



ATTLEBORO POLICE DEPARTMENT POLICY AND PROCEDURE

	TITLE Less than Lethal Weapons	
No. Chapter 10 Section 2	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input checked="" type="checkbox"/> RESCINDS All Less than Lethal Weapons Policies	
DISTRIBUTION All Personnel	DATE OF ISSUE July 18, 2012	EFFECTIVE DATE July 18, 2012
REFERENCES	Issuing Authority: <i>Chief Kyle P. Heagney</i> 	

10.2.0 Overview

10.2.0.1 Introduction

The Attleboro Police Department places its highest value on the life and safety of its officers and the public. The procedures, rules and guidelines outlined in this section have been designed to ensure that this value guides Police Officers' use of firearms and use of force.

Police Officers are confronted continually with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The facts and the surrounding circumstances of each incident will determine the amount and degree of force which may be applied.

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10.2.1 Use of Force Definitions (1.3.2)

10.2.1.1 Deadly Force

Deadly Force is the degree of force likely to result in death or serious bodily injury. The discharge of a firearm toward a person constitutes the use of deadly force.

10.2.1.2 Electronic Control Weapon

Weapons designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

10.2.1.3 Less-Than- Lethal Force

Is force that is neither likely nor intended to cause serious physical harm or death. This includes the use of approved defensive/physical tactics, approved chemical substances, an Electronic Control Weapon (ECW), less than lethal weaponry, a K-9, and the authorized baton.

10.2.1.4 Non-Deadly force

Non-Deadly Force is any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another or to overcome the resistance of another.

10.2.1.5 Minimum Amount of Force

Minimum Amount of Force is the least amount of force that is reasonable, proper, and necessary to achieve a lawful objective.

10.2.1.6 Reasonable belief

Reasonable Belief is known facts and circumstances that would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

10.2.1.7 Resistance

Those actions made by the offender that use or threaten to use physical force or violence to prevent arrest/custody.

10.2.1.8 Serious Bodily Injury

Serious Bodily Injury is that which creates a substantial risk of death, causes permanent disfigurement, or results in long-term loss or impairment of anybody member or organ.

10.2.2 Use of Force

10.2.2.1 Policy

It is the policy of the department that officers shall use only that force that is reasonably necessary to:

- make a lawful arrest
- place a person into protective custody
- effectively bring an incident under control, or
- protect the lives and safety of the officers and others.(1.3.1)

Officers shall use only the minimum amount of force necessary to achieve the above objectives. Excessive force is prohibited.(1.3.1)

Officers are to be guided by the principle that the least amount of force necessary in any situation is the greatest amount of force permissible.

All use of force must be justified.

10.2.2.2 Use of Force Factors

The amount and degree of force which may be exercised will be determined by the surrounding circumstances including, but not limited to:

- the nature of the offense;
 - the amount of resistance, both physical and verbal, displayed by the subject against whom force is used;
 - action by third parties who may be present;
 - physical odds against the Officer; or
 - the feasibility of alternatives.
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10.2.2.3 Weapons

Officers shall not carry or use any weapon unless it is authorized by policy and the officer has received proper training and certification. (1.3.10)

10.2.2.4 Escalating Force

The use of force continuum, described in 10.2.3, is in ascending order from the least severe to the most severe measures. Whenever possible, an officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe level of force, except where the officer reasonably believes that lesser means would not be adequate in a particular situation and the use of force is necessary to accomplish his lawful objective or to protect himself or another from serious physical injury or death. Conversely, officers must never overlook the possibility of force de-escalation when appropriate.

10.2.3 Use of Force Continuum

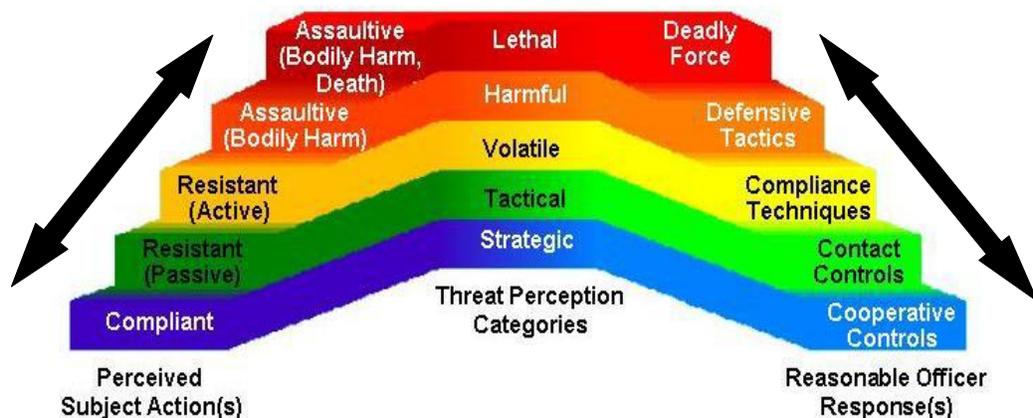
10.2.3.1 Use of Force Continuum

<p>Level 1 Compliant</p>	<p>The vast majority of officer/citizen encounters fall within the form of cooperation and control.</p> <ul style="list-style-type: none"> • Cooperative controls – Communication skills, presence and appearance of the officer.
<p>Level 2 Resistant (passive)</p>	<p>The preliminary level of non-compliance. No physical actions are used in the resistance. Here the subject’s degree of non-compliance is free of physical or mechanical enhancement, other than sheer unresponsiveness.</p> <ul style="list-style-type: none"> • Contact controls – Resistance countermeasures designed to guide and direct the non-compliant subject.
<p>Level 3 Resistant (active)</p>	<p>Non-compliance is exhibited by physical conduct.</p> <ul style="list-style-type: none"> • Compliance techniques–Resistance countermeasures designed to counter the subject’s enhanced degree of resistance. Such countermeasures include chemical irritants, use of electronic weapon in a “drive stun” mode.
<p>Level 4 Assaultive (bodily harm)</p>	<p>A perceived or an actual attack on the officer or others that, based on a reasonable assessment, would not result in death or serious bodily harm.</p> <ul style="list-style-type: none"> • Defensive tactics – Assaultive countermeasures designed to stop the subject’s non-lethal attack, regain control and cause compliance. Such tactics include baton strikes, kicking techniques, bean-bag, less-than lethal munitions, use of an electronic weapon in a “full deployment firing mode”.”
<p>Level 5 (Serious bodily harm/ death)</p>	<p>A perceived or an actual attack on the officer or others that, based on reasonable assessment, could result in death or serious bodily harm.</p> <ul style="list-style-type: none"> • Deadly Force – Assaultive countermeasures designed to stop an assault that is lethal or could cause great bodily harm to the officers or others. These tactics include the use of a firearm, lethal strikes.

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10.2.3 Use of Force Continuum, Continued

10.2.3.2 Use of Force Diagram



10.2.4 Less-than-Lethal Devices

10.2.4.1 Less-than- lethal weapons

The Department authorized less-than lethal weapons are:

- Baton
 - straight baton between 18 inches and 28 inches long
 - black or chrome expandable baton between 18 inches and 28 inches long
 - black PR24 baton
 - Oleoresin Capsicum (OC) Pepper Spray
 - OC percentage between 5% and 10%, and
 - Non-flammable, non-alcohol, water based
 - Single shot, rifled barrel, 40MM Launching System.
 - Bean Bag 12 gauge, pump action shotgun which discharges Kinetic Energy Projectiles (a.k.a. - Bean Bags Shotgun)
 - Conducted Energy Weapons (taser)
 - Flashlights (when authorized)
 - Portable Radios (when authorized)
-

10.2.5 Baton

**10.2.5.1
Baton Level of
Force** The Baton is authorized at Level 4 on the Use of Force Continuum.

**10.2.5.2
Baton** An officer in self-defense or defense of another may use the baton. It may be used to stop a person engaged in violent assault against an officer or civilian. Its use may also be considered when lesser methods have failed or would obviously be futile.

When the use of the baton is warranted, employees will attempt to strike the suspect's arms or legs.

All uniformed employees below the rank of Lieutenant will be trained in the use of the straight or expandable baton

**10.2.5.3
Prohibited
Conduct** Officers will not purposely strike or jab suspects on the head, neck, sternum, spine, upper abdomen, groin or kidneys, unless faced with a deadly force situation. *(1.3.1)* It may not be used against a person passively resisting.

**10.2.5.4
Baton Training** Officers are authorized to carry/use a baton, if they have satisfactorily completed a basic baton course taught by a certified impact weapons instructor, which has been approved by Chief of Police. Employees carrying batons shall successfully complete a re-certification course when applicable.

10.2.6 Oleoresin Capsicum (OC) Pepper Spray

**10.2.6.1
OC Spray** OC Pepper Spray is authorized at Level 3 on the Use of Force Continuum.

OC Pepper Spray shall not be used if resistance is minor, not hazardous, or if light physical tactics would achieve the same end.

**10.2.6.2
Use of OC
Spray** OC Spray may be used in self-defense or defense of another. Other uses include:

- Subduing a person who physically resists arrest.
 - Discouraging persons engaged in violent behavior
 - Subduing a subject who resists arrest or physical assaults an officer or shows signs of imminent physical resistance.
 - When physical confrontation would be necessary in self-defense of another.
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10.2.7 Flashlight

10.2.7.1 Flashlights

The primary use of the flashlight is for illumination purposes.

10.2.7.2 Use of Flashlight

Use of the flashlight as an impact device is discouraged, however, under exigent circumstances the flashlight may be used as an impact device for self defense purposes.

10.2.7.3 Reported Use of Flashlight as Impact Weapon

Consistent with the Department's Use of Force Policy, any use of the flashlight as an impact device shall be reported, with an explanation as to why the flashlight was used in lieu of other impact devices.

10.2.8 Portable Radio

10.2.8.1 Portable Radio

The primary use of the portable radio is for communication purposes.

10.2.8.2 Use of Portable Radio

The use of the portable radio as an impact device is discouraged however, under exigent circumstances the portable radio may be used as an impact device for self defense purposes.

10.2.8.3 Reported Use of Portable Radio as Impact Weapon

Consistent with the Department's Use of Force Policy, any use of the portable radio as an impact device shall be reported, with an explanation as to why the portable radio was used in lieu of other impact devices.

10.2.9 12 Gauge Kinetic Energy Projectiles (Bean Bags)

10.2.9.1 12 Gauge Shot Kinetic Energy Projectiles (Bean Bags)

The use or, deployment of the 12 Gauge Kinetic Energy Projectiles, also known as the “Bean bags,” is an escalating use of force when other less than lethal weapons is not an option and/or distance must be maintained.

The specifically designated less-than-lethal orange 12 gauge, pump action shotgun with an improved cylinder chambered for 2.75” and 3” cartridges is the only authorized weapon system used to deliver the Bean Bag Projectiles.

10.2.9.2 Authorized Personnel

Only officers who have successfully completed a certification course, approved by the Chief of Police, as well as trained in the use of the 12 gauge “Bean bag” projectiles by an authorized training instructor, shall be allowed to deploy and use the 12 Gauge Kinetic Energy Weapon (Bean Bag).

10.2.9.3 Authorized Ammunition

Only Department issued bean bag projectiles (CTS Model 2581 Super-Sock 12 gauge Bean Bag Cartridge) will be used in the Bean bag shotguns. Under no circumstances will lethal ammunition be carried on, in, or with the bean bag shotguns.

10.2.9.4 Markings

Bean Bag shotguns shall specifically be orange or painted orange to indicate it is a less than lethal weapon. (1.3.9.a)

10.2.9.5 Storage

Bean Bag shotguns are authorized to be stored in the patrol vehicle.

Bean Bag shotguns will be stored UNLOADED.

In all cases, the Bean Bag shotguns will be unloaded prior to being placed back into storage areas, cases, or trunks of patrol vehicles.

10.2.9.6 Patrol Shift Deployment

Before any officer deploys the weapon, the officer shall inspect each round prior to loading the weapon to ensure that the Bean Bag shotgun is being loaded with Bean Bag rounds only.

If the Bean Bag shotgun is handed to another employee for deployment, the Bean Bag shotgun must then be unloaded, the rounds re-inspected, and the weapon reloaded prior to deployment.

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10.2.9 12 Gauge Kinetic Energy Projectiles (Bean Bags), Continued

10.2.9.7 Prohibited Use Bean Bag rounds will not be fired through mediums such as glass or chain link fences due to the possibility of the bag tearing and the lead shot being released.

Bean bag rounds are not authorized to be deployed on children.

10.2.9.8 Legitimate Target Areas

Legitimate Target Areas include:

Primary Areas

- (1) Arms below elbow
- (2) Lower abdomen
- (3) Buttocks
- (4) Legs

Secondary Areas (These secondary areas cover vital body organs and are potentially lethal at close range.)

- (1) Chest
- (2) Back

Non-Target Lethal Areas (Any intentional impact to these areas is considered deadly force.)

- (1) Head
 - (2) Neck
-

10.2.9.9 Basic Tactics for Deployment

Basic tactics for deployment of a Bean Bag shotgun:

Lethal Force Cover Officer

- Whenever possible, a cover officer shall have the lethal force option readily available.

Chamber Inspection

- Prior to any use, the officer shall visually/physically inspect the chamber to ensure to the total absence of live ammunition.

Communication

- When possible, before an employee deploys the Bean Bag shotgun at the scene of a call, they shall notify on scene units by radio or verbally so all participants are aware of the availability of the weapon and that it may be deployed.
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10.2.9 12 Gauge Kinetic Energy Projectiles (Bean Bags), Continued

10.2.9.10 Basic Tactics for Deployment (continued)

Contagious Live Fire

- To avoid “contagious live fire,” the shooter/officer shall advise officers on scene that the Bean Bag will be fired and the operator will be the only designated shooter. If possible, this message should be relayed out of audible range of the suspect.

Cover

- Whenever possible; deploy the Bean Bag shotgun from a position of cover. Communicate all movements, tactics, and directions to the other employees present, including the designation of an arrest team.
-

10.2.9.11 Handling Subjects after Impact

The following procedures shall be followed after the subject has been impacted by the projectile:

- Suspects will not be approached until it can be done safely, in accordance with any other high-risk arrest.
 - Officers will not make contact with suspects while a Bean Bag shotgun in their hands.
 - All suspects will be immediately handcuffed.
 - Emergency medical personnel will be called to examine all subject impacted by Bean Bag projectiles. (1.3.5)
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10.2.9.12 Photos

As soon as possible, the suspect shall be photographed. The area of impact shall be photographed.

10.2.9.13 Notification

After the Bean Bag shotgun has been utilized, the on-duty Shift Commander and the Patrol Supervisor shall be immediately notified.

10.2.9.14 Firearms Coordinator

The Department firearms coordinator shall be responsible for the maintenance, service and inventory of the 12 Gauge Bean Bags shotgun and applicable projectiles.

10.2.10 Electronic Control Device (Taser)

10.2.10.1 Electronic Control Devices (Taser)

Electronic Control Devices (ECDs), also referred to as Conducted Energy Weapons, are tools available to law enforcement personnel to use in less-than-lethal force situations. ECDs utilize conducted electronic energy to affect the sensory and motor nervous systems to yield pain compliance and incapacitation.

10.2.10.2 Authorized Users

Only authorized officers who satisfactorily completed the Electronic Control Devices training, in accordance with Municipal Police Training Committee training standards, shall be authorized to use, carry or be issued an ECD (taser).

10.2.10.3 Authorized ECD

The Taser® X26 is the *only* ECD authorized by the Attleboro Police Department. The **XP 25 ft. air cartridge** is the *only* authorized cartridge deployed with the Taser® XP26.

10.2.10.4 Four Modes of Deployment

The Taser® XP26 can be utilized in four different modes

- **Laser activation** - warning deterrent
 - **Spark** - warning deterrent
 - **Drive stun** - (LEVEL 3) compliance technique for use on actively resisting subjects
 - **Full deployment** – (LEVEL 4) defensive tactic for use on assaultive subjects
-

10.2.10.5 Prohibited Use

No officer shall maliciously or intentionally misuse the ECD (Taser) in violation of department policy or state law. The ECD shall:

- not be used in cases of Passive Resistance
 - not be used if there is a possibility of serious injury to suspect or officers if deployed.
 - not be used to threaten or attempt to gain information from a suspect.
 - not be used against the subject already in custody unless physical resistance must be overcome.
 - not be used on children under age 17 (if age is known at the time)
 - not be used on adults over the age of 70 (if age is known at the time)
 - not be used on visibly pregnant women.
 - not be used to wake up a sleeping or intoxicated subject.
 - not be used as a “prod”
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10.2.10 Electronic Control Device (Taser), Continued

10.2.10.6
Verbal
Warning

If feasible, prior to deploying the taser, the deploying s officer shall announce (shout) “TASER, TASER, TASER.”

10.2.10.7
General
Warnings

Qualified Officers shall:

- Never place finger on trigger unless firing is imminent.
- Not aim the Taser® at the eyes or face as serious injury may result.
- Not aim the laser light at the eyes.
- Not use Taser® in conjunction with OC spray containing alcohol based propellant due to risk of fire.
- Use caution around any flammable liquids or gasses.
- Use caution in high places due to risk of falling because electronic weapons generate incapacitation and loss of muscle control.

10.2.10.8
Medical
Evaluation

Emergency medical personnel will be called to examine all subjects if exposed to:

- Three or more Taser® bursts.
- A continuous burst of 15 seconds or more.
- Having more than one Taser® device utilized during the same incident on the same subject.

10.2.10.9
Post
Deployment
Monitoring

Post deployment monitoring is critical due to the potential for medical problems, including, but not limited to excited delirium.

Officers shall notify EMS for hospital transport if the subject exhibits any of the following:

- disorientation
- hallucinations
- delusions
- intense paranoia
- violent
- bizarre behavior
- elevated body temperature
- diminished sensitivity to pain

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10.2.10 Electronic Control Device (Taser), Continued

10.2.10.10 Probe Removal Probes shall be removed in accordance with training and considered biohazards and universal precautions must be observed.

10.2.10.11 Restrictions to Probe Removal **Officers shall not:**

- remove probes from the head
- remove probes from the groin, or
- remove probes from the female breast
- remove probes that are deeply imbedded
- remove probes from persons who are combative

EMS shall be notified and the subject shall be transported to a medical facility for the removal.

10.2.10.12 Photographs The area of the probe strike (full deployment or drive stun) shall be photographed as soon as possible.

10.2.10.13 Evidence The probes and air cartridge are collected as evidence and submitted to the Shift Commander for storage in the temporary evidence room.

10.2.10.14 Training Plan The Attleboro Police Department adopts the training requirements set forth by the Municipal Police Training Council (MPTC) regarding ECD instruction.

10.2.10.15 Maintenance The Department Firearms Training Coordinator is responsible for routine maintenance in accordance with manufacturer specifications.

10.2.10.16 MPTC Certification Officers will maintain certification for less than lethal weapons in accordance with Municipal Police Training Committee guidelines.

10.2.10.17 Record Keeping The Attleboro Police Department Firearms Training Coordinator shall maintain training records and request certification/re-certification as needed.

10.2.11 40mm Launching System

10.2.11.1 40 mm Launching System

The use or, deployment of the 40mm projectile launching system is an escalating use of force when other less than lethal weapons are not an option and/or distance must be maintained.

10.2.11.2 Authorized Personnel

No officer shall deploy or use the 40 mm launching system unless he/she is authorized and has successfully completed a training course approved by the Chief of Police and is certified annually.

10.2.11.3 Authorized Munitions

The following 40mm Less than Lethal Munitions are authorized to be used during official department Tactical Response Team (TRT) operations or training:

- Def Tec Ferret 40 Liquid Barricade Penetrating CS Model 3340
- Def Tec eXact iMpact XM1006 40MM smokeless powder Sponge Round

Only the following 40 mm less than lethal munitions are the only authorized munitions for regular patrol duties:

- Def Tec eXact iMpact XM1006 40MM smokeless powder Sponge Round
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10.2.11.4 Regular Patrol Deployment

The Department recognizes the need for a Def Tec eXact iMpact XM1006 40MM smokeless powder Sponge Round to be used for emergency situations during normal police operations.

Those members of the Attleboro Police Department's Tactical Response Team, or Metro-Lec members, who are certified to use the 40 mm launching system, shall be authorized to deploy and use these munitions during the regular patrol duties.

10.2.11.5 Firearms Coordinator

The Department firearms coordinator shall be responsible for the maintenance, service and inventory of the kinetic energy impact munitions systems, projectiles and munitions.

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10.2.11 40mm Launching System, Continued

10.2.11.6 Legitimate Target Areas

Legitimate Target Areas include:

Primary Areas

1. Arms below elbow
2. Lower abdomen
3. Buttocks
4. Legs

Secondary Areas (These secondary areas cover vital body organs and are potentially lethal at close range.)

1. Chest
2. Back

Non-Target Lethal Areas (Any intentional impact to these areas is considered deadly force.)

1. Head
 2. Neck
-

10.2.11.7 Basic Tactics for Deployment

Basic tactics for deployment of a 40 mm launching system:

- **Cover Officer**-Whenever possible, lethal force cover officer will be provided in all deployments of the 40 mm launching system.
 - **Communication**-When possible, before an employee deploys the 40 mm launcher at the scene of an incident, they will notify on scene units by radio or verbally so all participants are aware of the availability of the weapon and that it may be deployed.
 - **Contagious Live Fire**-To avoid “contagious live fire,” the shooter/officer will advise officers on scene that the 40 mm launcher will be fired and the operator will be the only designated shooter. If possible, this message should be relayed out of audible range of the suspect.
 - **Cover**-Whenever possible, deploy the 40 mm launcher from a position of cover. Communicate all movements, tactics, and directions to the other employees present, including the designation of an arrest team.
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10.2.11 40mm Launching System, Continued

10.2.11.8 Handling Suspects after Impact

- Suspects shall not be approached until it can be done safely, in accordance with any other high-risk arrest.
 - Officers shall not make contact with suspects while a 40mm Launching System is in their hands.
 - All suspects will be immediately handcuffed. Emergency Medical Personnel will be called to examine all subjects impacted by the projectiles. (1.3.5)
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10.2.11.9 Notification

After the 40mm Launching System has been utilized, the on-duty Shift Commander and the Patrol Supervisor shall be immediately notified.

10.2.11.10 Photos

As soon as possible, the suspect shall be photographed. The area of impact shall be photographed.

10.2.11.11 Prohibited Use

The 40mm launching system and projectiles are not authorized to be used on children.
