

## Control Devices and Techniques

### 308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Union City Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### 308.3 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 an 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.

### 308.4 RESPONSIBILITIES

#### 308.4.1 WATCHCOMMANDER RESPONSIBILITIES

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

#### 308.4.2 INVENTORY CONTROL

The Personnel and Training Supervisor, or authorized designee, shall control the inventory and issuance of all control devices, other than Tear Gas and Projectile Munitions, and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired, or replaced.

The SWAT Team Leader, or authorized designee, shall control the inventory and issuance of all Tear Gas and Projectile Munitions, and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired, or replaced.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 inspected annually by the assigned supervisor or the designated instructor for a particular control device. The inspection shall be documented and submitted to the

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Use of Force Team Manager for review. A copy of the completed inspection shall be forwarded the Personnel and Training Supervisor and will be stored in the appropriate department training file.

#### **308.4.3 USER RESPONSIBILITIES**

It shall be the responsibility of the personnel using the various devices to ensure their serviceability.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the respective supervisor or designated instructor for disposition. Damage to City property forms shall also be prepared ( [See attachment: City Damage Report\\_UCPD 149.pdf](#) ) and forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **308.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. 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 serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment 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.

#### **308.6 NONLETHAL CHEMICAL AGENTS GUIDELINES**

Department-approved chemical agents may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Prior to deploying tear gas, a warning should be given when feasible and when it would not compromise the safety of the officers involved in a tactical operation. In crowd control situations, the need to prevent or disrupt riotous or criminal behavior should be evaluated based upon the totality of the circumstances, with consideration of a legitimate public safety concern and the impact to those who may be exposed to the chemical agents.

Nonlethal chemical agents deployment considerations may include (not in priority order):

- Safety of personnel involved
- Personnel available
- Methods of delivery
- Weather conditions
- Wind direction
- Physical location/terrain considerations
- Effect on law enforcement horses
- Types of agents available
- Protective devices for personnel

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- Decontamination
- Potential exposure to children, elderly, and persons with disabilities

Only the Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of chemical agents, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary. However, in the case of an immediate need to protect life or catastrophic property damage (ex. setting a large structure on fire), a supervisor may authorize an emergency deployment of chemical agents for the sole purpose of mitigating or preventing the emergency need. In such events, the supervisor authorizing the deployment of chemical agents will notify the Incident Commanders as soon as possible, and prior to securing from duty.

Chemical agents are prohibited from use on nonviolent protesters or those persons exercising their Constitutional Rights. The use of chemical agents is intended to protect the safety and security of the public from violent and destructive criminal acts.

Only officers trained in the use of chemical agents are authorized to deliver and use them.

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

#### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles 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 against officers or others or catastrophic damage to property. Pepper projectiles and 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, or catastrophic damage to property.

##### **308.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

##### **308.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others. Additionally, especially in crowd control situations, the use of pepper projectile systems should be targeted only at

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specific individuals engaged, or about to engage, in violent or destructive behavior. Indiscriminate deployment of pepper projectile systems into a crowd is not permissible.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **308.7.3 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.

#### **308.8 POST-APPLICATION NOTICE**

Whenever tear gas 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. Such notice should include advisement that clean up will be at the owner's expense ( [See attachment: Chemical Agents Warning](#) ). Information regarding the method of notice and the individuals notified should be included in related reports.

#### **308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

##### **308.9.1 DEPLOYMENT AND USE**

Only department-approved kinetic energy munitions 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:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

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- (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.

#### 308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, 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 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 shall not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

#### 308.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will not have a round in the chamber and it will be securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### **308.9.4 USE OF KINETIC ENERGY PROJECTILES BY THE CRISIS RESPONSE UNIT (CRU)**

Officers assigned to the Crisis Response Unit, who have completed a Departmental training course may carry and employ 12-gauge and/or 37/40 mm kinetic energy projectiles while on-duty or while performing Crisis Response Unit (CRU) or tactical missions.

#### **308.10 TRAINING FOR CONTROL DEVICES**

The Training Manager 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 recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) 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.

#### **308.11 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.

#### **308.12 REVISIONS**

Revised: November 15, 2017

Revised: August 21, 2018

Revised: August 18, 2020

## Attachments

## **City Damage Report\_UCPD 149.pdf**





UNION CITY POLICE DEPARTMENT  
34009 ALVARADO-NILES ROAD  
UNION CITY, CA 94546

# CITY DAMAGE REPORT

ORIGINAL  SUPPLEMENT

**DATE & TIME OF REPORT:**

**DATE & TIME OCCURRED:**

**SPECIFIC LOCATION OF ACCIDENT:**

**DESCRIPTION OF DAMAGE:**

*Describe what was damaged and to what extent; this should minimally include the type of property I.E: Traffic signal (include specific pole number), City vehicle (include vehicle number/ license number), etc.*

**PERSON INJURED:**

NAME:

ADDRESS:

CITY:

PHONE:

**WAS MEDICAL ATTENTION PROVIDED FOR THE INJURED PARTY? (CHECK ONE)**     YES     NO

**NAME OF HOSPITAL AND/OR ATTENDING PHYSICIAN:**

**WITNESSES:**

NAME:

ADDRESS:

CITY:

PHONE:

NAME:

ADDRESS:

CITY:

PHONE:

NAME:

ADDRESS:

CITY:

PHONE:

**NAME OF RESPONSIBLE:**

**DATE OF BIRTH:**

ADDRESS:

CITY:

PHONE:

**INSURANCE COMPANY NAME, PHONE # AND POLICY #**

**PHOTOGRAPHS TAKEN BY:**

**NARRATIVE:**

**PREPARED BY:**

**BADGE:**

**REPORT NUMBER:**

# CITY DAMAGE REPORT

**NARRATIVE CONTINUATION:**

**PAGE** \_\_\_ **of** \_\_\_

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**PREPARED BY:**

**BADGE:**

**REPORT NUMBER:**

## **CHEMICAL AGENTS WARNING.pdf**

# **\*WARNING\***

# **NOTICE OF CHEMICAL AGENT ON PROPERTY**

During a tactical operation, the Union City Police Department deployed chemical agent (commonly known as tear gas) on the property located at:

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The Union City Police Department is not responsible for cleaning up the chemical agent left on the property. Private clean up companies are available to clean the property at your expense.

Some chemical agent 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. The agent(s) marked below were used on this property. Some potential effects of each agent are also listed below.

Orthochlorobenzalmalononitrile (commonly known as CS) 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) 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 Union City Police Department Communications Center at (510) 471-1365.