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	<i>Subject</i> 20.6 Less Lethal Substances/Devices	
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Less Lethal Substances/Devices

POLICY


This policy addresses the training and use of less-lethal substances and devices utilized by the New Paltz Police Department. The New Paltz Police Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require special training and equipment. Thus the New Paltz Police Department has adopted this less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations

DEFINITIONS

- a. *Less-Lethal force Philosophy*; A concept of planning, training and force applications, which meet operational objectives, with less potential for causing death or serious physical injury than deadly physical force.
- b. *Kinetic Energy Impact Projectiles*; Flexible or non-flexible projectiles, which are intended to incapacitate a subject with less potential for causing death or serious physical injury than deadly physical force.
- c. *Safety Priorities*; The New Paltz Police Department safety priorities are established as follows:
 1. Non-involved innocent persons
 2. Involved non-subject civilians
 3. Law enforcement personnel
 4. Suspect or Subject
 - a. Subject; The person(s) who is the focus of the police operation.

1. KINETIC ENERGY IMPACT PROJECTILES


- a. The Flexible Super Sock Round;
 - i. These authorized 12 gauge less-lethal rounds are manufactured by Combined Tactical Systems. These rounds are referred to as the “CTS Super Sock”
 - ii. The CTS Super Sock is a standard 12 gauge plastic cartridge containing a 40 gram shot filled flexible sock

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iii. The CTS Super Sock exits the barrel at approximately 280 feet per second and delivers approximately 120 ft/lbs of kinetic energy.


b. Evaluation of Projectiles

- i. Kinetic energy impact projectiles will be evaluated on the following criteria;
 1. Accuracy
 2. Effectiveness
 3. Potential for causing death or serious physical injury (SPI)
- ii. Accuracy;
 1. This is the primary consideration, since proper shot placement greatly assists in controlling the other two evaluation criteria, Effectiveness and Potential for causing death or SPI
 2. This will be evaluated based on the anticipated ranges of deployment
 3. A minimal standard of accuracy for such rounds is:
 - a. 12 inch group at 15 yards for the 12 gauge shotgun.
 - b. This standard is achieved from a secure rest.
- iii. Effectiveness
 1. This is the potential of the round to cause incapacitation and reduce the subject's ability to continue their threatening behavior.
 2. The level of energy necessary to cause incapacitation creates the potential for injury, but when properly deployed, with a lower probability for causing serious physical injury or death than deadly physical force.
- iv. Potential for Causing Death or Serious Physical Injury
 1. The potential for causing death or serious physical injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back, thoracic and abdominal cavities and groin.
 2. When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance, ceasing the threatening action and/or incapacitation are the desired goals and alternative target areas/response considered when rounds are not effective.
 3. Alternative target area/response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

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c. Deployment and Deployment Areas


- i. The less-lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities and the level of force authorized.
- ii. The Monadnock training chart is the recognized department model for determining contact areas for kinetic energy impact weapons, based on potential for injury. See item#1.
- iii. Green Areas- These areas will be considered when incapacitation is necessary and minimal potential for injury is the appropriate response.
- iv. Yellow/Red areas- These areas will be considered when an escalation of force above green areas is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.
- v. Head/Neck- Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary and appropriate.
- vi. The use of kinetic energy impact projectiles are considered self defense when deployed to areas of the suspects body that are considered unlikely to cause death or serious physical injury.
- vii. **The dedicated 12 gauge less-lethal shotgun will be carried with less-lethal ammunition only.**
- viii. Officers assigned will visually and physically inspect the chamber and magazine each time the weapon comes under their control and/or any time the weapon was out of their direct control to ensure the total absence of lethal ammunition.
- ix. Lethal cover should be used in all cases involving any armed and/or dangerous subject(s), even if no firearms are involved. The second or subsequent officer(s) arriving on the scene should be the personnel providing the less-lethal option.
- x. Where possible a supervisor should be notified prior to the deployment of the less-lethal shotgun.
- xi. Whenever possible officers should inform other police personnel in the immediate vicinity that less-lethal impact rounds will be deployed.
- xii. The less-lethal shotgun will be marked with blaze orange.
- xiii. The less-lethal shotgun will be carried by patrol in a dedicated case with the magazine empty, action locked with a zip tie and less-lethal ammunition stored in the case.

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- d. Handling of Injured - Suspects who are struck by a less-lethal round shall be evaluated by medical personal and if deemed necessary transported to a medical facility for further examination.
- e. Investigation After Deployment
 - i. The completion of an Officers Defensive Action Report is required after any use or display of the less-lethal shotgun when responding to an incident. (See item #2 and #3.)
 - ii. The depth of the investigation will be decided by the Chief, his designee, policy and collective bargaining agreement.
- f. Training
 - i. Training in the use of the less-lethal, extended-range kinetic energy impact projectiles will consist of the approved department policy and annual recertification as listed in the firearms policy.
 - ii. Training in the use of the less-lethal, extended-range kinetic energy impact projectiles will consist of the approved department policy and annual recertification which includes the successful completion of an approved course of fire with the less-lethal shotgun with the CTS Super Sock.

2. OLEORESIN CAPSICUM (OC SPRAY)

- a. OC is an organically based less than lethal substance aerosol weapon designed to incapacitate an aggressor instantly with no lasting or long term side effects.
- b. Sabre Red and Sabre Red Gel Formula are the authorized aerosol weapons for use by members of the New Paltz Police Department. Both of these are non-flammable and compatible with Electronic Immobilization Devices
- c. No other type of OC Spray may be carried or used without the authorization of the Chief of Police

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- d. Deployment of OC Spray – OC Spray may be deployed in compliance with New Paltz Police Department Policy and Procedure 20.1.
- i. OC Spray should not;
1. Be utilized at a distance of less than (2) two feet
 2. Discharge large quantities of OC Spray into a confined area, such as a small room or car
 3. Utilize OC to warn or threaten a person
 4. Utilize on an elderly person unless absolutely necessary
 5. Utilize on children unless absolutely necessary
 6. Utilize on persons “known” to have a breathing issue unless absolutely necessary
- e. Decontamination
- i. Once deemed safe, officers shall use the following decontamination procedures;
1. Assure the person exposed to the OC that he/she will be all right
 2. Expose the person to fresh air as soon as possible and flush contaminated area with large amounts of cold water
 3. Ask the person if they are wearing contact lenses and advise them to remove them and document same,
 4. During the detainment of the exposed person monitor their condition to ensure the effects are wearing off normally and they are not having an adverse reaction,
 5. Immediately contact EMS for any person who continues to have difficulty breathing and/or their condition worsens
- f. Reporting Procedure – Members shall document the use of OC Spray in accordance with New Paltz Police Department Policy 21.2 using the Officer Defensive Action Report.
- g. Transporting of Individuals Exposed to OC Spray
- i. When transporting a person that has been exposed to OC spray, the transporting member is to ensure that the person is seated properly in an upright position and if necessary seatbelt the person to maintain the upright position so the officer can observe that the person is not having any abnormal affects to the OC spray.

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h. Training

- i. Members shall be trained and certified in the use of OC spray prior to being issued an OC canister.
- ii. Members shall carry an OC canister on their person while on duty.

3. ASP – EXPANDABLE BATON

- a. Members of the New Paltz Police Department will carry the 21 inch expandable friction lock baton. No other type of impact weapon may be carried or used without the authorization of the Chief of Police
- b. Deployment of the ASP will be in compliance with New Paltz Police Department Policy and Procedure 20.1.
 - i. The Monadnock training chart is the recognized department model for determining contact areas for impact weapon strikes, based on potential for injury.
 - ii. Green Areas- These areas will be considered when incapacitation is necessary and minimal potential for injury is the appropriate response.
 - iii. Yellow/Red areas- These areas will be considered when an escalation of force above green areas is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.
 - iv. Head/Neck- Intentional impacts to these areas will be avoided unless the use of deadly force is absolutely necessary.

4. CONDUCTED ENERGY DEVICES

- a. See New Paltz Police Department Policy and Procedure number 21.3.