

Control Devices and Techniques

308.1 CONTROL DEVICES PURPOSE AND SCOPE

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

308.2 CONTROL DEVICES POLICY

To control subjects who are violent or who demonstrate the intent to be violent, the Unified Police Department (UPD) 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 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 to minimize injuries and unintentional targets.

308.4 RESPONSIBILITIES CONTROL DEVICES

308.4.1 TRAINING SUPERVISOR RESPONSIBILITIES

The Training Supervisor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated, or expended control devices or munitions are properly disposed of, repaired, or replaced.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 Training Supervisor or the designated instructor for a particular control device. The inspection shall be documented.

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308.4.2 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Any damaged, inoperative, outdated, or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Supervisor for disposition.

308.5 BATON GUIDELINES

Officers carrying a baton must be currently certified. Certifications are valid to the end of the following training year. Failure to maintain consecutive certification requires a repeat of initial certification.

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Officers will use the baton consistent with training. Primary target areas are the lower legs, hands / arms, and the chest / midsection. 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.

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

Flashlights and other similar objects will not be used as batons, except as required by exigent circumstances.

308.5.1 TYPES AND DESCRIPTIONS

Carrying and use of approved black, hickory or oak batons (26 to 29 inches, straight, without side handle or grooved portions), plastic batons (26 to 29 inches, straight with grooved handle and lanyard), and collapsible batons is authorized for currently certified members. Ultra-light batons are not authorized.

308.6 TEAR GAS GUIDELINES

Tear gas may be used for appropriate circumstances and as authorized by a Commander or Supervisor and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary. Only those specifically trained in the use of such chemicals are authorized to deploy tear gas.

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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.

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are threatening or engaging in illegal or violent behavior.

308.7.1 OC SPRAY

Uniformed personnel at Sgt. and below rank are required to carry OC spray. OC spray shall be carried in its holster on the equipment belt. 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.

308.7.2 PEPPER PROJECTILE SYSTEMS - Pepperball® VKS and / or FN303 semi-automatic less lethal launchers

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 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.

308.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected using OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain, after the normal 35 to 45 minute time of decontamination, of further severe effects shall be examined by appropriate medical personnel.

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308.8 POST-APPLICATION NOTICE

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 cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES - 40mm and / or Less Lethal Shotgun

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 to de-escalate a potentially deadly situation.

308.9.1 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 their 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 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.

308.9.2 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.

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- (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 serious bodily injury or death to the officer or others.

308.9.3 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 as designated by the Training Supervisor. Officers will inspect the shotgun and projectiles at the beginning of each shift 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.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person 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.

308.10 LOW LETHALITY / SPECIALTY IMPACT PROJECTILE WEAPONS

Def-Tec single shot model 1325, Def-Tec multi launcher model 1375, Penn Arms multi-launcher, LMT (Lewis Machine and Tool) Defense 9" 40mm single shot launcher, and Sage over / under are the approved 40mm models.

The Mossberg 500 pump action or Remington 870 pump action shotguns are the approved models for the Less Lethal Shotgun.

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Members assigned or utilizing these weapons must complete the Training Unit training prior to deploying these systems. These weapons will be maintained by the Training Unit.

UPD 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 to de-escalate a potentially deadly situation.

308.10.1 ISSUING, CARRYING AND USING 40 MM launcher

The systems described in this policy may be carried and deployed by members of the UPD only if the device has been issued by the department or approved by the UPD Training Unit or the authorized designee.

Only UPD members who have successfully completed department-approved training in the use of the Low Lethality / Specialty Impact weapons and their munitions are authorized to carry and deploy the device.

Low Lethality / Specialty Impact weapons and Specialty Impact Munitions 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 may precede the use of these devices. 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.

308.11 DEPLOYMENT

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease their 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.

A verbal warning to the suspect of the intended use of the device may precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. If given, the purpose of the warning may give the individual a reasonable opportunity to voluntarily comply. This warning may also give other assisting officers notice that the device is being deployed and may reduce the chances of sympathetic fire. A verbal transmission to the officers directly involved in the incident will precede the use to prepare those officers for its intended use.

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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 serious bodily injury or death to the officer or others.

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 responding officers, themselves, or other members of the public.
- (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.

308.12 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 specialty impact munitions appears appropriate.
- (g) The age of the subject.
- (h) If the subject is pregnant.

When using Low Lethality / Specialty Impact Weapons and Specialty Impact Munitions, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets. Officers should consider the safety precautions prior to simultaneous deployment of devices.

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Primary Target Areas

- (a) Arms below the elbow
- (b) Lower abdomen
- (c) Buttocks and Legs

Secondary Target Areas

- (a) Arms above the elbow
- (b) Back, excluding spinal cord area from base of skull to tailbone
- (c) Knees

Non-target Areas / Restricted Target Areas

- (a) Head
- (b) Spine
- (c) Thorax
- (d) Neck
- (e) Groin

NOTE: Shots to non-target areas can result in death or serious injury.

308.13 TRAINING UNIT RESPONSIBILITIES

The Professional Standards Division 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 Professional Standards Division or the designated instructor for a particular control device. The inspection shall be documented.

The Professional Standards Division 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 at least annually. The Professional Standards Division shall also familiarize all sworn personnel that are not end users of the Low Lethality / Specialty Impact Weapons or Specialty Impact Munitions to the deployment procedures and specifically the audible report of the system when fired. This again is to minimize the possibility of “Sympathetic Fire” by assisting officers on scene.

USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated, or expended munitions shall be returned to the Professional Standards Division for disposition.

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308.14 TRAINING FOR CONTROL DEVICES

The Professional Standards 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.

308.15 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.

308.16 PROHIBITED WEAPONS

Saps, sap gloves, blackjacks, brass knuckles, nun chucks, fighting stars, other martial arts weapons, side handle batons, electrical shock devices (other than approved TASER), and other non-department authorized weapons are prohibited.

The **unauthorized** on-duty use or possession of firearms, impact weapons, PepperBall systems, or TASERs is prohibited.