



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Andy Bohlen, Chief of Police
MEETING DATE: April 13, 2021
SUBJECT: Approve Police Department Policy #323 – Control Devices

Background:

During this time of civil unrest, the Department is prepared to use less lethal methods for crowd management and crowd control to disperse, displace or direct non-compliant crowds. This is only done as a last resort keeping the “sanctity of life” in mind to reduce violent criminal behavior and property destruction. The Department may consider utilizing Control Devices such as kinetic energy projectiles, tear gas, flashbang devices or chemical hand tossed munitions under the direction of a supervisor.

Only Officers trained in the use of these Control Devices will be allowed to deploy them under the direction of a supervisor.

Recommendation:

Approve Police Department Policy #323 – Control Devices

Attachments:

- Police Department Policy #323 – Control Devices

Faribault Police Department

Policy #: 323	Subject: Control Devices
Issued by: Chief Andy Bohlen	
Personnel: Sworn Personnel	Date Issued: April 13, 2021

PURPOSE AND SCOPE

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

POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Faribault Police Department authorizes Officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. Control devices may also be utilized in crowd management and crowd control to disperse, displace or direct non-compliant or riotous crowds or individuals. Control devices include kinetic energy projectiles, tear gas, flashbang/distraction devices and chemical hand-tossed munitions.

TRAINING FOR CONTROL DEVICES

- A. Only those Officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force Policy are authorized to carry or use devices. Proficiency training for each device must be monitored and documented by a certified device, weapons or tactics instructor.
- B. All Officers will be trained in control devices prior to carrying the control devices and annually thereafter.
- C. All formal training and proficiency for control devices shall be documented in the Officer's training file.
- D. Officers failing to demonstrate proficiency with the device or knowledge of this department's Use of Force Policy will be provided remedial training. If, after two additional attempts, the Officer still cannot demonstrate proficiency with a device or knowledge of the Use of Force Policy, additional remedial training or remedial action may be required.
- E. Officers deploying kinetic energy projectiles will complete an annual recertification course.

TRAINING RESPONSIBILITIES

The department and certified trainers will ensure all personnel are properly trained and certified to carry any specific control device and are retrained or recertified as necessary. All certifications, training, retraining, recertification or revocation of certification shall be documented and maintained.

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. Control devices may also be utilized in crowd management and crowd control to disperse, displace or direct non-compliant or riotous crowds or individuals.

When using control devices, Officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

RESPONSIBILITIES

A. PATROL SGT/SENIOR OFFICER RESPONSIBILITIES

The Faribault Police Supervisor / Designated Mobile Field Force Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training. A Faribault Police Supervisor should respond to all kinetic energy projectile, pepper projectile system deployments, hand-tossed chemical munitions or tear gas deployments where the suspect(s) or person(s) have been struck or exposed to the chemical agents. The Faribault Police Supervisor shall ensure all notifications and reports are completed as required by policy.

B. RANGEMASTER RESPONSIBILITIES

The Rangemaster 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 Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

C. DISTRACTION DEVICES/HAND-TOSSED CHEMICAL MUNITIONS

The nature of distraction devices/flash bangs devices is to create a psychological and physiological distraction in an effort to overcome the adversary. They are to be handled and deployed by trained and certified personnel only for tactical entry by the SWAT members or Mobile Field Force members who are trained in hand-tossed munitions. Appropriate safety gear (gloves, eye wear and protective garments) should be in place prior to deploying the flash bang. Considerations should be made when deploying chemical hand-tossed munitions as to the safety of the deployment location, the type of munition being deployed and potential unintended targets of the deployment area.

POST-APPLICATION NOTICE

Whenever tear gas or chemical munitions have 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 clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

KINETIC ENERGY PROJECTILE GUIDELINES

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. Only members who have been trained in kinetic energy projectiles and munitions may deploy them.

The approved Kinetic Energy projectile systems are the department issued dedicated 12 gauge less lethal shotgun, pepper-ball systems, "stingball" hand-tossed munitions and the dedicated 40mm launcher. Approved munitions for the kinetic energy projectile systems are the specific department issued impact munitions for each.

A. 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 subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- ii. The suspect has made credible threats to harm him/herself or others.
- iii. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or Officers.
- iv. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

B. DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the Officer should consider such factors as:

- i. Distance and angle to target.
- ii. Type of munitions employed.
- iii. Type and thickness of subject's clothing.
- iv. The subject's proximity to others.
- v. The location of the subject.
- vi. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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.