

## **Section 5: Security**

**Subject: Less than Lethal Devices**

**Minimum Standard: 5120:1-8-03 (B)(1)**

**Revised: 10/2008, 12/2011, 9/2015, 7/2016, 12/2016**

**Authorized:** \_\_\_\_\_ **Effective date:** \_\_\_\_\_  
**Sheriff Paul A. Sigsworth**

### **POLICY**

The Erie County Jail has written policies and procedures, and practices which govern the availability, control, inventory, storage, and use of less than lethal devices (LLD) and to specify the level of authority required for their access and use. LLD's are to be deployed only in accordance with this policy. Access to LLD's is restricted to authorized employees only, and LLD storage is located in an area separate and apart from inmate housing or activity areas.

### **DEFINITIONS**

Employee—includes any member of the Sheriff's Office who may be called upon to utilize an LLD in the jail during the performance of his/her duty.

Less than lethal device (LLD)—includes any agency approved electro-muscular disruption device (EMD, Taser, etc.); any type of irritant substance (including oleoresin capsicum or chemical sprays, liquids, or powders); and any type of launching device necessary for the delivery of an irritant substance.

### **PROCEDURES**

#### **Availability and use of LLD's**

##### **A. Deployment and use of LLD's.**

1. An LLD shall be deployed only with the prior approval of the officer-in-charge of the jail, if the circumstances allow for such prior approval to be requested.
2. The subject(s) against whom an LLD is intended to be deployed, if the circumstances allow, will be warned of the potential use of the LLD and will be given the opportunity to comply with appropriate orders by an employee prior to the actual use of the LLD.
3. Only employees who have successfully completed an agency authorized course of training and certification will use any LLD.
4. Employees deploying an LLD will do so following guidelines set forth by the manufacturer, if possible, and contained in the Action Response Continuum (ARC).

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### **Subject: Less than Lethal Devices (Continued)**

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#### **Storage and control of LLD's**

- A. LLD's will be securely stored in the Main Control Room when not being personally carried by an employee.
  - 1. EMD's will be secured in the upper area of the weapons locker in Main Control.
    - a. Extra EMD cartridges will also be stored in the upper area of this weapons locker.
  - 2. Projectile launchers will be secured inside their cases in Main Control.
    - a. Irritant projectiles and any related accessories will be secured inside the lower area of the weapons locker in Main Control.
  
- B. The following will apply to routine carry of LLD's by employees within the jail.
  - 1. Irritant spray canisters may be routinely carried in an agency approved belt-mounted carrier on the person of the shift officer-in-charge of the jail, at the discretion of that officer-in-charge.
  - 2. EMD's may be routinely carried in an agency approved belt-mounted holster on the person of the shift officer-in-charge of the jail, and/or by any employee assigned as a jail rover, at the discretion of that officer-in-charge. No other employees—with the exception of employees routinely assigned to other duties who are in the jail for the purposes of prisoner bookings, emergencies, or other employment-related duties, will wear an LLD on their persons.
  
- C. When any LLD is removed from, and subsequently returned to, the weapons locker in Main Control, the employee taking possession of it will complete an appropriate log entry in the current jail records management system software program.
  - 1. The log entry will include the following information:
    - a. The appropriate code for the device removed--i.e.: LTLTD (Less Than Lethal Device);
    - b. Date and time of the activity;
      - i. Employee(s) involved;
      - ii. The specific type of LLD that was removed/returned.

#### **Inventory and training**

- A. It is the responsibility of the appropriate employee, as designated by the Jail Administrator, to maintain a current and accurate inventory of all LLD's stored in Main Control.
  - 1. Any defective or unused LLD's will be immediately removed from availability for use in the jail and a proper report detailing the reason(s) for said removal will be forwarded to the Jail Administrator or his/her designee.
  - 2. Any employee that finds an LLD to be defective will immediately remove it from use in the jail and will report said defect to the designated employee.

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- B. It is the responsibility of the Jail Administrator to ensure that all jail employees are properly trained and certified in the use of any LLD's stored in Main Control that the employee may be reasonably authorized to use in the course of his/her duties.
1. All new employees will be trained and certified appropriately as soon as possible after the commencement of their employment.
  2. Employees will be retrained and recertified in the use of the LLD's according to agency approved retraining and recertification programs.
  3. Certain LLD's and/or launchers may be deemed to be specialty devices by the Jail Administrator, and not all employees will be subject to training and/or certification in the use of these devices.

**Reporting requirements**

- A. If an LLD is utilized, any employee involved in the incident will complete an accurate and thorough report documenting the circumstances that caused for the LLD to be used, the reaction of the individual upon whom the LLD was used at the time of its use, any followup action that was taken, and a narrative of the immediate medical aid that was rendered to the individual(s)—if necessitated--due to the use of the LLD.
- B. If the device is so designed, any available electronically stored information contained within the LLD and pertaining to that specific use of the LLD will be downloaded and preserved, along with any applicable reports, in the individual's jail inmate file.

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