



Policy Number: 329 – Control Devices
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Approved By: Brandon Gatlin, Chief of Police

329.1 PURPOSE AND SCOPE

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

329.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Montana State University Billings Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

329.3 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 those members who have successfully completed department-approved training on this policy and 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 person 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.

329.4 RESPONSIBILITIES

329.4.1 SUPERVISOR RESPONSIBILITIES

A supervisor may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

A supervisor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices are properly disposed of, or replaced.

Every control device will be periodically inspected by a supervisor, or the Department instructor for the particular control device. The inspection shall be documented.

329.4.2 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Any damaged, inoperative, outdated or expended control device, along with documentation explaining the cause of the damage, shall be returned to a supervisor for repair, disposal, and/or reissuance. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

329.5 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. 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 department members or the public.

329.5.1 OC SPRAY

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

After an individual is exposed to OC Spray, officers shall notify an on-shift supervisor as soon as possible. In the case a supervisor is unavailable or off-shift, email notification alerting all supervisory staff of an OC Spray deployment is appropriate. In the event an individual has an adverse effect and experiences health problems due to OC Spray exposure, a supervisor needs to be contacted immediately in-person, or by phone. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each separate deployment of OC Spray shall be documented. An unintentional discharge shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of OC Spray, such as training or a product demonstration, is exempt from the reporting requirement.

329.5.2 TREATMENT FOR OC 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 who complain of further severe effects shall be examined by appropriate medical personnel.

329.6 POST-APPLICATION NOTICE

Whenever OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice

should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

329.6.1 DEPLOYMENT CONSIDERATIONS

Before discharging OC Spray, the officer should consider such factors as:

- a. Distance and angle to target.
- b. The subject's proximity to others.
- c. The location of the subject.
- d. 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 area. Each situation must be evaluated on the totality of circumstances at the time of deployment. The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death.

329.7 TRAINING FOR CONTROL DEVICES

A supervisor shall ensure that those members 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 member's training file.
- c. Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

329.8 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.