

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: FLASH/ NOISE DISTRACTION DEVICES

NUMBER: 17-10

EFFECTIVE: 2/17

REFERENCE:

RESCINDS/ AMENDS:

REVISED: 1/22

ATTACHMENTS: [atf-p-5400-7 0 0 0.pdf \(ATF Federal Explosives Laws and Regulations\)](#)

A. PURPOSE

The purpose of this Standard Operating Procedure is to provide for training requirements, criteria for use, restrictions, transport, required documentation and secure storage of Flash/Noise Distraction Devices (FNDD).

B. POLICY

It is the policy of the New Smyrna Beach Police Department to utilize flash/ noise distraction devices whenever a diversion is deemed necessary to help to resolve certain situations. Such situations include, but are not limited to;

- Hostage/ barricade situations;
- Search warrant executions;
- Arrest Warrant Execution
- Other situations where the use of a distraction device would aid in the successful outcome of an approved enforcement action.

Only agency approved devices may be used, and only trained personnel are authorized to deploy the devices. The departments training unit is responsible for training.

C. PROCEDURE - CRITERIA FOR USE

17.10.1 FNDD are used to temporarily disorient/ disable armed or otherwise dangerous individuals.

17.10.2 Generally, FNDD's may be used whenever a diversion is needed to enable an entry or an arrest be made. Situations include:

1. Subject is known or suspected to be armed or has access to a weapon;
2. Subject has made threats to use force or violence against the police, rivals, trespassers, etc.;
3. Vicious or trained attack animals are present or thought to be present;
4. Barricade subject or hostage situations;
5. Other risk present during warrant service, execution;
6. Distracting a subject to make apprehension, detention, an armed or unarmed violent person threatening to do bodily injury to self;
7. Other situations where the use of a FNDD may increase the likelihood of safely resolving the situation

D. TACTICAL CONSIDERATIONS (DEPLOYMENT)

17.10.3 Deployment considerations

1. Deployment location
2. Use of multiple devices;
3. Avoid deployment into know bathrooms (water compression);
4. Avoid areas commonly used by children;
5. Consider type of utilities servicing the structure for interior deploys;
6. Avoid areas commonly occupied be elderly persons who may have oxygen present;
7. Insure fire extinguisher availability;
8. Have minimum of two devices for operations;
9. Nomex consideration for deploying officers.

17.10.4 Restrictions

1. Deployment to areas where children or elderly are known to be present;
2. Deployment to areas that are known to present a fire or explosion hazard (drug manufacturing locations, hazardous material storage areas);

E. TRANSPORT

17.10.5 Devices are transported in agency vehicles while secured in an ATF approved magazine. The devices are issued to officers prior to an operation.

F. DOCUMENTATION

17.10.6 Device use shall be recorded in the appropriate after-action and/or incident report, and reported on the appropriate form for ATF purposes.

17.10.7 Agencies must report the theft or loss of any explosive materials to ATF within 24 hours of discovery by calling 1-800-800-3855 and completing an ATF Form 5400.5, Report of Theft or Loss - Explosive Materials. Agencies may obtain this form from the ATF Distribution Center, or through the ATF website at <http://www.atfgov>.

17.10.8 Agencies must report expended FNDDs monthly, quarterly, annually, or upon the liquidation of an order to ATF's National Firearms Act (NFA) Branch on official letterhead. The notification must contain the name of the distraction device's manufacturer, the model number, and the serial number. The agency may fax or mail the notification to the NFA Branch.

G. SECURE STORAGE AND ANNUAL INVENTORY

17.10.9 While State and local government agencies are exempt from the requirement to obtain an explosives license or permit for the transportation, shipment, receipt, or importation of explosive materials, they are not exempt from the requirement to store explosives in conformity with ATF regulations.

17.10.10 Law enforcement agencies may store Explosive Actuated Tactical Devices (EATDs), including FNDDs in accordance with BATF Rulings 2009-3 "Storage of Explosives in Law Enforcement Explosives Response Vehicles" and BATF Rulings 2012-4 "Storage of Explosive Actuated Tactical Devices by Law Enforcement." ATF Ruling 2012-4 provides guidance on the storage of explosive actuated tactical devices for law enforcement tactical response teams. As a law enforcement sensitive document, ATF Ruling 2012-4 is not available on the ATF website. Law enforcement agencies

may contact the Explosives Industry Programs Branch at (202) 648-7120, or via email at EIPB@ATF.GOV to request a copy of ATF Ruling 2012-4. Additional guidelines are noted in the BATF Federal Explosives Law and Regulations, Subpart K-Storage, S 555.201- 555.217.

New: RR 1/22

**Approved: Signature on File
Chief Mike Coffin**