

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

GENERAL ORDER # 32

SUBJECT: Emergency Response Team Less Lethal Weapons

CROSS-REFERENCE: CALEA 4.3.2, 4.3.3, 4.1.2, 4.1.5, 4.2.1

DATE APPROVED BY COP: December 18, 2020



Chief Mike Reynolds

PURPOSE: The Purpose of this policy is to establish guidelines to follow for the use of Emergency Response Team (ERT) less lethal weapons.

ORDER: Only officers and deputies assigned to the Fayetteville Police Department and Washington County Emergency Response Team shall be authorized to utilize the less lethal weapons listed in this policy [CALEA 4.3.2].

DEFINITIONS:

Emergency Response Team less lethal weapons and munitions include the following:

1. 40 mm multi launcher
2. 40 mm single launcher
3. 40mm chemical munitions
4. Specialty impact munitions
5. Chemical grenades
6. Diversionary devices
7. Stun munitions

PROCEDURE:

A. Authorization

1. Only certified officers trained in the use of ERT less lethal weapons who have demonstrated their proficiency are authorized to carry the ERT less lethal weapons listed in this policy. [CALEA 4.3.2].
2. Officers authorized to carry ERT less lethal weapons shall receive training at least biennially [CALEA 4.3.3]. A certified less lethal weapons instructor shall provide and or monitor proficiency training [CALEA 4.3.3 a]. Training and proficiency shall be documented [CALEA 4.3.3 b].
3. Officers who are unable to qualify with less lethal weapons must receive remedial training prior to carrying the less lethal weapon [CALEA 4.3.3 c].

B. Proficiency Requirements

1. 40 mm launchers: For all launchers, there will be a one-hour weapon familiarization course and a qualification course that selected ERT members will have to go through prior to being able to use the launchers. The qualification course will be as follows:

- a. 15-yard line: shooter will shoot one round at a B-27 target
- b. 25-yard line: shooter will shoot two round at a B-27 target
- c. 35-yard line: shooter will shoot one round at a B-27 target

All four rounds must be inside the scoring zone on the target in order to qualify.

2. Continuous chemical discharge devices: In order to be authorized to use continuous chemical discharge devices, operators will be required to attend a familiarization course put on by a certified munitions instructor.
3. Noise flash diversion device: In order to be authorized to use a noise flash diversion device, operators will be required to attend a familiarization course put on by a certified munitions instructor.

C. Usage Criteria

1. An ERT supervisor must authorize the use of an ERT less lethal weapon.
2. ERT less lethal weapons are considered a use of force and shall be employed in a manner consistent with this agency's use-of-force policy.
3. ERT members shall wear proper personal protective equipment for the deployment of all less lethal weapons. The personal protective equipment may include safety glasses, gloves, and/or gas masks.
4. ERT less lethal weapons may be used when:
 - a. Verbal dialogue has failed to bring about the subject's compliance, and
 - b. The subject has signaled his intention to actively resist the officer's efforts to make the arrest; and
 - c. The use of empty hand techniques has been, or will likely be, ineffective or not reasonable under the circumstances.
5. Diversionary devices/chemical agents may be used when other force has been, or will likely be, ineffective or unreasonable under the circumstances, and when necessary to provide for the safety of officers or others. ERT less lethal diversionary devices shall be deployed in a manner consistent with training and acceptable practices. ERT operators shall visually inspect the immediate area where diversionary devices are intended to be deployed for safety

concerns and fire hazards. A fire extinguisher shall be readily available when a diversionary device is deployed.

6. An officer may use deadly force to protect himself or others from the use or threatened use of an ERT less lethal weapon when the officer reasonably believes deadly force will be used against him or others if he/she becomes incapacitated [CALEA 4.1.2].
7. Absent deadly force situations, ERT less lethal weapons are prohibited from being used:
 - a. In a punitive manner;
 - b. Aimed at the head, neck, spine, upper torso or groin of an individual; or
 - c. On any person who does not demonstrate his/her overt intention to use violence or force against the officer or another person(s).
8. ERT less lethal launchers shall be used with the appropriate munitions and the munitions should be used in accordance with their intended purposes. Barricade rounds that are intended to penetrate windows and hollow core doors shall not be used to target individuals for direct impact.
9. The ERT commander, team leader and less lethal operators are responsible for knowing the capabilities of less lethal weapons and munitions being utilized and the manufacturing guidelines. The appropriate less lethal weapons and chemical munitions will be used in accordance with the manufacturing recommendation and training protocols.
10. Once a suspect has been incapacitated or restrained, use of ERT less lethal weapons are no longer justified.
11. After use of ERT less lethal weapons, officers should employ other methods of follow-up control.
12. Appropriate medical aid shall be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained or reported. This includes notifying the Central Dispatch Center (CDC) to alert Central EMS and the Fayetteville Fire Department when obvious severe injuries have occurred, medical distress is apparent, the individual is unconscious or the individual requests medical assistance. Decontamination procedures shall be followed when necessary [CALEA 4.1.5].

D. Reporting Procedures

1. A Use of Force Report shall be completed following the use of ERT less lethal weapons and turned in to the ERT leader/commander, in compliance with FPD 1.3.1 [CALEA 4.2.1 c].

2. Officers shall photograph and record in their reports any property damage sustained during the use of less lethal weapons.