
308 - Less Lethal Control Devices

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308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to deputies and suspects, the Sheriff's Office authorizes the use of selected less lethal control devices. Certain less lethal control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to deputies and suspects. The below procedures are for the use and maintenance of less lethal control devices (i.e. baton, oleoresin capsicum spray, tear gas, kinetic energy projectiles, PepperBall projectiles or XREP Shotgun projectiles). Deputies shall use only that amount of force that appears reasonable to effectively bring an incident under control, in accordance with the Use of Force policy.

308.11 APPROVED CONTROL DEVICES

Only Sheriff's Office-approved control devices will be used.

308.12 TRAINING REQUIRED FOR USE

Deputies who have successfully completed an approved Departmental training course shall be authorized to use less lethal control devices. Deputies assigned to the SWAT Team, Tactical Team, and Patrol Supervisors who have completed a Sheriff's Office training course, may carry and employ Department-approved less lethal projectiles while performing Special Weapons and Tactics or Tactical Team missions, or patrol duties pursuant to this policy.

308.13 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved less lethal control device may only be used when its use appears reasonable under the circumstances.

308.14 REQUEST FOR USE OF LESS LETHAL CONTROL DEVICES - LAUNCHED PROJECTILES

The request for a launched projectile less lethal control device to be used should be made through the on-duty Watch Commander or shift supervisor. The shift supervisor or the Watch Commander may authorize the use of such a less lethal control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training.

308.15 REPORT OF USE/USE OF FORCE TRACKING AND REPORTING FORM

Except in training situations, all uses of less lethal control devices, including accidental discharges, shall be documented, in the incident/arrest/crime report and on the Sheriff's Office Use of Force Tracking and Reporting Form. Deputies shall verbally notify their supervisor as soon as practical after the use.

- (a) The Supervisor who reviews the crime report shall ensure consistency between the incident/arrest/crime report and the Use of Force Tracking and Reporting Form.
- (b) The original Use of Force Tracking and Reporting form shall be sent to the Use of Force Lieutenant. The Use of Force Lieutenant will send a copy to the Less Lethal Sergeant to review for training issues. The Less Lethal Sergeant shall destroy the copy after reviewing it.
- (c) The Use of Force Lieutenant shall send the original Use of Force Tracking and Reporting Form to the Personnel Bureau Lieutenant for filing in the Use of Force Tracking and Reporting Form file. Use of Force Tracking and Reporting Forms shall be purged after five years unless there is criminal or civil proceedings pending.

308.16 LESS LETHAL LIEUTENANT AND SERGEANT RESPONSIBILITIES

The Lieutenant in charge of the Use of Force specialty shall monitor the use of less lethal control devices. All damaged, inoperative and/or expended less lethal control devices shall be returned to the Less Lethal Sergeant or his/her designee for disposition, repair or replacement. All normal maintenance, charging or cleaning shall remain the responsibility of members using the various devices.

308.2 USE OF IMPACT WEAPONS

Deputies shall carry only Sheriff's Office-approved impact weapons. This policy provides deputies a list of approved impact weapons they may carry in the performance of their duties.

308.21 LEGAL AUTHORITY

Penal Code § 12020 exempts peace officers from the regulations regarding the possession of certain weapons when on-duty, and the use is authorized by their agency and is within the course and scope of their duties.

308.22 CARRYING OF AN IMPACT WEAPON

Deputies who have completed Sheriff's Office-approved training may carry an impact weapon as outlined in the Uniform and Grooming Policy.

308.23 APPROVED IMPACT WEAPONS

- (a) Wooden, plastic, or metal straight police baton.
 - 1. Short billy (secondary or special assignment only).
 - 2. Patrol length 20" to 31".
 - 3. Crowd control length 30" to 44".
- (b) Wooden, plastic, or metal side handle police baton.
 - 1. 20" to 28".
- (c) Plastic or metal straight or side handle expandable police baton.
 - 1. Two piece or telescoping with expanded length of 20" to 31".

2. Expandable batons of an expanded length of 16" to 20" may be approved for special assignments.

(d) Issued flashlights:

1. Flashlights may be used as an impact weapon per Sheriff's Office training.

308.24 NON SHERIFF'S OFFICE ISSUED AUTHORIZED IMPACT WEAPONS

Authorized impact weapons not issued by the Sheriff's Office, must be approved by the Sheriff's Office Defensive Tactics Lieutenant Coordinator and documented on a Personal Property Use Authorization Form the prior to use.

308.25 IMPACT WEAPON TRAINING

Deputies will be trained in the use of the approved impact weapons and must receive training prior to use. Use of the impact weapons will be in accordance with the Sheriff's Office training and Use of Force policy.

308.26 EVIDENCE COLLECTION

Photographs shall be taken of the person who struck with an impact weapon. The photographs shall include the area struck and any area alleged by the person to be injured. The photographs shall be booked into evidence.

308.3 USE OF TEAR GAS

The use of tear gas for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, Incident Commander or SWAT Team Commander may authorize the delivery and use of tear gas, after evaluating all conditions known at the time and determining that lesser force would not reasonably appear to result in the safe control of the suspect(s). Where practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only deputies or supervisors trained in the use of tear gas weapons should discharge such devices.

308.31 TREATMENT TEAR GAS

Persons who have been affected by the use of tear gas should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be examination by competent medical personnel. Deputies shall inform medical and/or booking staff that the person has been subject to the use of chemical agents.

308.32 EVIDENCE COLLECTION

Photographs shall be taken of the person who was sprayed with tear gas. The photographs shall include the area sprayed and any area alleged by the person to be injured. The photographs shall be booked into evidence.

308.4 CHEMICAL AGENT SPRAY

Only authorized members may possess a Sheriff's Office issued oleoresin capsicum (OC) spray. OC spray should only be used in situations where such force reasonably appears justified and necessary.

308.41 CARRYING OF O.C. SPRAY

Uniformed members who exercise the option of carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry the OC spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor. Malfunctioning or damage canisters shall be returned into the Purchasing Unit for exchange.

Purchasing Unit for exchange.

308.42 PEPPERBALL® SYSTEMS

PepperBall® Projectiles are plastic spheres that are filled with OC powder. A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. The potential exists for the projectiles to inflict injury if they strike the face, eyes, neck, or groin. Therefore, deputies deploying the PepperBall® System should not intentionally target those areas, except when the deputy reasonably believes the individual may cause serious bodily injury or death to the deputy or others. The use of the PepperBall® System is subject to the following requirements:

- (a) Deputies encountering a situation that requires the use of the PepperBall® System shall notify a sergeant as soon as practical. The sergeant shall respond to all PepperBall® System deployments where the suspect has been hit. The sergeant shall ensure that all notifications and reports are completed as required by the Sheriff's Office Use of Force policy.
- (b) Only Sheriff's Office deputies certified as having completed the Office-approved training on the use of the PepperBall® System shall be allowed to deploy and use the PepperBall® System.
- (c) Each deployment of a PepperBall® System shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a sergeant and documented on the appropriate report form. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

308.43 TREATMENT FOR O.C. SPRAY EXPOSURE OR CHEMICAL AGENTS

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by competent medical personnel. Deputies shall inform medical and/or booking staff that the person has been subject to the use of chemical agents.

308.44 EVIDENCE COLLECTION

Photographs shall be taken of the person who was sprayed by OC Spray or a chemical agent. The photographs shall include the area sprayed and any area alleged by the person to be injured. The photographs shall be booked into evidence.

308.5 USE OF AN XREP ELECTRONIC CONTROL DEVICE

- (a) Definitions: XREP Extended Range Electronic Projectile. The XREP is a non-flexible, kinetic energy impact projectile, and self-contained wireless ECD, with an X12 Mossberg 12 Gauge Less Lethal Shotgun which will only fire the XREP Round.
- (b) Deputies who deploy the XREP shall notify a Sergeant as soon as practical. The Sergeant shall respond to all XREP deployments where the suspect has been hit. The Sergeant shall make all notifications and reports as required by the Sheriff's Office Use of Force policy.
- (c) Only qualified, Sheriff's Office trained Deputies and Sergeants shall be allowed to deploy and use the XREP.

308.51 XREP DEPLOYMENT CONSIDERATIONS

- (a) Target Area: The XREP round may be delivered to the subject's body in accordance with the following guidelines:

Primary Target Areas:

1. Belt line
2. Abdomen

3. Legs
 4. Buttocks
 5. Back (off of center - avoiding the spine)
- (b) Deputies will keep in mind the manufacturer's recommendations regarding deployment when using kinetic energy munitions, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated based on the totality of circumstances at the time of deployment.
 - (c) In cases where the use of deadly force is justified or immediate incapacitation must be accomplished to prevent death or serious injury, Deputies are authorized to consider close range or extended range shots.
 - (d) A secondary X26 Taser may be attached to the forend of the X12 for use in close range situations with a supervisor's approval.

Note: While manufacturers have generally recommended that reasonable efforts should be made to target lower center mass and avoid intentionally targeting of the head, neck, groin and chest, it is recognized that the dynamics of each situation and officer safety may not permit the Deputy to limit the application of the XREP to a precise target area. As such, Deputies should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin.

308.52 MEDICAL TREATMENT FOR PERSONS STRUCK BY XREP PROJECTILE

- (a) Subjects who are struck by a kinetic energy impact projectile shall be transported to a medical facility for examination and removal of the XREP probes from the subject's body. Photographs shall be taken of the area affected by the XREP projectile.
- (b) Persons who have been struck by an XREP projectile should be closely monitored for any signs of medical distress. The XREP projectile shall only be removed by medical personnel at a hospital. Deputies shall inform medical and/or booking staff that the person has been struck by an XREP projectile and provide medical clearance for booking.

308.53 EVIDENCE COLLECTION

- (a) Photographs shall be taken of the person who was struck by XREP projectile. The photographs shall include the area struck by the projectile and any area alleged by the person to be injured. The photographs shall be booked into evidence.
- (b) Except in training situations, any deployed XREP projectile shall be collected and booked into evidence. If the projectile cannot be located, the deploying Deputy will document the efforts taken to locate the projectile.

Note: All XREP projectiles should be handled with care as they have numerous sharp areas which are designed to penetrate the body. Any deployed XREP should be considered a biohazard due to bodily fluid contamination.

308.6 USE OF KINETIC ENERGY PROJECTILE(S)

The Sheriff's Office is committed to reducing the potential for violent confrontations with the suspects we encounter. Less lethal force technology and equipment are those items which, when used properly, are less likely to result in death or serious physical injury.

Less lethal technology includes several types of kinetic energy projectiles, approved by the Sheriff's Office, that fire from 12 gauge shotguns, 37 mm or 40 mm launchers. Kinetic energy projectiles can be used in an attempt to de-escalate a potentially deadly situation with a reduced potential for death or serious physical injury.

Kinetic energy impact weapons are restricted to trained members of the SWAT Team, Tactical Team, Patrol Supervisors and Court Security Bureau.

308.61 DEPLOYMENT

Kinetic energy munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand.

Deputies are not required or compelled to use kinetic energy munitions in lieu of other reasonable tactics if the involved deputy(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent third party citizens, and deputies, takes priority over the safety of subjects engaged in criminal or suicidal behavior.

308.62 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of less lethal munitions,
- (b) Has made credible threats to harm himself or others,
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at citizens and/or deputies.

308.63 DEPLOYMENT CONSIDERATIONS

Before discharging kinetic energy projectiles, the deputy should consider the following factors:

- (a) Severity of the crime or incident.
- (b) Subject's capability to pose an immediate threat to the safety of deputies or others.
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
- (d) The credibility of the subject's threat as evaluated by the deputy's present, & physical capacity/capability.
- (e) The proximity of weapons available to the subject.
- (f) The deputy's versus the subject's physical factors (i.e., age, size relative strength, skill level, injury/exhaustion, the number of deputies versus subject(s)).
- (g) The availability of other force options and their possible effectiveness.
- (h) Distance and angle to target.
- (i) Type of munitions employed.
- (j) Type and thickness of subject's clothing.
- (k) The subject's actions dictate the need for an immediate response and the use of less lethal munitions appears appropriate.
- (l) The availability of a cover deputy to provide lethal force if necessary.

308.64 DEPLOYMENT DISTANCES

Deputies will keep in mind the manufacturer's recommendations regarding deployment when using kinetic energy munitions, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated based on the totality of circumstances at the time of deployment.

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308.65 SHOT PLACEMENT

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.

308.66 TRANSITIONAL LOADING PROCEDURES

Absent compelling circumstances, Deputies transitioning from conventional ammunition to kinetic energy shall employ the "two person rule" for loading. The "two person rule" is a safety measure obtained by having a second deputy watch the loading process. This is to ensure that the weapon is completely emptied of conventional ammunition and that kinetic energy munitions only are loaded into the weapon. This is to ensure that conventional munitions are not loaded by mistake.

308.67 MEDICAL TREATMENT

Once a person has been struck with a kinetic energy impact projectile the person shall be provided first aid, if necessary, and then transported to the hospital for medical clearance. See section 308.43 for treatment for PepperBall deployment and section 308.52 for XREP projectile deployment.

308.68 EVIDENCE COLLECTION

- (a) Photographs shall be taken of the person who was struck by the kinetic energy impact projectile. The photographs shall include the area struck by the projectile and any area alleged by the person to be injured. The film shall be booked into evidence.
- (b) Except in training situations, any projectile delivered through a kinetic energy impact weapon shall be collected and booked into evidence. If the projectile cannot be located, the deploying Deputy will document the efforts taken to locate the projectile.

REVISION HISTORY

06/30/2006
01/13/2010
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10/26/2011