile Field Force Unit in accordance with the Department's policy and procedure manuals.

303.10.1 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 for resolving the situation at hand.

Sworn 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.
- (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.

Only sworn personnel who have completed a Department approved training course may carry and employ 37 mm or 40 mm launchers while on duty.

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303.10.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Severity of the crime or incident
- (b) The credibility of the subject's threat as evaluated by the officers present, and physical capability/capacity as evaluated by the officers present at the scene.
- (c) Distance and angle to target.
- (d) The proximity of weapons to the subject.
- (e) Type of munitions to be deployed.
- (f) The availability of other force options and the possible effectiveness of these options.
- (g) Type and thickness of subject's clothing.
- (h) The officer's versus the subject's physical factors (i.e. age, size, relative strength, skill level, injury/exhaustion).
- (i) The number of officer(s) versus subject(s).
- (j) The subject's proximity to others.
- (k) The location of the subject.
- (l) Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
- (m) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.
- (n) Subject's capability to pose an imminent threat to officers or others.

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

The deploying officer(s) should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, the deploying officer(s) is not restricted solely to use according to manufacturer's recommendations. Each situation must be evaluated based upon 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, neck, spine, or groin should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Any kinetic energy projectile used for civil unrest, shall be deployed in accordance with existing law and the guidelines set forth in policy 303.11 Civil Unrest.

303.10.3 SAFETY PROCEDURES

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles while operating the same projectile platform will employ the two-person

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rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.11 CIVIL UNREST

Incidents involving crowd control or crowd dispersal shall be evaluated in accordance with the First Amendment Assembly policy to ensure appropriate actions are taken before the deployment of any chemical agents or kinetic energy projectiles. Chemical agents or kinetic energy projectiles shall not be deployed against persons engaged in the peaceful and lawful exercise of First Amendment assemblies.

In the event the demonstration is declared an unlawful assembly, then the dispersal order shall be read in accordance with the Department's [First Amendment Assembly procedure](#). The dispersal order will frame the area of dispersal, provide routes for the dispersal and the time persons have to disperse before law enforcement actions will begin. When feasible, under the totality of circumstances, chemical agents or kinetic energy projectiles should not be deployed against any persons before the dispersal order. This does not preclude an officer from using reasonable force to defend him/herself or others from violent and assaultive behavior that may lead to serious bodily injury.

After the dispersal order has been read and if the demonstration continues to escalate to the level of civil unrest, defined by federal law as: a public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of, or results in, damage or injury to the property or person of any other individual (18 US Code § 232), then the Chief of Police or designee may declare the demonstration as civil unrest and may authorize the use of chemical agents or kinetic energy projectiles to prevent violence and the destruction of property.

The Chief of Police, or designee, may only authorize the use of chemical agents or kinetic energy projectiles during civil unrest when the following conditions exist:

- (a) The persons who are engaging in violence against other persons or substantial destruction of property have been identified in the crowd by law enforcement, but the crowd physically obstructs the arrest teams from detaining those persons or those persons are able to evade arrest and continue their violent behavior. Substantial destruction is arson or felony vandalism.
- (b) The need to immediately incapacitate those persons who are engaged in violent, assaultive behavior or substantial destruction of property has been weighed against the risk of causing serious injury to others who are not the intended targets.
- (c) To provide a route of ingress or egress for fire or medical personnel who are being obstructed by the crowd.

When the Chief of Police or designee has authorized the use of chemical agents or kinetic energy projectiles for crowd control or dispersal for civil unrest, then officers shall ensure that the dispersal

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order includes a warning that force may be used which may inflict significant pain or cause serious injury [Deorle v Rutherford, 272 F.3d 1272, 1284 (9th Cir. 2001)].

Based on the totality of circumstances, specialized diversionary devices may be authorized by the Chief of police or designee. The use of these specialized diversionary devices shall only be used by trained members of the Department's SWAT team and shall be used in accordance with the guidelines set forth in this policy and the Department's SWAT Manual. Flash and sound diversionary devices shall not be used for crowd control or crowd dispersal for civil unrest.

303.11.1 DOCUMENTATION

The Santa Monica Police Department shall act within the parameters of Penal Code 13652 during its deployment of chemical agents and kinetic energy projectiles to disperse any unlawful assembly, protest, or demonstration.

The use of chemical agents and kinetic energy projectiles should not be taking lightly during civil unrest. The use of these systems during civil unrest can seriously strain the relationship between the Police Department and the community we serve.

Each application of chemical agent and kinetic energy projectile during civil unrest is considered a use of force incident. Chemical agent and kinetic energy projectile use and tracking is of paramount importance to ensure accountability.

Officers deploying chemical agents and kinetic energy projectiles during civil unrest should use the following layered system to track and report their use:

- (a) Take reasonable steps to know their munition inventory prior to deployment and complete a memo to their supervisor describing any changes in inventory at the end of the deployment (a use of force documentation form shall replace and supersede any munitions memo. No memo is necessary if there is no change in munition inventory).
- (b) Have a scribe assigned to pre-planned events, and to unplanned events when practical, to document and keep record of munition deployments.
- (c) Officers should activate and use their body worn camera to record the use of munition deployments.
 - i. Officers should verbalize violations of the law and threats upon which they are basing their deployment of the control device munition(s).
 - ii. Officers should describe the person or persons violating the law and causing a threat as succinctly as possible.
 - iii. Officers should target that person or persons as describe.
- (d) Officers are required to report and document their use of force as outlined in section 303.12.

303.11.2 MEDICAL ATTENTION

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of any chemical agents, kinetic energy projectiles or diversionary devices to

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assist those who have been affected and to cleanse affected areas, to provide medical aid, to assist with gas evacuation or to control fires if needed.

303.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

The use of a control device shall require notification to a sworn supervisor as soon as practicable. Any application of a control device or technique listed in this policy shall be documented in the related incident/crime report, promptly, completely, and accurately before the member completes their shift. The Watch Commander may authorize an extension on the use of force documentation for the involved members when extenuating circumstances exist (i.e., the involved officers are seriously injured or hospitalized, extreme fatigue). Any documentation requiring an extension beyond a week, shall be authorized by the Deputy Chief of Police or designee.

303.12.1 SUPERVISOR RESPONSIBILITY

It shall be the supervisor's responsibility to ensure members complete all use of force related reports prior to end of watch, and to promptly review and approve all related reports. The Watch Commander may authorize an extension on the use of force documentation for the involved members when extenuating circumstances exist (i.e., the involved officers are seriously injured or hospitalized). Any documentation requiring an extension beyond a week, shall be authorized by the Deputy Chief of Police or designee.

Within 10 days of the incident, the supervisor shall complete any administrative action (Blue Team) and evaluate the circumstances surrounding the incident, including the initiation of an administrative investigation if there is a question of policy non-compliance or if, for any reason, further investigation may be appropriate. Any extension needed beyond the 10 days, shall be approved by the Deputy Chief of Police or designee.

303.13 RESPONSIBILITIES

303.13.1 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 persons(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.

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303.13.2 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.

303.13.3 USER RESPONSIBILITIES

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

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. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.14 STORAGE OF CONTROL DEVICES

When a control device is not on the member's equipment belt or otherwise secured in the member's locker, Department-assigned locker, or the trunk of a Department-assigned vehicle, it shall not be left unattended. Control devices shall not be taken home, nor transported in the personal vehicles of employees unless in transit to a Department-approved training location.

Any sworn officer who regularly works off-site because of their current assignment (i.e. narcotics, FBI task force) or who is assigned a Department vehicle because his/her current assignment requires him/her to be on-call, shall ensure that his/her Department-issued baton and/or OC spray are secured while in his/her home, vehicle, or any other area under his/her control; storage shall be in a manner that will keep the device inaccessible to others.

303.15 TRAINING FOR CONTROL DEVICES

The Training Sergeant and Watch 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 member's training file.
- (c) Members 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 a member cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

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- (d) During training, members will review the impact areas of the body that should be avoided when discharging any projectile systems.