

Waltham Police Department

CHAPTER 1A

NON-LETHAL / LESS-LETHAL FORCE

General Order #: GO-01

Effective Date: 08/2013, 01/2017, 09/2020, 02/2024

Accreditation Standard #'s: 1.1.4, 1.1.9-1.1.11, 1.1.12, 46.2.2, 46.2.3

PURPOSE:

The purpose of this policy is to provide members of the Waltham Police Department with guidelines in the use of the approved non-lethal and less-lethal weapon systems.

POLICY:

It is the policy of the Waltham Police Department that the use of non-lethal or less-lethal weapons on any subject, must be in compliance with the following protocol, as well as, the Waltham Police Departments Use of Force Policy (Chapter 1).

1. DEFINITIONS:

- a. PEPPER SPRAY:** A temporarily disabling aerosol that is composed partly of capsicum oleoresin (natural pepper extracts) and causes irritation and temporary blinding of the eyes and inflammation of the nose, throat, and skin.
- b. EXPANDABLE BATON:** An expandable baton is composed of a cylindrical outer shaft containing a telescoping inner shaft that locks into each other when expanded.
- c. SUPER SOCK ROUND:** A flexible projectile referred to as a “bean bag” round, fired from a 12-gauge shotgun specifically assigned to less lethal use only.
- d. NON-LETHAL FORCE:** Is the force that is neither likely nor intended to cause serious bodily injury or death. This includes but is not limited to the use of approved defensive physical tactics, pepper spray, the K-9, authorized baton and CEW.
- e. LESS-LETHAL FORCE:** That force which is likely to have less potential for causing death or serious bodily injury than the use of deadly force. This

includes but is not limited to the use of the approved delivery system and respective munition.

- f. **SERIOUS BODILY INJURY:** An injury that would create a substantial risk of death, cause serious permanent disfigurement, require the subject to be admitted into a hospital, and/or result in extended loss or impairment of the function of any bodily member or organ.
- g. **DEADLY FORCE:** Is that degree of force likely to result in death or serious bodily injury. This includes, but is not limited to, the use of department- approved firearms.

2. **NON-LETHAL WEAPONS – GENERAL CONSIDERATIONS:**

The Waltham Police Department in accordance with Massachusetts Police Training Committee's Use of Force curriculum has incorporated several non-lethal weapons for use within the department's use of force model.

a. **TRAINING AND QUALIFICATIONS:**

Training shall consist of a department approved training and qualifications program in the use of pepper spray and the issued baton as well as defensive tactics at least once every 2 years [1.1.12-2A]. CEW training will be conducted every year. Officers trained in the use of these weapons will be held accountable for proficiency as well as compliance with department policy in the use of such weapons. The Training Unit will keep proficiency records [1.1.10A].

b. **APPROVED NON-LETHAL WEAPONS:** [1.1.9C, D], [1.1.12-1A]

- 1. **NON-CHEMICAL WEAPON:** Sabre Red Pepper Spray, 1.33% Major Capsaicinoids, 10% Oleoresin Capsicum, 2,000,000SHU in a Stream Configuration (Department issued) [1.1.9C, D].
- 2. **BATON:** Monadnock Auto-lock X3 expandable 22" baton with or without Hindi Cap (Department issued) [1.1.9 C, D].
- 3. **CONDUCTED ENERGY WEAPON (CEW):** Axon Taser X7 (Department issued).

c. **DEPLOYMENT OF NON-LETHAL WEAPONS:**

Officers will deploy designated non-lethal weapons systems as needed in accordance with department training and use of force policies.

3. **LESS-LETHAL WEAPONS – GENERAL CONSIDERATIONS: [46.2.2]**

The Waltham Police Department has adopted a less-lethal force philosophy to assist in the de-escalation of potentially violent situations. **The less-lethal force philosophy shall not preclude the use of deadly force.**

- a. **TRAINING AND QUALIFICATIONS: [46.2.2]** Training shall consist of a department approved training and qualification program monitored and documented by a certified MPTC instructor [1.1.12-2B] in the use of the approved 12-gauge shotgun. The Less-Lethal shotguns are designated solely for the use of its respective and specified less-lethal munitions. Weapon system operators shall be trained no less than two (2) times per year and qualified annually. Officers are accountable for proficiency, as well as, compliance with department policy in the use of the Less-Lethal shotgun [1.1.10A], [1.1.11]. The Firearms Training Unit will keep proficiency records.
- b. **APPROVED LESS-LETHAL WEAPON AND MUNITIONS: [46.2.3], [1.1.12-1B]**

LESS-LETHAL SHOTGUN: Mossberg 590-A1, 12-gauge shotgun, smooth bore barrel, rifle sights, and combat sling. Each Less-Lethal shotgun shall be clearly and permanently marked.

AMMUNITION: A drag stabilized 12-gauge bean bag round is the only authorized round to be carried and used in the less-lethal shotgun.

No lethal munitions, slug, pellet, shot, frangible, extended range electronic projectile shall be carried, used, or fired from a less-lethal weapon system [1.1.9 C, D].

- c. **DEPLOYMENT OF LESS-LETHAL WEAPON AND MUNITIONS:**

Less-Lethal shotguns will be available for deployment at the station. These weapons will be stored in a designated weapons locker in the Operations area along with the less lethal munitions for these weapons.

Authorized users may utilize the sign out log to sign these weapons in and out at the beginning and end of each shift. Only an authorized operator will load the weapons at the time of deployment. These less-lethal shotguns, while deployed in the field, shall be secured in a cruiser equipped with a locking shotgun rack. The weapons will be kept in the transport condition; i.e.: loaded with seven rounds of bean bag munitions in the magazine tube [1.1.4], chamber empty, slide closed, and the safety activated.

d. **AUTHORIZATION AND USE OF NON-LETHAL/LESS-LETHAL WEAPONS:**

1. Only officers who have completed the department training and qualification programs shall be authorized to utilize any non-lethal/less-lethal force options [1.1.4]. A list of all authorized less-lethal weapons system operators will be made available to the patrol supervisor, Office-In-Charge, and shift commanders.
2. If the possibility of the use of less-lethal force is determined to be an option by the patrol supervisor Office-In-Charge, or on scene Commander, the station will be notified, and a less-lethal “operator” will be dispatched to the scene.
3. The patrol supervisor shall designate an on-scene officer to provide **lethal force coverage** and, if deemed appropriate shall designate two or more officers for suspect handling and control.
4. Subjects who are struck by a less-lethal munition of any type shall be transported to a medical facility for examination.

e. **DECONTAMINATION OF SUBJECTS AFTER DEPLOYMENT OF PEPPER SPRAY:**

After the deployment of pepper spray on a subject, the following decontamination protocol **must** be followed:

1. Remove the subject from the contaminate area as soon as possible.
2. Keep subject calm.
3. Assure the subject that they are safe.
4. Assure the subject the condition is only temporary.
5. Once the subject is in custody and the scene is safe provide fresh air and/or cool clean water to rinse eyes as needed.
6. Continue to monitor the subject for any adverse reactions.
7. Contact emergency medical services as needed or if symptoms persist.

f. REPORTING AND INVESTIGATING:

Any discharge / use of non-lethal, a less-lethal munitions or weapons, other than in training, shall be reviewed and reported pursuant to department policies: (Use of Force Form supplement). Any discharge of a less lethal munitions or weapon as defined above shall be handled in a comprehensive manner to include the appropriate handling of the scene, photographing injuries, collection and photographing of discharged Less-Lethal shell casings and Bean Bag Rounds, and appropriate evidence submission procedures.

In any case, where the discharge of a less lethal weapon results in a serious bodily injury or a death, the Office-In-Charge shall comply with the appropriate reporting procedures as outlined in the Waltham Police Department Use of Force policy (Chapter 1 “Investigation when use of force results in a death or serious injury”) and Post Shooting and Traumatic Incident Policy – Ch 1B in its entirety.