

## **5387 - NON-LETHAL DEFENSIVE EQUIPMENT**

### **5387.03 - Policy**

1. Law enforcement personnel are authorized to carry non-lethal defensive equipment.
2. When wearing the official law enforcement field uniform (FSM 6159) and conducting field law enforcement duties, law enforcement personnel shall carry, at a minimum, the following authorized defensive equipment on a standard leather duty belt with accessories (FSM 5383.1) unless impractical due to field and/or operational conditions:
  - a. Standard handcuffs.
  - b. An impact weapon.
  - c. An aerosol subject restraint.
  - d. An electronic control device.
3. Only authorized non-lethal defensive equipment may be carried by law enforcement personnel in which all recertification standards have been met (FSM 5372.2).
4. Law enforcement personnel shall inspect their non-lethal defensive equipment at least on an annual basis.
5. Law enforcement personnel may carry authorized non-lethal defensive equipment off duty.
6. Law Enforcement and Investigations employees shall not provide non-lethal defensive equipment to forest protection officers or other Forest Service employees for law enforcement purposes.
7. Impact weapons authorized for mounted enforcement use under FSM 5387.2, paragraph 2 should normally only be carried during special events. Carry must be authorized by the applicable special agent in charge or incident commander. Use of these impact weapons must be in compliance with policy in FSM 5372.23.

### **5387.04 - Responsibility**

#### **5387.04a - Washington Office, Director of Law Enforcement and Investigations and Special Agents in Charge**

It is the responsibility of the Washington Office Director, Law Enforcement and Investigations and special agents in charge to:

1. Provide non-lethal defensive equipment to law enforcement personnel.
2. Ensure that non-lethal defensive equipment used on duty is inspected on an annual basis.

### **5387.04b - Supervisory Law Enforcement Officers and Supervisory Special Agents**

It is the responsibility of supervisory law enforcement personnel to:

1. Ensure that law enforcement personnel adhere to all non-lethal defensive equipment standards and policy.
2. Ensure that non-lethal defensive equipment used on duty is inspected on an annual basis.

### **5387.04c - All Law Enforcement Personnel**

It is the responsibility of all other law enforcement personnel to:

1. Adhere to all non-lethal defensive equipment standards and policy.
2. Utilize only authorized non-lethal defensive equipment in which all qualification and recertification standards have been met (FSM 5372.2).
3. Maintain all authorized non-lethal defensive equipment in proper working condition and order.

### **5387.05 - Definitions**

Non-Lethal Defensive Equipment. As used in this section, includes aerosol subject restraints, restraining devices, electronic control devices, and impact weapons (FSM 5387.2).

Electronic Control Devices (ECDs). ECDs refer to devices designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy through projectiles sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

### **5387.1 - Equipment Allocation**

Non-lethal defensive equipment must be issued to law enforcement personnel through the Washington Office, Assistant Director for Training, Development, and Standards.

### **5387.2 - Authorized Non-Lethal Defensive Equipment**

Only Forest Service issued non-lethal defensive equipment meeting the criteria in this section is authorized. Other non-lethal defensive equipment may not be carried on duty

unless specifically authorized in writing by the Director, Law Enforcement and Investigations.

See the following for the list of approved non-lethal defensive equipment:

1. Aerosol Subject Restraints.

Oleoresin capsicum, maximum 10 percent solution, pepper base, aerosol type, stream or cone pattern delivery system, flip-top safety top, maximum 4 ounce in size, non-flammable, and American manufactured.

Oleoresin capsicum, maximum 10 percent solution, pepper base, aerosol type, maximum 50 ounce in size, non-flammable, and American manufactured.

2. Impact Weapons.

a. Police Baton. Plastic, polymer, nylon, or aluminum construction, perpendicular leverage handle optional, 18 to 26 inches, American manufactured.

b. Extendable Police Baton. Plastic, polymer, steel, nylon or aluminum construction, perpendicular leverage handle optional, 16 to 26 inches open, American manufactured.

c. Impact Weapons for Use in Mounted Enforcement. Plastic, polymer, steel, nylon, wood, or aluminum construction, perpendicular handle optional, straight, 36 to 40 inches in length. Impact weapons known as “broken sticks” are not authorized.

d. Impact Weapons for Use in Crowd Control Operations. Plastic, polymer, steel, nylon, wood or aluminum construction, straight, 36 inches in length.

3. Restraining Devices.

a. Standard Handcuffs. Double-lock capability, stainless steel, nickel, chrome, or black matte finish, American manufactured.

b. Disposable Cuffs. Plastic self-locking type.

c. Leg Restraints. Standard police type, chain or nylon.

d. Restraining Belt. Standard police type, chain or leather with metal D ring.

e. Restraining Jacket. Standard police or hospital type.

f. Electronic Restraint Belt. Specifically designed for law enforcement use, remotely controlled, key lock arming/disarming, Federal Communications Commission certified transmitter and receiver, re-chargeable power pack, individualized serial number, American manufactured.

4. Electronic Control Devices (ECDs). Electronic control devices may only be carried upon approval of the Director, Law Enforcement and Investigations (LEI) (for law enforcement personnel assigned to the Washington Office), or the special agent in charge (for law enforcement personnel assigned to a region).

Only agency approved ECDs may be carried by law enforcement personnel. Exceptions may be authorized by the Director, LEI.

a. Carry ECDs in an agency approved holster worn on the side opposite the duty firearm. Exceptions may be authorized by the Director, LEI.

b. Carry the ECD with an inserted cartridge, power source in place, with the safety on.

c. Any ECD, not under the direct physical control of law enforcement personnel, must be reasonably secured at all times

5. Chemical or Inert Projectile Systems. Oleoresin capsicum (OC) or PAVA projectiles or inert projectiles manufactured and distributed by Pepperball Technologies, Inc. Pepperball launchers are the only non-lethal launching system authorized to be carried and used by law enforcement personnel. Only those projectiles that contain OC or PAVA powder or liquid or inert powder or liquid are authorized for use.

6. Crowd Control Equipment. Standard police protective helmet with face shield, other protective equipment such as chest protector, gloves, knee and elbow pads, shin guards, and protective riot shield.

### **5387.3 - Inspections**

Ensure that non-lethal defensive equipment used on duty is inspected on an annual basis. Check the age of aerosol subject restraints during inspections and replace them as required by the manufacturer. For electronic restraint belts, replace the batteries of the power pack following manufacturer's recommendations.