

Peoria Police Department Policy and Procedure Manual

Policy 4.09A Use of Less-Lethal Force



“Committed to Excellence”

I. POLICY

It is the policy of the Peoria Police Department that, depending upon an employee’s assignment and training, Department authorized less-lethal tools will be obtainable, accessible, and available. Less-lethal is defined as a force application, which meets an operational objective with less potential for causing death or serious injury than conventional police tactics. The application of this force option requires the use of special training, techniques, and tools.

II. DEFINITIONS

See Use of Force Policy – General Policy 1.03

III. PROCEDURES, TYPE, USE AND REPORTING REQUIREMENTS

The use of force by the application of less-lethal options will be individually assessed and will consider the subject’s actions, the intended outcome, and the totality of circumstances known at the time the action was taken. In all incidents, the desirable outcome is to minimize injury to employees, citizens, and the involved subject(s).

A. The Department authorizes and trains its employees to use a variety of less-lethal tools. However, some tools are available to sworn police employees only and others are for SAU trained members only. Less-lethal tools currently utilized by the Department are:

1. Baton
2. Other Impact Weapons (Flashlight)
3. 12 Gauge Kinetic Energy Projectiles
4. Pepper Ball System
5. Oleoresin Capsicum
6. SAGE SL-6
7. 37mm Smooth Bore Launching System
8. Police Service Dog (Refer to Policy 4.26)

B. Expandable Police Baton – An expandable police baton may be used if empty-hand control techniques have failed or are not possible under the circumstances. When the use of the baton is warranted, employees will attempt to strike the suspect’s arms or legs. Employees will not purposely strike or jab suspects on the head, neck, sternum, spine, lower abdomen, groin or kidneys, unless faced with a deadly force situation. (1.3.1)

1. All uniformed employees below the rank of Deputy Chief will be trained in the use of the expandable baton.

a. Each employee issued the expandable baton shall satisfactorily complete a basic baton course taught by an AZPOST certified impact weapons instructor.

b. Recruits will receive basic baton training while in the academy.

c. Employees not previously certified in basic baton usage shall receive basic baton training during their orientation phase.

d. Employees carrying batons will successfully complete a re-certification course every two years, with a baton review on the opposite year.

2. This training will be conducted by Department Impact Weapons Instructors during in-service and will be documented in the employee's training file.

3. Suspect Care – Employees who have used the baton on a suspect will not leave the suspect unattended and will provide care to the suspect until medical care is available. Fire Department paramedics will be summoned to the scene, and an on-duty supervisor shall be advised of the situation. (1.3.5)

4. Notification – When an Expandable Baton is utilized, an on-duty supervisor will be notified as soon as possible, and the Use of Force Response Option Form shall be completed before the end of the duty shift.

C. Other Impact Weapons (Flashlights) – Flashlights are not designed as an impact weapon; however, a flashlight may be used in a baton-like manner if empty-hand control techniques have failed or are not possible under the circumstances. Employees will not purposely strike or jab suspects on the head, neck, sternum, spine, lower abdomen, groin or kidneys, unless faced with a deadly force situation. (1.3.1)

1. Training on impact weapons will be conducted by Department Impact Weapons Instructors during in-service. This training shall be documented in the employee's training file.

2. Employees who have used an impact weapon on a suspect will not leave the suspect unattended and will provide care to the suspect until medical care is available. Fire Department paramedics will be summoned to the scene, and an on-duty supervisor shall be advised of the situation. (1.3.5)

3. Notification – When an impact weapon is utilized, an on-duty supervisor will be notified as soon as possible, and the Use of Force Response Option Form shall be completed before the end of the duty shift.

D. 12 Gauge Kinetic Energy Projectiles (Stun Bags) – The use of, or deployment of, 12 Gauge Kinetic Energy

Projectiles, also known as the “stun bag,” is an escalating use of force when the expandable baton is not an option and/or distance must be maintained. The following policies and procedures will apply:

1. Training Requirements – Only employees who have successfully completed the Firearms Training Shotgun Certification and Qualification Course, as well as training in the use of the 12 gauge stun bag projectiles, will be allowed to deploy this firearm.

2. Supervisor Responsibility – All Patrol supervisors and acting WOOC supervisors shall carry a stun bag shotgun within their police vehicle during their normal assigned shift.

3. Ammunition Requirements – Only Department issued stun bag projectiles (CTS Supersock) will be used in the stun bag shotguns. Under no circumstances will lethal ammunition be carried on, in, or with the stun bag shotguns.

4. Marking – Stun bag shotguns will be the Department issued Remington 870 Police Magnum 12 gauge. Stun bag shotgun's stock and forend will be painted orange for easy identification. (1.3.9.a)

5. Storage – Stun bag shotguns will be stored UNLOADED. Any employee who has deployed the weapon will complete an individual inspection of each round prior to loading the weapon to ensure that the shotgun is being loaded with stun bag rounds only. In all cases, the stun bag shotguns will be unloaded prior to being placed back into storage areas or case.

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

7. Stun 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.

8. Employees should anticipate firing follow-up shots if the prior shot missed or was not effective, and should have a designated arrest team prepared for the arrest. The police service dog may be deployed in conjunction with the stun bag as a “bag and bite” option.

9. Notification – When the stun bag shotgun is utilized (stun bag is shot at a subject), the Watch Commander or Duty Commander will be notified as soon as possible and the Use of Force Response Option Form shall be completed before the end of the duty shift.

10. Legitimate Target Areas include:

a. Primary Areas

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

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

- (1) Chest
- (2) Back

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

- (1) Head
- (2) Neck

11. Basic tactics for deployment of a stun bag shotgun:

a. Lethal force cover will be provided in all deployments of the stun bag shotgun. All officers will be trained in the “L” deployment technique utilizing arrest and cover teams during the annual firearms in-service training.

b. When an employee deploys the stun bag shotgun at the scene of a call, they will immediately notify on-scene units by radio or verbally so all participants are aware of the availability of the weapon and that it has been deployed.

c. To avoid “contagious live fire,” the shooter will advise all employees that the stun 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.

d. Whenever possible, deploy the stun 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 whose weapons will be holstered on physical contact with the suspect.

e. Employees should anticipate firing follow-up shots if the initial shot(s) missed or were not effective.

f. Some circumstances may require multiple stun bag shooters be deployed for simultaneous impacts on the target.

12. Handling Suspects After Impact:

a. Suspects will not be approached until it can be done safely, in accordance with any other high-risk arrest.

b. Employees will not make contact with suspects while a shotgun is in their hands.

c. All suspects will be immediately handcuffed.

d. Fire paramedics will be called to examine all subjects impacted by stun bag projectiles. (1.3.5)

e. The subject shall be transported to a medical facility for examination, and a medical release shall be obtained. Any subject impacted by a stun bag projectile will be booked into jail or other appropriate facilities, including a psychiatric ward if necessary. (1.3.5)

E. Pepper Ball System. The Pepper Ball System is a high-pressure air launcher that delivers projectiles with enough force to burst the projectiles on impact, releasing the O.C. powder or liquid. Pepper Ball projectiles are plastic spheres that are filled with Oleoresin Capsicum, liquid or powder.

1. Training: Only qualified Department trained and certified personnel shall be allowed to deploy and use the Pepper Ball System. The following procedures will apply:

a. Air bottles are charged (above 1500 psi).

b. The Pepper Ball System has at least 50 projectiles.

c. The Pepper Ball System is capable of deploying seven (7) different varieties of balls for live deployment or training as follows:

(1) Red – Live powder O.C. (primary deployment projectile)

(2) Orange – Live liquid O.C.

(3) Blue – Training inert powder

(4) Clear – Training inert liquid

(5) Purple – Training inert scented powder

(6) Yellow – Live clearout chemicals (1% C.S. / 5% O.C.)

(7) White – Glass shattering projectile

2. Basic Tactics for Deployment: Lethal cover will always be present prior to the deployment and use of

the system. All employees will be trained in the “L” deployment technique utilizing arrest and cover teams during the annual firearms in-service training. The following are some situations where the Pepper Ball System may be deployed:

a. When it is unsafe for an employee to approach a subject who exhibits violent, or potentially violent, behavior and who threatens the safety of others, and conventional means of persuasion will reasonably appear unlikely to be effective.

b. When more aggressive response options may be justified, but an opportunity exists for the use of O.C. before these options are employed.

c. To defend oneself or another from an aggressive and/or attacking animal.

d. To disperse unruly or rioting crowds threatening unlawful property damage or physical force.

e. Suspect or detainee inside the processing area who refuses to comply with a lawful order, and the inmate takes an aggressive posture (e.g., clenched fists, fighting stance, etc.), or makes aggressive movements towards employees. Ample warning should be given to the suspect.

f. Area saturation (room, vehicle, etc.).

3. Notification: When a Pepper Ball is utilized, an on-duty supervisor will be notified as soon as possible, and the Use of Force Response Option Form shall be completed before the end of the duty shift.

4. A supervisor shall respond to all Pepper Ball System deployments where a suspect has been struck.

a. It should be noted that as with any less-lethal device, the potential exists for the projectile to inflict injury if striking the face, eyes, neck, or groin. Employees who deploy the Pepper Ball System shall avoid intentionally striking these body areas, unless a life-threatening situation exists. There is no minimum distance requirement when deploying the Pepper Ball System.

b. The on-scene supervisor shall be responsible to contact one of the Pepper Ball System Instructors within 72 hours of live deployment of projectiles to complete a Pepper Ball Report Form. The Pepper Ball Report Form is maintained by the instructor(s) who will assist in completing the form. The Pepper Ball Report Form is to assist in evaluation and deployment procedures in determining the effectiveness of the system.

c. The Pepper Ball Instructor who is contacted shall be responsible to provide Jaycor Manufacturer with a copy of the Pepper Ball Report Form.

5. Suspect Care – Employees who have used the Pepper Ball System on a suspect will not leave the suspect unattended and will continue to provide post-use care of the suspect until the suspect has recovered from the effects.

a. Employees shall avoid restraining suspects with their legs behind their back, or on their stomachs, as this can contribute to positional asphyxiation.

b. During riot situations where Mobile Field Force is deployed, or when large unruly crowds are encountered, it may not be possible to arrest or provide medical attention to all Pepper Ball System deployments, as the subjects struck may wander off or be carried off within the crowd.

F. Oleoresin Capsicum (O.C.): The use of chemical agents is considered a less-lethal tactic.

1. All uniformed employees below the rank of Deputy Chief will be trained in the use of O.C. spray. It will be mandatory equipment and will be attached to their gun belt and carried at all times while on duty.

2. Carrying O.C. spray is optional for Department employees assigned to undercover operations.

3. Employees using the O.C. spray will direct a one-second burst into the face of the suspect. The suspect may have a 3-5 second delayed reaction to O.C. Employees should subdue and handcuff the suspect immediately after the contaminated area clears (5-10 seconds). Employees should resist the urge to immediately rush into the contaminated area to control the suspect.

4. O.C. may be used during riot situations where Mobile Field Force is deployed, or when large unruly crowds are encountered.

5. Suspect Care – Employees who have used any O.C. on a suspect will not leave the suspect unattended and will continue to provide post-use care of the suspect until the suspect has recovered from the effects.

a. Employees shall avoid restraining suspects with their legs behind their back, or on their stomachs, as this can contribute to positional asphyxiation.

b. During riot situations where Mobile Field Force is deployed, or when large unruly crowds are encountered, it may not be possible to arrest or provide medical attention to all O.C. deployments, as the subjects struck may wander off or be carried off within the crowd.

c. Warm water can be used to flush the eyes without rubbing. Suspects should recover within 45 minutes, but intense sensation of skin burning may persist 30 to 90 minutes after exposure to O.C. spray.

6. Notification – When O.C. is utilized, an on-duty supervisor will be notified as soon as possible, and the Use of Force Response Option Form shall be completed before the end of the duty shift.

G. Sage SL-6 (SAU USE ONLY): May be utilized and deployed only by members of SAU or Mobile Field Force, who have received training in the deployment of the SL-6. The SL-6 can be used to create diversions in high-risk tactical operations, warrant services for diversions or breaching safety glass, or in a less-lethal application on approval of the SAU Team Leader or Mobile Field Force Team Leader.

1. Training: Only employees who have successfully completed the SAGE SL-6 Certification and Qualification Course will be allowed to deploy this less-lethal system, with annual re-certification conducted by a certified instructor. (1.3.11)

2. Ammunition: Only approved SAGE brand factory munitions may be deployed.

3. Handling Suspects After Impact:

a. Suspects will not be approached until it can be done safely, in accordance with any other high-risk arrest.

b. Employees will not make contact with suspects while a shotgun is in their hands, except during SAU operations.

c. All suspects will be immediately handcuffed, except during SAU operations.

d. Fire paramedics will be called to examine all subjects impacted by SAGE projectiles. (1.3.5)

e. The subject shall be transported to a medical facility for examination, and a medical release shall be obtained. Any subject impacted by a stun bag projectile will be booked into jail or other appropriate facilities, including a psychiatric ward if necessary. (1.3.5)

f. Only a SAGE certified instructor will perform any maintenance (not to include routine cleaning) on the SAGE SL-6.

H. 37mm Smooth Bore Gas Launching System (SAU USE ONLY): The 37mm Smooth Bore Gas Launching System may be deployed only by employees who have received proper training in the deployment of such devices. This tool is designed for use in SAU and Mobile Field Force situations. Only approved factory chemical agent munitions or less-lethal munitions may be deployed of the following types:

1. O.C.

2. C.S.

3. C.N.

4. Less-lethal batons, stun bags, or Stinger rounds (multiple rubber balls).

a. All 37mm less-lethal munitions will be used in accordance with established policy outlined in the deployment of the 12 gauge less-lethal stun bags.

b. SAU members deploying this weapon system will receive yearly updated training on the deployment of chemical agents, to be conducted by an instructor who has completed any manufacturer instructor's certification course, to include the proper usage of gas masks. (1.3.11)

c. All chemical agents and the 37mm delivery system will be maintained within the Department Armory or designated bunker area in accordance with all Federal and State rules and regulations.

I. Electro Muscular Disruptor "M26/X26 TASER": (1.2.2)

1. The only authorized Electro Muscular Disruptor for use by sworn personnel of the Peoria Police Department will be the "M26/X26 TASER".

2. Only officers who have successfully completed the "M26/X26 TASER" training program will be authorized to carry the device.

3. The "M26/X26 TASER" will be carried on the duty belt in an enclosed department approved holster, with a secure closure. The approved holsters are:

a. Bladetek Tech-Lock Kydex holster.

b. Bladetek Kydex thigh holster.

c. Nylon Taser thigh holster with or without flap.

d. Taser exoskeleton holster (X26)

4. The "M26/X26 TASER" will be worn on the officer's support side only. This will be accomplished in an approved holster.

5. Use of the "M26/X26 TASER".

a. The devices may be used when physical force is necessary and justified to prevent the possibility of injury to the officer or another person, in accordance with use of force directives and training protocols. A display of the unit's "test arc" is permitted to gain compliance in an arrest situation where resistance is anticipated.

b. The device will NOT be used;

(1) Near FLAMMABLE GASSES or LIQUIDS, including Oleoresin Capsicum Spray that has an alcohol based propellant, such as the Punch II, M-3.

(2) DRUG HOUSES where ether is suspected to be in use.

(3) Against a firearm or explosive device.

(4) In cases of PASSIVE RESISTANCE unless a lesser means of control/force has been attempted and failed, and the use is reasonable and justified under the circumstances.

(5) If there is a possibility of serious injury to Suspect or Officer(s).

(6) To threaten or attempt to GAIN INFORMATION from a suspect.

(7) Against a subject already in custody unless physical resistance must be overcome.

(8) To wake up a suspected intoxicated individual.

(9) As a "Prod."

c. NO officer shall playfully, maliciously, or intentionally misuse the unit in a display of power or against an individual except to gain control of a situation. VIOLATION OF THIS POLICY WILL RESULT IN DISCIPLINARY ACTION.

d. The actual use of the "M26/X26 TASER" will require that an arrest be made or where appropriate transport to and held for medical/psychological evaluation.

e. The "M26/X26 TASER" should only be used in accordance with training guidelines and should not be aimed at the head and/or neck area of a suspect if possible.

6. Post-use Treatment:

a. If the probes have penetrated the skin, officers will remove the probes following approved training techniques and guidelines.

b. If the probes penetrated a sensitive/soft tissue area such as the face, neck, head, or female/male genitalia, medical personnel will remove the probes.

c. Once the probes are removed, photographs will be taken of the affected area. The photographs will be submitted with the Use of Force Response Option Form.

d. If the suspect has received a serious injury from the use of the "M26/X26 TASER", the probes and cartridges will be logged into property as evidence.

e. If the suspect is not seriously injured the probes and cartridge should be disposed of as biohazard material (blood items/sharps container).

f. Document treatment in the police report and the Use of Force Response Option Form.

7. Reporting.

a. All Use of the "M26/X26 TASER" shall be documented on the Department's Use of Force Response Option Form.

b. Any use and/or display of the "M26/X26 TASER" "test arc" shall also be documented on the Department's Use of Force Response Option Form.

c. Mere "display" or pointing of the "M26/X26 TASER" during an incident does NOT require completion of a Use of Force Response Option Form.

IV. LESS-LETHAL FORCE REVIEW COMMITTEE

J. The Department shall establish a Less-Lethal Force Review Committee. The Committee shall be comprised of a total of eleven (11) voting members and one (1) staff support member. A quorum will be established when either the chairperson or vice chair person are present along with at least four other members of the committee (for a total of five - [5]) to review any items on the agenda.

K. The Committee shall be advisory to the Chief of Police and/or other management and supervisory staff of the Police Department regarding the use of less-lethal force.

L. The Committee shall meet monthly as called by the Committee chairperson to review all less-lethal force incidents as reported by use of force forms.

M. The members of the Less-Lethal Force Review Committee shall be:

1. Committee Chairperson-Special Services Division Commander.

2. Committee Vice Chairperson – Training Lieutenant based upon assignment.

3. Operations Division Lieutenant assigned. Membership based upon assignment.

4. Two Sergeants – Committee members. Membership based upon assignment.

5. Member of Criminal Investigations Bureau

6. PPOA Representative (from any assignment) – as appointed by the PPOA.

- 7. One member of the Defensive Tactics Team.
- 8. The Department Rangemaster.
- 9. Police Service Officer as appointed by the Chief of Police for a calendar year term.
- 10. The Defensive Tactics Team Supervisor.
- 11. Criminal Investigations Bureau Administrative Assistant, to take minutes of any meeting.

N. The purpose of the Committee is to do the following:

- 1. Analyze less-lethal force applications based upon the criteria outlined in current Departmental policies and City Administrative Regulations or other matters as requested by the Chief of Police.
- 2. To review any officer safety issues or injuries sustained by officers, suspects or witnesses.
- 3. To advise the Chief of Police as related to the usage or application of less-lethal force options.
- 4. To maintain records for all Departmental personnel relating to the application of less-lethal options. Records shall be maintained by the Staff Services Bureau on behalf of the Less-Lethal Force Review Committee. Records shall be maintained as required by City standards, and for a period of not less than three (3) years as indicated by this policy.
- 5. To review and make recommendations regarding trends, applications, improvements, related policies, procedures and equipment when requested by the Chief of Police.
- 6. Analyze the implementation of new less-lethal applications being considered by the defensive tactics team.
- 7. Standard for Review: The standard for review of less-lethal force applications involving Peoria Police Department personnel shall be based upon the unique and special circumstances of police service. Each situation shall be considered upon the totality of the circumstances utilizing current policy and training applications.

8. Review Process:

- a. If the less-lethal force appears to be outside the parameters as established by the Defensive Tactics Team or departmental policies and procedures, the Chief of Police may refer the incident for an administrative investigation, preliminary inquiry, or a review by the Defensive Tactics Team.
- b. Upon completion of incident reviews, the Committee will forward monthly reports and make

recommendations when necessary to the Chief of Police or Defensive Tactics Team.

9. Upon conclusion of the Less-Lethal Force Review Committee's review process, all reports and documentation will be forwarded to the Professional Standards Unit for storage.

a. The Chief of Police may approve, modify, or reject the recommendations of the Less-Lethal Force Review Committee, and may make substitute findings.

b. The Chief of Police may refer and/or delegate any and/or all such recommendations and documents to the appropriate supervisory level within the Department for action.

The Less-Lethal Force Review Committee is expected to make monthly review and reporting of less-lethal force incidents. The Committee shall submit a monthly report to the Chief of Police and Defensive Tactics Team with recommendations and supporting justification not later than the fifteenth day of the subsequent month.

Peoria Police Department
Policy 4.09A Use of Less-Lethal Force
Original Issue Date: 01/01/03
Last Revision Date: 03/09/05
Next Review Date: 01/01/06
Office of Primary Responsibility: SSB
Editor: S. Lekan
Reviewed By: L. Ratcliff

APPROVED: 
David C. Leonardo
Chief of Police