



WEBER COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURES

Non-lethal Weapons

EFFECTIVE DATE: 10/07/03 AMENDS/SUPERCEDES: 1.28, 1.29, 1.30 STANDARD NUMBER: 1.3.4, 1.3.12	REVIEW DATE: 03/18/05 REVISION DATE: 03/18/05 APPROVED: _____ <div style="text-align: right;">Sheriff Signature</div>
---	--

1.28.1 Purpose

This policy addresses the use of non-lethal weapons by deputies.

1.28.2 Rationale

A deputy may encounter a suspect whose actions threaten the safety of the deputy, the suspect or others: who fail to comply or respond to verbal instructions, commands or who may resist arrest control techniques. Though the suspect's actions may require more forceful means than the deputy's presence, commands or hands-only arrest control techniques, the use of lethal force may not be appropriate in order to control the suspect and to mitigate the threat. In such cases the use of weapons that are less likely to cause serious injury or death may need to be employed.

1.28.3 Definitions

- A. Chemical Agents – Includes OC, CS and CN: these are chemicals that are delivered by use of frangible projectiles, aerosol spray, smoke dispensing canisters and by other delivery systems. These chemicals cause irritation and physical discomfort to anyone exposed. Such discomfort often dissuades a combatant from continuing their aggressive behavior.
- B. Arms Reach Impact Weapons (Batons) – A baton used to strike particular areas of a combative suspect's body to temporarily disable the suspect in order to stop the aggression and facilitate custody.
 - 1. ASP - An expanding or telescoping handheld baton that is carried in the shortened or collapsed profile but is extended to its full length for application.

2. Side Handled Batons (e.g. PR-24) – A rigid baton with a handle protruding at ninety (90) degrees from the main shaft.
-
- C. Extended Range Impact Weapons (Projectile Batons) – A weapon that employs a small powder charge or compressed air to deliver kinetic energy projectiles. Such projectiles may include fabric pouches containing lead shot, rubber balls and other projectile designed to impart non-penetrating blunt force. Includes: 12 gauge “beanbag” shotguns; rifled and smooth bore launchers; and multi-projectile hand tossed grenades.
 - D. Conductive Energy Weapon (CEW) – A device, often in a pistol form, that is able to impart electrical energy for the purpose of disrupting a combative suspect’s ability to control their legs and arms.
 - E. Reasonable - Not extreme or excessive. Appropriate to the situation: agreeable to reason, just, rational.
 - F. Reasonable Force - That level of force, given the totality of the circumstances, appropriate to bring about a resolution to a situation, to protect the Deputy or another from physical harm, prevent the commission of a forcible felony or to make an arrest.
 - G. Non-Lethal Force - Any use of force that is not intended to, and not likely to, cause death or serious injury and which is not considered deadly force. (See WCSO P&P 1.20, **Use of Force**).
 - H. Children (Child) – Any juvenile under the age of fourteen (14) years.
 - I. Aggravated Aggression - The suspect uses a weapon, or the nature of the aggression is so extreme, that a deputy fears death or serious injury to himself or another is the aggression continues.
 - J. Cover Officer – A backup or second deputy or other law enforcement officer whose responsibilities include protecting the primary deputy or member and providing immediate lethal firearms support should attempts to employ non-lethal force fail and the situation escalates into one which needs a deadly force response.
 - K. Sympathetic Fire – A phenomenon in which one officer fires a weapon, or a loud bang is heard, and other officers fire their weapons as a reflexive, though possibly not appropriate, response.
 - L. Secured – This is the condition in which a subject is put in handcuffs or otherwise restrained so as to prevent the subject from having the ability or opportunity to cause harm (to self or others), escape or interfere with official activities.
 - M. Riot – Defined in U.C.A. 76-9-101 as:

- (a) simultaneously with two or more other persons he engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or
- (b) he assembles with two or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing, that two or more other persons in the assembly have the same purpose; or
- (c) he assembles with two or more other persons with the purpose of committing an offense against a person or property of another who he supposes to be guilty of a violation of law, believing that two or more other persons in the assembly have the same purpose.

1.28.4 Policy

- A. The intended use of a non-lethal weapon is to:
 - 1. Prevent a physical altercation from occurring. *This does not include **aggravated aggression** on the part of the suspect which threatens serious injury or death.*
 - 2. To stop a physical altercation (not amounting to deadly force) as soon as possible using that amount of force deemed reasonable and/or necessary.
 - 3. To affect an arrest where deadly force is not justified.
- B. The intended use for non-lethal firing, impact and chemical weapons is to prevent or minimize injuries to deputies and others during civil disorders and other extraordinary situations. The use of these non-lethal weapons is not limited to civil disorder situations only.
- C. The use of certain non-lethal, non-firing impact and chemical weapons is authorized for use by Sheriff's office members to successfully deal with situations requiring justifiable use of reasonable force and/or to bring civil disorder situations under control; and to minimize risk to the public and the deputy(s) involved.
- D. In the event that non-lethal force is used against an individual, appropriate medical care will be provided and the individual will remain under continual monitoring until released to a correctional facility or medical authority.
- E. Children – Use of Non-lethal weapons against children is permitted only in situations justifying deadly force. (See WCSO policy section 1.23, Deadly Force)

- F. The use of any Non-lethal Weapon listed in this section **MUST** conform to **ALL** of the policies and procedures described in Section 1.20 of this manual, **Use of Force**.
- G. The order in which non-lethal weapons are listed in this policy does not necessarily reflect a weapon's propensity to inflict injury, nor does the listed order indicate a greater or lesser force as compared to other non-lethal weapons.

1.28.5 Procedures

- A. Conducted Energy Weapons (CEW)
 - 1. Conducted Energy Weapons approved for duty use by the WCSO are the X-26 and the M-26 Advanced TAZER.
 - 2. Defined as a non-lethal, a conducted energy weapon, that uses propelled barbed probes or direct contact with the subject to conduct energy to a target area on the subject, disrupting the subject's extremity control.
 - 3. Only those Deputies who have successfully completed a WCSO approved training course on the use of Conducted Energy Weapons shall be authorized to carry and employ CEWs weapons.
 - a. Deputies shall be required to successfully complete proficiency training as directed by the WCSO.
 - b. Records of all periodic proficiency training shall be documented by the course instructor and forwarded to the WCSO training unit.
 - c. Failure to pass proficiency training will result in the Deputy losing the ability to carry a CEW until such time that he/she is able to obtain a minimum passing score as outlined by the instructor.
 - 4. Use of Conducted Energy Weapons
 - a. Conducted Energy Weapons may be used in those situations, not amounting to Deadly Force, where other means of control have not worked or would be tactically inappropriate.
 - b. The CEW may be used when a subject is displaying active resistance, active aggression, or *aggravated aggression*, as defined in Policy 1.20.3) to an officer attempting to conduct legal law enforcement activities.
 - c. The Deputy shall not playfully nor intentionally misuse the CEW in a display of intimidation.

- d. Deputies must conduct a spark check at the beginning of shift to ensure the CEW will function properly. A spark check is an equipment check conducted outside of public view to ensure the CEW is operable. It is conducted by removing the cartridge, test firing the weapon and observing the electrical arc. This spark check does not require completion of a use of force report but is retained in the CEW's memory.
 - e. Deputies will carry the CEW in an Office issued holster on the side opposite the duty firearm. This will be in a cross-draw position.
 - f. A verbal warning, when practical, should be given to the subject and other Deputies prior to the firing of the CEW.
 - g. Center mass of body, particularly the center mass of the back, should be the primary target area.
 - h. Once the subject has been subdued, the subject should be secured.
 - i. Once a suspect is secured, medical aid will be provided by medical personnel. (See also Section 1.31, Medical Aid after **Use of Lethal and Non-lethal Weapons**)
 - j. The probes may be removed by the Deputy, except in cases where the probe is in the face, neck, groin, or female breast area (in these cases the probes will be removed by medical personnel).
 - k. Probes will be treated as bio- hazards, and disposed of as such.
5. Tactical Considerations: Deputies deploying non-lethal weapons or using force, other than deadly force, to affect arrests should consider the following:
- a. Age – subjects of advanced age or juveniles may be at greater risk of injury.
 - b. Subject's known or suspected health problems.
 - c. Pregnancy – Deputies should avoid using CEWs on pregnant women. It is prohibited to target the abdomen of a woman suspected of being pregnant.
 - d. It is prohibited to deliberately target the breasts of a female or the head, neck, and genitalia of either a male or female.
 - e. Risk to the deputy's safety by the application of non-lethal force.
 - f. Proximity of cover or backup deputies/officers.
 - g. Proximity to the suspect – The deputy should remain within the reach of the CEW probe wires to keep the probe wires from

breaking.

- h. Other threats present, or as a consequence of the use of non-lethal weapons. This includes being in the proximity to flammable or combustible substances or the risk of the suspect falling in to the path of a moving vehicle or onto other dangerous hazards.

B. Less Lethal Chemical Agents

1. Less Lethal Chemical Agents approved for duty use by the WCSO are Oleoresin Capsicum (O.C.) based aerosol products only.
2. Riot control agents such as C.S.,C.N. or high volume O.C. aerosol projectors are approved for use only for special units such as Metro SWAT or Weber County Sheriffs Mobile Field Force.
3. Approved Duty Aerosols
 - a. Saber Red duty aerosol
 - b. Def-Tech/First Defense O.C. Mk 3 or 4
 - c. Any other aerosol containing a minimum of 10% O.C., non-flammable stream or foam as approved by the Sheriff.
4. Only those Deputies who have successfully completed a WCSO approved training course on the use of O.C. shall be certified to carry these weapons.
5. Deputies shall be required to successfully complete re-certification training biennially as directed by the WCSO.
6. Records of all initial and re-certification training shall be documented by the course instructor and forwarded to the WCSO Training Unit.
7. Failure to obtain a minimum passing score for qualification or re-qualification will result in the Deputy losing the ability to carry a duty aerosol until such time that he/she is able to obtain a minimum passing score as outlined by the instructor.
8. Procedure: Use of Duty O.C.
 - a. O.C may be used to subdue a suspect in those situations where other means of control have not worked or would be tactically inappropriate.

- b. O.C. should be applied in a manner which would increase the likelihood of a primary target area being effected by the agent.
- c. Primary target areas are the:
 - i. Eyes
 - ii. Nose
 - iii. Mouth
- d. Deputies should generally apply O.C. using two one second bursts from the projector while sweeping the agent across the face.
- e. A warning to surrounding Deputies should be given before deploying O.C.
- f. Once the subject has been subdued, the subject should be secured.
- g. Once a suspect is secured following a use of O.C. they will be offered decontamination by medical personnel. (See also Section 1.31, **Medical Aid after Use of Lethal and Non-lethal Weapons**)

C. Riot Control Agents

1. Approved riot control agents for the WCSO are:

- a. Pyrotechnic and burning CS, CN, and HC munitions (Speed heat, triple chase, etc.)
- b. Blast dispersion/bursting chemical munitions (CS, CN, OC)
- c. High Volume chemical Projectors (CS, CN, OC, Mk 21, Mk 46, Pepperball)
- d. Shoulder fired (muzzle blast) chemical rounds (CS, CN, OC)

2. Use and deployment of riot control agents shall be guided by SWAT and MFF tactical protocols

- 3. Following the use of riot control agents affected subjects shall be offered medical assistance and decontamination. (See also Section 1.31, **Medical Aid after Use of Lethal and Non-lethal Weapons**)

4. Only those WCSO Sworn Staff members who have successfully completed a WCSO approved training course on the use of riot control agents shall be certified to carry these weapons.
 - a. WCSO Sworn Staff Members shall be required to successfully complete re-certification training as directed by the WCSO.
 - b. Failure to do so will result in the Deputy not being allowed to use these devices and possibly removal from any specialty team utilizing these devices.
 - c. Records of all initial and re-certification training shall be documented by the course instructor and forwarded to the WCSO Training Unit.
5. Riot Control Agents shall not be an issued item and shall be stored and maintained in the WCSO armory.
6. Riot control agents may be issued to certified WCSO Sworn Staff on an as needed basis for use in training or real events.

D. Less lethal Impact Weapons

1. Arms Reach Impact Weapons (Batons)
 - a. Hand held arms reach or close proximity impact weapons (See definition above, 1.28.3, B).
 - b. Approved Arms Reach Impact Weapons:
 - i. ASP or ASP type expandable batons, 21 to 26 inches in total length.
 - ii. Side handled batons which are approved for use during incidents of civil unrest or riot include the PR-24 or PR-24 type side handled batons. These are rigid, non-expandable and 24 to 26 inches in total length.
 - iii. Expandable batons are approved for standard duty use.
2. Only those Deputies who have successfully completed a WCSO approved training course on the use of expandable batons shall be certified to carry these weapons.
 - a. Deputies shall be required to successfully complete re-certification training as directed by the WCSO.

- b. Records of all initial and re-certification training shall be documented by the course instructor and forwarded to the WCSO Training Unit.
 - c. Failure to obtain a minimum passing score for qualification or re-qualification will result in the Deputy losing the ability to carry an impact weapon until such time that he/she is able to obtain a minimum passing score as outlined by the instructor.
3. Use of Batons
- a. Use of batons should be defensive in nature.
 - b. To subdue a suspect in those situations not amounting to deadly force, where other means of control have not worked or would be tactically inappropriate.
 - c. To deflect an aggressor(s) blows or kicks, giving the offender the opportunity to desist from aggressive behavior.
 - d. To strike or jab the offender below the neck in a manner intended to temporarily disable and gain control over the offender.
 - e. The primary target areas are the:
 - i. lower legs
 - ii. hands/arms
 - iii. center of mass.
 - f. When using a baton, staff shall not intentionally strike, except as required by exigent circumstances, the:
 - i. head, throat/neck
 - ii. back/spine
 - iii. genital area.
 - g. Flashlights, key-lights, and other objects should not be used as batons.
 - h. Once the subject has been subdued, the subject should be secured.
 - i. Once a suspect is secured medical aid will be provided by medical personnel. (See also Section 1.31, Medical Aid after **Use of Lethal and Non-lethal Weapons**)

E. Extended Range or Firing Impact Weapons (non-lethal projectile)

1. Defined as non-lethal implements which allow for the application of blunt force at a distance.
2. Approved Extended Range Impact Weapons are:
 - a. 12 gauge pump action shotgun (Remington 870 or like type).
 - b. 40mm rifled bore launcher; A break action single shot or cylinder fed multi-shot shoulder fired weapon, with a rifled bore.
 - c. 37mm smooth bore launcher; A break action single shot or cylinder fed multi-shot shoulder fired weapon, with a smooth bore.
 - d. Explosive, Behavior Modification Munitions; An explosive rubber bodied hand thrown munition that when fired releases multiple 32 to 45 cal. hard rubber pellets in a 360 deg. pattern.
3. Except for the authorized issuance of 12 gauge shotguns loaded with drag stabilized flexible impact rounds, all other Extended Range Impact Weapons are not approved for regular duty use issue.
4. Weber County Sheriff's Office members authorized to carry and/or deploy approved extended range impact weapons shall be limited to the following, and only after completing the required training in the use of the assigned weapon:
 - a. Authorized corrections officers within a correctional facility as per Weber County Correctional Facilities policy;
 - b. Authorized members of the Weber County Mobile Field Force;
 - c. Authorized members of the Ogden Metro SWAT Team as per SWAT policy; and
 - d. Authorized Enforcement deputies engaged in routine and regular duty such as patrolling Weber County.
4. When not in use, ~~ALL~~ extended range impact weapons, other than the non-lethal shotguns issued to enforcement sergeants, shall be stored and maintained in the WCSO armory and issued only to certified staff in the event of civil unrest or riot. Exceptions to this shall include:

- a. Authorized WCSO members assigned to the Ogden Metro SWAT Team;
 - b. Authorized Enforcement Patrol deputies.
5. Rounds/ammunition approved for use in the above listed weapons shall be:
- a. 12ga drag stabilized flexible impact rounds (bean bag sock round)
 - i. In order to eliminate the risk of confusion and the errant loading of lethal ammunition into an issued or authorized WCSO shotgun, **ALL shotguns authorized for duty use WILL BE designated as non-lethal only. At no time may a WCSO member keep in their possession, or stored in their assigned vehicle any shotgun ammunition that is other than the authorized and issued non-lethal drag stabilized “bean bag” impact rounds. The only exception to this being...**
 - ii. Members of the Ogden Metro SWAT Team may carry a variety of tactical shotgun munitions, including both lethal and non-lethal, however, they are bound by SWAT policy, procedures and training.
 - b. 40mm spin stabilized single baton sponge round (Exact Impact Round)
 - c. 37/40mm multi-foam baton round (3 or 5 baton type)
 - d. 37/40mm stinger round (32 or 60 cal. type)
6. Only those sergeants, deputies and corrections officers who have successfully completed a WCSO approved training course on the use of Extended Range Impact Weapons shall be certified to carry and/or deploy these weapons.
- a. Annual proficiency training will be required for continued authorization to use extended range impact weapons
 - b. Failure to pass proficiency training will result in the member not being allowed to use these devices and possibly removal from any specialty team utilizing these devices.
 - c. Records of all initial and annual proficiency training shall be documented by the course instructor and forwarded to the WCSO Training Section.

7. Procedure: Use of Extended Range Impact Weapons

- a. In cases not requiring deadly force, extended range impact weapons shall only be used to subdue a suspect when a custodial arrest is needed or when it is necessary to take a mentally ill individual into custody as per U.C.A. 62A-15-629, Temporary Involuntary Commitment), and:
 - i. other means of control have not worked, or have been considered to be inappropriate; and
 - ii. staff, or other persons are threatened with physical force and the application of impact munitions may reduce the risk of death or injury to staff, or other persons; or
 - iii. the size, demeanor, or actions of the aggressor indicates that the staff, or other persons would be endangered by a lesser use of force to control the situation.
2. When a WCSO member authorized to deploy an extended range impact weapon arrives on scene and determines that the use of such a device is necessary, he shall designate another deputy or law enforcement officer with a firearm to act as a *cover officer* while the member employs the extended range impact weapon.
 - a. No WCSO member shall attempt to employ a non-lethal extended range weapon without having a cover officer present and able to provide an immediate deadly force response should that deadly force response become necessary.
 - b. This requirement is not intended to replace, and is superceded by, Weber County Corrections Policy regarding corrections operations requiring non-lethal force within the Weber County Correctional Facilities.
3. The carrying and loading of rounds other than drag stabilized bean bag rounds any WCSO authorized shotgun is **PROHIBITED** for all but authorized members assigned to the Ogden Metro SWAT Team. SWAT members will not deploy 12 gauge bean bag non-lethal rounds unless:
 - a. The shotgun is completely unloaded,
 - b. another member or officer inspects to insure the shotgun is unloaded,

- c. the same inspection member or officer inspects the non-lethal rounds to be inserted into the shotgun, and
 - d. the inspection member or officer verifies that the shotgun IS loaded ONLY with non-lethal rounds before the shotgun is deployed!
- 8. Whenever possible, before an extended range impact weapon is deployed, in order to prevent *sympathetic fire* by other members or officers present, the deploying member should notify dispatch and others at or in route to the scene, of the intended and imminent use of a non-lethal extended range weapon.
- 9. The primary target areas for application are the:
 - a. shoulders/arms
 - b. thighs/lower legs
 - c. shoulder blades from the rear; and
 - d. buttock.
- 10. Except as authorized by exigent circumstances, munitions should not intentionally be fired at the:
 - a. head/neck
 - b. back/spine; or
 - c. genital area.
- 11. Unless a justified action is necessary to eliminate the threat of death/serious injury or mass destruction of property, **Extended Range weapons should not be used against the following:**
 - a. **pregnant females; or**
 - b. **individuals with obvious neuromuscular disease.**
- 12. The use of stingball grenades should only be authorized when other types of extended range impact weapons have proven ineffective.
- 13. After the less lethal firing or extended range impact weapon has been used to stop a suspect the following procedure will be followed:
 - a. Once the subject has been subdued, the subject should be secured.
 - b. Once a suspect is secured medical aid will be provided by medical personnel. (See also Section 1.31, Medical Aid after **Use of Lethal and Non-lethal Weapons**)

- c. The supervisor or shift sergeant on duty at the time of the incident will cause the scene to be documented for evidence by either CSI personnel or a Deputy other than the deputy who deployed the less lethal device.
 - d. The spent shell casing(s) will be marked in place and the distance between the casing(s) and suspect will be measured and recorded.
 - e. Bean bags or rubber batons deployed will be placed into evidence.
 - f. The suspect will be examined by medical personnel before being booked into the Corrections Facility.
 - g. Areas of device impact on the suspect's body will be photographed and the photographs or photographic media placed into evidence.
- F. All instructors for all non-lethal weapons will review Sections 1.20 (Use of Force), 1.23 (Deadly Force) and 1.31 (Medical Aid after Use of Lethal and Non-lethal Weapons) with each Deputy upon completion of annual qualification.
- G. The Sheriff may designate and authorize other less lethal weapons, firing and non-firing for use by Sheriff(s) Office members.
- H. Deputies will carry and use only those Sheriff(s) Office approved less lethal devices.
- I. Carotid, Neck Choke Hold or Restraints Prohibited.
 - 1. Deputies are prohibited from intentionally employing neck restraints such as the carotid or choke restraints designed to specifically restrict the blood or oxygen flow of the subject to induce unconsciousness.
 - 2. This policy shall not apply to that force reasonably deemed necessary to affect an arrest or control of a violent or resisting subject that may require the holding of a subject on or about the neck or area of the neck, head or upper torso.
- J. After the use of any force the medical condition of the suspect/detainee will be assessed and policy 1.31-32 will be followed.
- K. A police report will be completed on any uses of force, without regards of the results. A copy of the report will be forwarded to the Deputy(s) supervisor, who will forward a copy to the bureau commander and the use of force committee chairman.

- L. The use of any non-lethal device will be reported, utilizing the office Use of Force form and submitted along with the case report to the member's supervisor as soon as practical. In that report the member will clearly state his reasons for the use of that non-lethal device.