



GENERAL ORDER

No. 336

Subject: Impact and Aerosol Weapons		
Issuing Authority: Chief of Police	Effective Date: 06/01/2016	Supercedes:

- I. **PURPOSE:** The purpose of this order is to establish policies and procedures for the use of impact and aerosol weapons by sworn officers of the Village of North Syracuse Police Department.
- II. **POLICY:** It is the policy of the Village of North Syracuse Police Department that sworn officers shall carry and use only those impact/aerosol weapons authorized by the department, and that the use of those weapons shall be within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the department. The use of any impact or aerosol weapon is considered a use of force and shall require a "Use of Force Report."
- III. **DEFINITIONS:**
 - A. **IMPACT WEAPON** - A device used to apply force against a resisting or assaultive subject, or to affect a blocking or defensive technique. This shall include police batons, COLLAPSIBLE Tactical Batons and Impact Projectiles.
 - B. **IMPACT PROJECTILES** – A less lethal impact projectile, delivered from a 12-gauge pump action shotgun. This weapon is designed to introduce impact energy to a violent aggressor sufficient enough to disable the subject at a safe range while avoiding otherwise dangerous officer/subject contact.
 - C. **AEROSOL WEAPON** - Purified pepper spray and similar agents.
- IV. **PROCEDURE:**
 - A. **Authorized Impact/Aerosol Weapons**
 1. Sworn officers of the Village of North Syracuse Police Department shall carry and use only those impact/aerosol weapons that are authorized by the police department.
 2. Officers shall be provided with training in the proper use of any issued impact or aerosol weapon prior to being authorized to carry those weapons.
 3. Aerosol and impact weapons authorized by the department shall be listed in the uniform standards manual. Officers are authorized to carry the following type of impact/aerosol weapons:
 - a. Long or straight police baton.
 - b. Collapsible baton.
 - c. Pepper spray.
 4. During Defensive Tactics In-Service training, a qualified Defensive Tactics Instructor shall inspect all impact/aerosol weapons to ensure that the impact/aerosol weapons are free of defects and are serviceable.
 5. Equipment inventory forms shall include administrative numbers or manufacturer serial numbers of each police baton used by the agency.

6. Canisters of pepper spray shall be marked with an administrative control number.
7. Canisters of pepper spray that are not assigned shall be stored in the department storage area.
8. Impact weapons not assigned to officers shall be stored in the department storage area.
9. Designated department vehicles may be outfitted with a dedicated and specially marked 12-gauge-pump shotgun equipped with agency approved impact munitions. Only officers who have been trained in the proper use of impact munitions shall be authorized to use this less lethal weapon. [Revised: 06/01/2016]
10. Unless specifically authorized by the Chief of Police, officers may not carry any impact or aerosol weapon other than those listed in the uniform standards manual.
11. No changes, alterations, modifications or substitutions shall be made to any authorized impact or aerosol weapon.
12. The decision to use an impact or aerosol weapon must be made with consideration of the severity of resistance or threat, as well as the possible injuries that may be caused by its use. Impact/aerosol weapons may be used in those situations where the use of force is justified and necessary. Under certain circumstances the use of an impact weapon may constitute a use of deadly physical force (example: head or neck strikes). In such cases the impact weapon shall only be used when the deadly physical force is justified by Article 35 of the New York State Penal Law to include the Tennessee v. Garner, 1985 decision.
13. Officers are responsible for providing maximum security for all impact/aerosol weapons while in their possession or under their control. Impact/aerosol weapons shall not be left in police vehicles when officers are not on-duty, or in unsecured areas of headquarters.
14. In the event that an officer determines that an impact/aerosol weapon has become unsafe the officer shall:
 - a. Remove impact/aerosol weapon from service.
 - b. Turn unsafe impact/aerosol weapon into their Supervisor.
 - c. Make a written request (memo, e-mail) to their Supervisor requesting that a new impact/aerosol weapon be provided.
15. Impact/aerosol weapons shall not be used for demonstration purposes unless specifically authorized by the Chief of Police.

B. POLICE BATON

1. Patrol officers must have their issued police baton available to them while on patrol. When an officer carries the police baton on his/her person, it shall be carried holstered in the officer's baton ring unless its use is imminent.
2. Police batons shall not be used to strike at the head, neck or groin, except in those extreme instances in which the use of deadly physical force is both justified and necessary.

C. COLLAPSIBLE BATON

1. Patrol officers must carry the collapsible baton on their duty belt while on duty. Unless the use of the collapsible baton is imminent, it shall be carried holstered in the issued carrying case. All other officers may carry the collapsible baton on their person in an appropriate manner.
2. Collapsible batons shall not be used to strike at the head, neck or groin, except in those extreme instances in which the use of deadly physical force is both justified and necessary.

D. IMPACT MUNITIONS

1. The use of Impact Munitions is a use of force alternative, available to officers when confronted with violent and or armed individuals. When properly used, impact projectiles frequently contribute to the successful resolution of difficult problems with only minor injuries to the suspect.
2. Advantages to the proper use of an impact munitions include:
 - a. A less lethal use of force option when dealing with suicidal and or extremely aggressive individuals.
 - b. Keeping safe distances between officers and violent and or armed individuals.
 - c. The likelihood of minimal suspect injuries.
3. Impact munitions have the ability to deliver a flexible projectile from safe distances. Upon impact, the projectile conforms to the shape of the target and transfers a significant level of energy to the target. This level of energy, roughly equivalent to a professional boxers punch, may temporarily incapacitate a violent and or armed individual safely.
4. When impact projectiles are used, there is always the possibility that injuries may occur, as with the use of conventional impact devices such as the police baton. The effectiveness and potential for suspect injury are directly related to shot placement. Understanding that exact shot placement may be difficult under extreme circumstances, coupled with the necessity to justifiably incapacitate the suspect, officers should target soft tissue area such as the lower abdomen, solar plexus, buttock or a nerve group such as the common peroneal.
5. Unless it is necessary, and justified to use deadly physical force, officers may not intentionally select any of the following body target areas:
 - a. Head/face.
 - b. Neck.
 - c. Chest.
 - d. Groin.
6. Officers may select the range of munitions deployment based on the given circumstances. Flexible Impact Munitions are generally "point of aim-point of impact" with-in 60 feet. Deployment beyond 60 feet may involve a greater than six inch shot grouping.

7. Impact munitions shall be deployed through a dedicated delivery system. Dedicated delivery systems consist of a specially designated 12-gauge-pump action shotgun. The stock of the shotgun will be painted bright orange in color to distinguish it as a dedicated impact munitions delivery weapon. The weapon shall be stored with both the magazine tube and chamber empty; the bolt shall be forward with the action placed on a dead trigger.
8. Prior to each use, officers must visually inspect the weapon. It is the user's responsibility to ensure that the weapon is functioning properly and loaded with the correct munitions.
9. When possible, officers at the scene shall be made aware that an impact weapon is involved and may possibly be deployed.
10. Officers deploying impact munitions shall continuously evaluate the effects of the device and when necessary, consider alternative use of force measures.
11. As soon as practical, officers shall collect the dispensed impact munitions shell casing and projectile and secure them as evidence in accordance with department procedures.

E. PEPPER SPRAY

1. The use of pepper spray is an option granted to officers as an alternative in those situations where the potential for injury to an officer or a third person exists.
2. Patrol officers must carry the issued pepper spray on their duty belt while on duty. All other officers may carry the aerosol spray in an appropriate manner.
3. Officers are responsible for monitoring the condition of their aerosol spray canister and for requesting replacement when the canister is expended or damaged.
4. Supervisors shall periodically inspect the canisters issued to their officers to insure compliance with this order.
5. Application of pepper spray:
 - a. In electing to use pepper spray, officers must understand that its effects are not uniformly predictable and that certain individuals may remain undeterred by its application. Intoxicated, drugged, demented or enraged persons may have reduced sensitivity to discomfort. Any such use should be accompanied by a realization that the officer may need to take further action to ensure his/her, or a third person's safety. Conversely, all officers should be aware of the potential, however limited, for injury arising from the use of this spray.
 - b. Officers should be aware of the increased potential for injury to the person upon whom the spray is used when the subject:
 - i. Is less than two feet away from the officer,
 - ii. Is in an enclosed area without ventilation,
 - iii. Lacks normal reflexes, such as the ability to blink, or is otherwise incapacitated.
 - c. The spray should be used at distances no less than two and no more than twelve feet from the subject. Using the spray at less than two feet may result in

- a lessened effect or increase potential for an injury. Beyond twelve feet the effectiveness of the aerosol spray significantly decreases.
- d. Wind conditions and other environmental factors, including the proximity of innocent persons, should be considered before applying pepper spray. (i.e. school or medical facility)
 - e. The spray should be applied in controlled bursts, directed at the upper respiratory / facial area.
 - f. After the spray has been used and the subject is under control, it is the officer's responsibility to ensure that the proper first aid is administered and to seek, when necessary, medical attention. As soon as practical, but within thirty minutes, the exposed areas should be treated with a decontamination product or with water. If the spray has made contact with the eyes, they should be flushed with plenty of cool water. The water should be splashed, not rubbed on the affected eye(s). Should difficulty breathing persist he should be removed to fresh air, and emergency medical assistance requested. If necessary, the emergency medical service personnel should provide treatment and transport to a medical facility.
 - g. When a defendant has been exposed to the spray and is taken to the Onondaga County Justice Center jail, the transporting officer shall advise jail personnel of the exposure so that they may take the necessary precautions. Notification is to be made at the booking desk as the defendant is being initially interviewed to ensure that the notification is recorded on the jail video in addition to being noted in the officer's report.
 - h. After using the spray, it shall be the responsibility of the officer to ensure that there is a sufficient amount left in the canister to remain serviceable. If the canister has been expended the officer shall inform his supervisor and obtain a replacement.
 - i. Pepper spray generally expires five years past its production date; officers should inspect the canister for expiration and inspect the holster for damage or wear periodically. During that inspection officers should vigorously shake the canister to prevent the contents from settling.
 - j. Pepper spray is effective against many animals and may be employed by officers to deter an attacking animal.

F. MEDICAL ATTENTION

1. Whenever an impact or aerosol weapon has been used, the officer shall immediately evaluate the need for medical attention for the person upon whom the force was used. The officer shall arrange for such attention by requesting emergency medical services when the person has sustained a visible injury, complains of injury or discomfort, or requests medical attention. If the person refuses to be treated, he must sign the refusal statement on the emergency medical service's Pre-Hospital Care report form. If the person refuses to sign, the refusal must be witnessed on the form. The subject's acceptance or refusal of medical care shall also be documented in the officer's report.

G. REPORTING PROCEDURES

1. Whenever an officer employs an impact or aerosol weapon, the officer shall complete a "Use of Force Report," except when used for authorized demonstration purposes.
2. In all cases where an impact or aerosol weapon has been used, a supervisor shall be notified as soon as practically possible.

H. EVALUATING THE USE OF FORCE

1. The Chief of Police shall review the incident to ensure that the use of force was necessary, reasonable and justified and shall determine whether the use of force was:
 - a. Within department policy and applicable laws.
 - b. Out of department policy and/or in violation of applicable laws.

I. TRAINING

1. Only officers, who have completed the department's use of force training, shall employ these weapons. Police officers shall use only those weapons which are authorized by the department and only after they have demonstrated proficiency.
2. All sworn members, authorized to use less lethal substances/devices, shall receive training annually. [Revised: 06/01/2016]
3. Impact and aerosol weapons instructors shall be responsible for recording and submitting all records of training.
4. Agency personnel who are unable to demonstrate proficiency and qualify with an authorized department weapon must attend and successfully complete remedial training prior to being allowed to resume official duties.
5. When practical, the weapons or tactics instructor shall immediately conduct remedial training in an effort to correct any deficiency.
6. If the deficiency can not be corrected before the members next tour of duty, the instructor shall:
 - a. Immediately notify the member's supervisor regarding the member's duty status.
 - b. Reschedule additional remedial training as soon as practical.
 - c. Keep the Chief of Police apprised of the member's duty status.
7. All remedial training shall be documented.
8. A failure to demonstrate proficiency after reasonable remedial training has been provided may serve as the basis of disciplinary action.

[Original: 02/01/2013]

[Revised: 06/01/2016]