

Less Lethal Tools

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of less lethal tools that are described in this policy.

303.2 POLICY

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. The use of less lethal tools shall be in accordance with the guidelines in this policy and the Use of Force policy. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment to:

1. Protect the officer or others from immediate physical harm;
2. Restrain or subdue an individual who is actively resisting or evading arrest, or
3. Bring an unlawful situation safely and effectively under control.

303.3 ISSUING, CARRYING, AND USING LESS LETHAL TOOLS

Per M.G.L. c. 41 § 98, Police Officers are authorized to carry and use a variety of weapons, as authorized by the Chief of Police, at all times when on duty. Less lethal tools described in this policy may be carried and used by members of this department only if the tool has been issued by the Department or approved by the Chief of Police or the authorized designee unless exigent circumstances compel the officer to utilize other options.

Only those members who have successfully completed department-approved training on this policy and the use of any less lethal tool and who have demonstrated proficiency in the use of the less lethal tool are authorized to carry and use the device.

Less lethal tools may be used when a decision has been made to control, restrain, or arrest a person who is violent or riotous, who demonstrates the intent to be violent, or who actively resists arrest and the use of the tool appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these tools.

It is preferred that less lethal tools not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same result.

Each less lethal tool option is not intended to be a substitute for other options in situations in which the use of other force options are more appropriate.

Absent exceptional circumstances, officers shall not use less lethal tools on children, pregnant women and elderly persons, or for the sole purpose of protecting property.

The use of less lethal tools is not authorized for indiscriminate use or when an individual is handcuffed unless a threat to the officer or others exists.

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List of Authorized Weapons and Ammunition

303.4 RESPONSIBILITIES

303.4.1 DIVISION RESPONSIBILITIES

The Division Commander may authorize the use of a less lethal tool by selected department members who may not currently be issued or carrying the tool or those in specialized assignments who have successfully completed the required training.

303.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms Instructor shall control the inventory and issuance of all less lethal tools and shall ensure that all damaged, inoperative, outdated, or expended tools or munitions are properly disposed of, repaired, or replaced.

The Firearms Instructor shall maintain a record of all less lethal tools authorized and approved for use by officers of this department. The record will be securely filed in the Guardian Tracking System. The records will be updated annually during less lethal training, or any time a less lethal tool is turned in, an officer is separated from employment or a new officer is hired. This record shall include:

- Manufacturer & Type
- Identifying model number & serial number
- Identity of assignee
- Name of firearms instructor/armorer approving the tool
- Date of approval
- Scores used for proficiency or qualification, if applicable

Prior to being issued or authorized for use, each less lethal tool shall be approved and inspected by a department armorer or qualified instructor familiar with the tool being inspected. The tool shall be visually and physically inspected and a functions check shall be completed. The inspector shall not approve the tool for duty use unless the inspector determines that it is in good working order. Failed tools shall be removed from service and repaired or replaced.

Each tool used on duty shall be approved and inspected annually by a department armorer or qualified instructor familiar with the tool being inspected. The tool shall be visually and physically inspected and a functions check shall be completed. Whenever possible, inspections will be done in conjunction with training on that tool. The inspector shall not approve the tool for use unless the inspector determines that it is in good working order. Failed tools shall be removed from service and may be repaired or replaced. Repaired tools must be inspected prior to use.

The inspector shall record his/her name and the date of inspection on the appropriate form. The record shall be in the Guardian Tracking System.

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303.4.3 USER RESPONSIBILITIES

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

Personnel shall be responsible for the safe and proper storage of all less lethal tools assigned to them.

Any damaged, inoperative, outdated, or expended less lethal tool or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Instructor for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

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 him/herself 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 assignments or at the direction of their supervisors.

The Monadnock Expandable Baton with the Hindi Cap and Power Safety Tip or the straight baton may be used:

- (a) As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile.
- (b) As a defensive weapon to ward off blows.
- (c) As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject.

An officer is justified in using this type of force under the following circumstances:

- (a) To overcome the violent resistance of an arrestee.
- (b) To overcome an assault on an officer or a third party.
- (c) To deter persons engaged in riotous or violent conduct.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances, only by members of the Special Weapons and Tactics Team (SWAT). SWAT, with the authorization of the Incident Commander, may authorize the delivery and use of tear gas, only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary, refer to the First Amendment Assemblies Policy.

An officer shall not discharge or order the discharge of tear gas unless:

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- (a) De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
- (b) The measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas proportionate to the threat of imminent harm.

When practicable, fire and emergency medical services 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.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other less lethal tools, OC spray may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent or riotous behavior, to protect an officer or other person from an assault, or to subdue a person who actively resists arrest. 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 department members or the public.

OC Spray should not be used on individuals in physical control of a vehicle in motion (i.e. automobiles, trucks, motorcycles, ATV's, scooters).

When OC spray is used, it should be aimed at the subject's face and upper torso. Officers should utilize only two (2), one second bursts from at least 3 feet away from the subject unless exceptional circumstances require otherwise.

303.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

303.7.2 MULTIPLE APPLICATIONS OF OC SPRAY

Each deployment of OC spray constitutes a separate use of force and must be justifiable. If the first application of OC spray appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands or other options or tactics may be more effective.

303.7.3 TREATMENT FOR OC 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 who complain of further severe effects or those who indicate that they have a pre-existing medical condition (e.g., asthma,

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emphysema, bronchitis, heart ailment) that may be aggravated by the application of chemical spray shall be examined by appropriate medical personnel.

Once handcuffed, a contaminated subject should not be placed face down due to the risk of positional asphyxia. Officers shall monitor handcuffed subjects.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, or other enclosed area, the owners or available occupants should be provided 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 how and when the notice was delivered and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES (BEAN BAG SHOTGUN/40 MM IMPACT MUNITIONS LAUNCHER)

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 in an attempt to de-escalate a potentially deadly situation.

303.9.1 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 his/her 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 individuals 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 officers, other department members, and/or other people.
- (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.

The kinetic energy impact projectile weapon should only be deployed when authorized by an individual of the rank of sergeant or above. Members of the NEMLEC SWAT team who deploy less lethal impact munitions may do so under the guidelines of this policy or the controlling NEMLEC Unit/Team Commander.

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303.9.2 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.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of less lethal tools 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 suspect 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.

303.9.3 SAFETY PROCEDURES

Launchers/shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect launchers/shotguns and projectiles at the beginning of each shift to ensure that the launchers/shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, launchers/shotguns will be unloaded and properly and securely stored in police department vehicles.

303.10 TRAINING FOR LESS LETHAL TOOLS AND WEAPONLESS CONTROL TECHNIQUES

Before a newly sworn officer is authorized to carry and/or use less lethal tools the officer is to be issued a copy of and received instruction on this policy and the Use of Force Policy. The issuance of and instruction on these policies shall be documented.

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Before an employee is authorized to carry and/or use a new type of less lethal tool, the employee is to be issued a copy of and receive instruction on this policy and the Use of Force Policy. The issuance of and instruction on these policies shall be documented.

At least annually, all agency personnel authorized to carry less lethal tools are required to receive in-service training on the agency's use of force policies. The Training Officer shall ensure that those members who are authorized to carry a less lethal tools have been properly trained and certified to carry the specific tool and are retrained or recertified at least annually.

At least annually, all agency personnel shall receive training on all weaponless control techniques (come-alongs, take-down techniques, handcuffing, etc.) approved for use.

- (a) Proficiency training shall be monitored and documented by a certified less lethal tools or tactics instructor. Proficiency will be demonstrated in accordance with the standards established by the Municipal Police training Committee and/or the manufacturer of the tool.
- (b) All training and proficiency for less lethal tools will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the less lethal tools or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a less lethal tool or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the less lethal tool and may be subject to discipline.

303.11 REPORTING USE OF LESS LETHAL TOOLS

Any application of a less lethal tool shall be documented in the related incident/arrest report and reported pursuant to the Use of Force Policy.

Attachments

Authorized weapons and ammo list.pdf

Authorized Weapons and Ammunition

AUTHORIZED DUTY PISTOLS

MANUFACTURER	MODEL	CALIBER	RBI LENGTH
Glock	17	9 mm	4.47"
Glock	19	9 mm	4.02"

AUTHORIZED AMMUNITION PISTOL- LETHAL

Use	MANUFACTURER	BULLET WGT	BULLET TYPE
Duty	CCI/Speer LE/GOLD DOT	124 GR	Bonded Hollow Point
Range	CCI/	124 GR	Ball

AUTHORIZED PATROL RIFLES - LETHAL

MANUFACTURER	MODEL	Action	CALIBER	BARREL LENGTH
Sig Sauer	516	Semiauto	223	10.5"
*Sig Sauer	716 DMR G2	Semiauto	308	16"
*Sig Sauer	MCX	Select Fire	300 Black Out	6.5"
**Sig Sauer	MCX	Semiauto	223	10.5"

AUTHORIZED RIFLE AMMO - LETHAL

USE	MANUFACTURER	WEIGHT/ CALIBER	TYPE
Sig 516/MCX Duty	Federal	62g/223	Tactical Bonded
Sig 516/MCX Range	Federal	55gr/223	BALL
Sig 716 Duty/Range	Federal	175g/308	HPBT
Sig MCX 300BLK Duty	Hornady	110g /300 BLK	VMAX
Sig MCX 300BLK Range	Hornady	125g /300 BLK	BALL

AUTHORIZED SHOTGUN –LESS -LETHAL

MANUFACTURER	MODEL	ACTION	CALIBER	BBL LENGTH
*Mossberg	590M	Pump	12 GAUGE	18”

AUTHORIZED SHOT GUN AMMUNITION - LESS LETHAL

USE	MANUFACTURER	WEIGHT	TYPE
Duty/Range	Winchester CTS Super Sock	SI111 40 gms	Drag Stabilized

AUTHORIZED IMPACT MUNITIONS LAUNCHER- LESS LETHAL

MANUFACTURER	MODEL	CALIBER
LMT	40LMTS	40mm

AUTHORIZED IMPACT MUNITIONS AMMUNITION LESS LETHAL

USE	MANUFACTURER	CALIBER	TYPE
40LMTS DUTY	DEFTEC	40MM	Exact Impact
*40LMTS DUTY	DEFTEC	40MM	Direct Impact
40LMTS TRAINING	DEFTEC	40MM	Training Kit

AUTHORIZED TASER - LESS LETHAL

MANUFACTURER	MODEL	CARTRIDGE CAPACITY
Taser International	X 7	2

AUTHORIZED TASER CARTRIDGE - LESS LETHAL

USE	MAKE	Cartridge	
Duty	Taser	12 Degree Close Quarter	3.5 Degree Standoff
Training	Taser	12 Degree Close Quarter	3.5 Degree Standoff
	Taser	12 Degree Close Quarter HALT	3.5 Degree Standoff HALT

AUTHORIZED BATON - LESS LETHAL

MANUFACTURER	MODEL DESCRIPTION		
Monadnock	Auto Lock	Expandable Baton	W hc/pst
Monadnock	36"	RRT	Expandable or Straight

AUTHORIZED CHEMICAL SPRAY - LESS LETHAL

MANUFACTURER	MODEL STYLE	STRENGTH	
Security Equip Corp	Sabre Red Cross Fire	MK3	10%OC
Security Equip Corp	Sabre Red Cross Fire	MK9	10%OC

*Denotes weapons or ammunition approved for use by SWAT members

**Denotes weapons or ammunition approved for use by specialty units or personnel