

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices, less lethal weapons, and techniques that are described in this policy.

303.2 POLICY

In order to control subjects who are engaging in or threatening to engage in active resistance or assaultive behavior, the Fond du Lac Police Department authorizes officers to use Control Alternatives or Protective Alternatives in accordance with the guidelines in this policy and Policy 300 - Use of Force. In the performance of his/her duties, an officer shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

303.3 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 of Police 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.

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

303.4 RESPONSIBILITIES

303.4.1 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 SUPPORT SERVICES CAPTAIN RESPONSIBILITIES

The Commander of Support Services shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.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 Commander of Support Services or the designated instructor for a particular control device. The inspection shall be documented.

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303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices, along with documentation explaining the cause of the damage, shall be returned to the Commander of Support Services for disposition.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The goal of using a baton is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of great bodily harm or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the duty belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor. Officers shall use only department-approved batons and techniques, which follow the State of Wisconsin's DAAT guidelines.

303.6 CHEMICAL MUNITIONS GUIDELINES

Chemical munitions may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Commander, Incident Commander, SWAT Commander or designee, or Civil Unrest Team Commander or designee may authorize the delivery and use of chemical munitions, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical munitions to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. The goal for using OC spray is to overcome active resistance or its threat. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public (passive resistance).

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the duty belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment as prescribed by DAAT and manufacturer's guidelines. Community Service Officers who have been trained and certified in the use of OC spray may carry department

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issued OC spray only when on duty and are limited to the use of OC spray for animal control duties or self defense.

303.7.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever chemical munitions or OC has 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 and shall also post the notice on every door to the structure. When the owners or occupants are unavailable officers shall post the notice on every door to the structure. 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.

[See attachment: Chemical Munition/OC Deployment Warning Posting](#)

303.9 NOISE/FLASH DIVERSIONARY AND EXPLOSIVE ACTUATED TACTICAL DEVICES GUIDELINES

This department is committed to reducing the potential for violent confrontations. Noise/flash diversionary devices (NFDD) and explosive actuated tactical devices (EATD), when used properly, are less likely to result in death or great bodily harm and can be used in an attempt to de-escalate and control a potentially deadly situation. The purpose of a NFDD is to minimize the risks to all parties by the temporary distraction or disorientation of potentially violent or dangerous subjects. The purpose for an EATD is to minimize the risks to all parties through pain compliance, temporary distraction, disorientation, discomfort, and/or incapacitation of potentially violent or dangerous subjects. Although not conventionally labeled a control device, NFDD's and EATD's purpose and potential for injury will be included under this policy.

Unless in a controlled training environment with a certified NFDD/EATD instructor, or otherwise designated by the Chief of Police, only department SWAT team members who have successfully completed training with NFDD's and EATD's shall utilize such while on-duty.

303.9.1 DEPLOYMENT AND USE

Only department-approved NFDD's or EATD's shall be carried and deployed.

Officers are not required or compelled to use approved NFDD's or EATD's in lieu of other reasonable tactics if the involved officer determines that deployment of these devices 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:

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- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved devices.
- (b) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
- (c) The execution of high risk search warrants or arrest warrants.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging NFDD's or EATD's the officer should consider such factors as:

- (a) The environment and immediate area in which the device is deployed
- (b) The proximity of the deployed device to any person(s)
- (c) The type of NFDD or EATD deployed
- (d) Wind direction and the potential for cross-contamination (chemical EATDs)
- (e) The potential for secondary fragmentation

303.9.3 SAFETY PROCEDURES

Officers will inspect the NFDDs and EATDs before deployment to ensure the devices(s) are in working order and are of the approved type for the mission at hand and appear to be free from defects. NFDDs and EATDs should only be carried in pouches made to carry such devices.

If an NFDD or EATD is not used it will be inspected for defects and returned to the proper storage magazine. This does not include situations where the pull-pin for such device was pulled and the device was not deployed. In such a case proper render-safe procedures shall be followed.

303.10 LESS LETHAL IMPACT MUNITIONS GUIDELINES

This department is committed to reducing the potential for violent confrontations. Less lethal impact munitions (LLIMS), when used properly, are less likely to result in death or great bodily harm and can be used in an attempt to de-escalate a potentially deadly situation. Unless in a controlled training environment with a certified LLIMS instructor, or as otherwise designated by the Chief of Police, only department SWAT team members who have successfully completed training and are certified to use LLIMS shall utilize them while on-duty.

303.10.1 DEPLOYMENT AND USE

Only department-approved LLIMS 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:

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

303.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging LLIMS, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding flammability, effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of great bodily harm or death to the officer or others.

303.10.3 SAFETY PROCEDURES

Officers will inspect the weapon specifically designated for use with LLIMS at the beginning of each shift or before deployment to ensure that the weapon is in proper working order and the munitions are of the approved type and appear to be free from defects.

When it is not deployed, the weapon will be unloaded and properly and securely stored.

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303.11 TRAINING FOR CONTROL DEVICES

The Training Lieutenant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or re-certified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) Proficiency training for personnel who carry or are authorized to use OC, baton, chemical munitions, and/or less lethal impact munitions should occur biennially.
- (c) All training and proficiency for control devices will be documented in the officer's training file.
- (d) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.12 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.

Attachments

Chemical Munition-OC Deployment Warning Posting.pdf

WARNING

NOTICE OF CHEMICAL AGENT ON PROPERTY

During a tactical operation, the Fond du Lac Police Department deployed chemical agent(s) (commonly known as tear gas and/or pepper-spray) on the property located at: _____,
in the City of Fond du Lac, Fond du Lac County.

On this date: _____.

The City of Fond du Lac Police Department is not responsible for cleaning up the chemical agent(s) left on the property. It is highly recommended that a professional cleaning company be contacted at your expense to properly and fully decontaminate the property.

Some chemical agent(s) generally remains in the property until the property is cleaned and/or sufficiently ventilated. Anyone going close to or entering the property may experience effects from the chemical agent(s). The agent(s) marked below were used on this property. Some potential effects of each agent are also listed below.

_____ Ortho-Chlorobenzalmalononitrile (commonly known as CS or tear gas)
Effects Include: - Irritation of nose, throat, and lungs
- Difficulty breathing, tightness in chest, coughing
- Profuse tearing, involuntary closure of the eyes
- Nasal drip, excess salivation
- Stinging sensation on exposed skin
- Exposure to high concentrations of CS for a relatively long period of time can pose health risks.

_____ Oleoresin Capsicum (commonly known as OC or pepper spray)
Effects Include: - Involuntary eye closure
- Shortness of breath, difficulty breathing
- Gagging sensation, coughing
- Burning sensation on eyes, lungs, and skin
- Exposed skin inflammation

If you need any further information, you can contact the Fond du Lac Police Department at 126 North Main Street, Fond du Lac or by telephone at 920-322-3710.