

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER POLICE-BUREAU	DATE OF ISSUE JUNE 8, 2021	EFFECTIVE DATE JUNE 8, 2021	NO. 062-21
SUBJECT: GENERAL ORDER Long Range Acoustical Device (LRAD)		DISTRIBUTION All Personnel	AMENDS
REFERENCE:			RESCINDS NEW ORDER

Purpose: This order will define the Monroe County Sheriff's Office (MCSO) internal process for deploying the Long Range Acoustical Device (LRAD). The MCSO possesses and deploys LRAD for the following purposes: hailing, making notifications, relaying emergency orders, giving clear warnings, and producing deterrent tones intended to gain and maintain compliance and order of crowds.

Policy: The LRAD may only be operated by MCSO members who have successfully completed training specific to the device (LRAD operators). The policies and procedures set forth in the following Genasys Corporation (LRAD Manufacturer) documents will be followed by members of MCSO employing the LRAD: The LRAD-450XL Operations Manual/System Deployment and Maintenance, LRAD Operations and Safety Training, the use of the LRAD against a person or persons shall constitute a use of force. LRAD operators shall follow the policy/procedures contained within MBGO-033 **Response to Resistance Aggression & Subject Management Report**.

I. Authorized LRAD Equipment / Operators

- A. The Genasys Corporation, Long Range Acoustical Device-450XL acoustical device.
- B. Electronic playback MP3 player provided by the Genasys Corporation.
- C. Appropriate mounts and stands required to secure and operate the LRAD device.
- D. Spare batteries, authorized as appropriate for the LRAD equipment by the Genasys Corporation.
- E. A list of trained MCSO Operators and supervisors will be annotated on the Patrol Roster.

II. Deployment Procedure

- A. Deployment of the LRAD shall be at the direction of the Sheriff and Incident Commander (IC).
- B. The operation of the LRAD will be monitored by an on-scene MCSO supervisor who has been trained in the use of the device (Mobil Field Force (MFF)/LRAD supervisor).
- C. Prior to any use of the LRAD device, the LRAD operator and MFF/LRAD supervisor must be aware of persons in the area of the device and the possible effects the device may have on them.
- D. Except under extreme exigent circumstances, the on-scene MFF/LRAD supervisor shall not relinquish control of the LRAD to untrained personnel.

E. Justification for use:

1. Provided that the manufacturer guidelines are followed there are no restrictions to the use of the LRAD system when used as a loudspeaker device during public safety operations.
2. When the intended use of the LRAD system is to gain physical compliance (as opposed to just being used as a loudspeaker) of an individual who is actively refusing or resisting efforts of law enforcement to gain their compliance with lawful directives, there are several factors that must be considered before deploying this tool:
 - a. Is there a legitimate governmental or public safety interest that necessitates the person or persons to comply with directions from law enforcement?
 - b. When balanced against that governmental or public safety interest is the use of the LRAD system the most reasonable and appropriate amount of effort required by law enforcement to compel compliance by an unwilling subject?
 - c. Have appropriate verbal warnings been given to those individuals prior to deploying the system in a manner to gain such compliance? Has the person or persons heard those warnings?
 - d. Are the necessary precautions being taken to ensure with reasonable certainty that unintended persons are not going to be subjected to this level of force?

F. Operational Use by Untrained Personnel:

1. Use of the microphone by untrained personnel to deliver approved messages is acceptable when a trained LRAD operator is monitoring the control of the volume.
2. Use of the microphone by untrained personnel engaging in hostage negotiation related communications is acceptable when a trained LRAD operator is monitoring the control of the volume controls and a member of the Crisis Negotiation Team (CNT) is supervising the communications.

G. The LRAD operator, along with any personnel in the immediate area of the LRAD, shall utilize – Genasys/LRAD approved hearing protection while the device is powered up and in operation. Hearing protection will be provided through the Quartermaster and stored with the LRAD.

H. Volume Level (see Appendix A):

1. Green volume zone: lowest volume setting for use in making general notifications and may be adjusted from this level as appropriate by the trained LRAD operator. Can be used during all categories of protests or any situation where amplified notifications would be useful.
2. Yellow volume zone: intermediate volume setting that may be used for all purposes by the trained LRAD operator during category II and III protests.
3. Red volume zone: upper setting for volume that may only be used by the LRAD operator with the prior approval of the trained on-scene MFF/LRAD supervisor, and unless exigent circumstances exist, with the prior approval of the IC. Shall only be used during a category III protest when necessary and justified as a level of force.

Note: A MB-119 Subject Management Resistance Report will be completed after use in a Yellow and Red Zone (see section III of this order).

I. Messages:

1. Messages, pre-recorded or delivered by means of the LRAD microphone, will be of appropriate content to address the incident and will always maintain a professional public image.
2. Messages will always be transmitted in English as well any additional spoken language that is appropriate for the situation.
3. Prior to using the LRAD to deliver a message, a tone lasting two (2) to five (5) seconds may be used to alert a group of the impending message.
4. The Red volume zone is not appropriate for the effective delivery of verbal messages and will not be utilized.
5. An electronic copy of the pre-recorded messages, loaded on the LRAD 450XL will be kept on the H: drive/spec ops/LRAD, consistent with other documents kept for the normal course of police business.
6. A paper copy of all pre-recorded messages, as well as "Pre-Prints" for LRAD 450XL will be kept with the Special Operations to be submitted with the arrest packages in the event arrests are made after dispersal orders were given. (see Appendix B)
7. In the event dispersal orders are given the LRAD Operator or Sheriff's Office Deputy designee, the member will have his/her department issued BWC activated for the duration of the message.
8. Prior to issuing dispersal orders a dispersal time limit shall be established by the IC and documented relative to the size and nature of the crowd, routes of egress relative to traffic patterns, and any other public safety concerns that may arise from the dispersal of a large crowd. This may be adjusted with the changing nature of the crowd. The IC in conjunction with MFF/LRAD Supervisor will develop the employment plan specific to the incident presented.
9. The applicable messages will be delivered repeatedly over the course of the given dispersal time limit, until the time limit has been reached, or at the direction of the IC or his/her designee.
10. Once the dispersal time limit has been reached, the LRAD operator will transition from the applicable "Warning" to the "Refusal" in order to allow for the arrest of non-compliant individuals.
11. Upon administering any warning, order, or command, the LRAD operator, and or the MFF/LRAD Supervisor will ensure via the use of Police Personnel, deployed to the rear of the target crowd, that the entire message delivered to the crowd can be heard clearly, this will only be performed if it is safe and practical to do so. Confirmation of this will be acknowledged over detail's radio channel, as well as his / her department issued BWC. If the warning, order, or command cannot be clearly heard by that officer, another application of the LRAD shall be performed.

J. Tones:

1. Non-continuous electronic tones are tones that last for no more than five (5) seconds.

2. Non-continuous tones are appropriate for advising a group of a pending verbal message.
3. Continuous electronic tones are tones that are more than five (5) seconds in duration.
4. Continuous electronic tones are intended to gain and maintain compliance and order of crowds and should be used as appropriate for the incident.
5. If the situation allows, a minimum of three verbal warnings to comply should be made prior to the use of continuous electronic tones.
6. Generally, the use of continuous electronic tones should start in the green zone and each use should be evaluated before moving into the next volume level.

K. Yellow and Red Zone Operation

1. The use of the LRAD in the yellow or red volume zone is an escalation in the use of force and must be strictly monitored by the MFF/LRAD supervisor.
2. The MFF/ LRAD supervisor is responsible for determining the sound cone generated by the device and ensuring that the device can be used safely.
3. Red zone operation shall not take place absent Article 35 Justification of the use of force, when any person, without hearing protection, will be within fifty (50) feet of the area immediately in front of the device and/or less than 15 degrees from the center line of the sound cone.
4. Utilizing the LRAD tone generator at maximum level shall not take place absent Article 35 Justification of the use of force. The operator should attempt to clear the area of all persons within the sound cone of 75 meters (246 feet) directly in front of the unit and less than 30 degrees from the center line.

L. Regional Use

1. A request for use of the LRAD by an outside agency must be approved by the Sheriff or his designee.
2. Upon approval, a trained MCSO member will operate the device for an outside agency and will adhere to all MCSO policies, procedures, and safety standards.
3. Any time the LRAD is requested by an outside agency it shall also be under the direct supervision of an MCSO MFF/LRAD supervisor who shall have the final say on the manner in which the LRAD is used and will adhere to all MCSO policies, procedures, and safety standards.

III. **SMRR and After Action Reports**

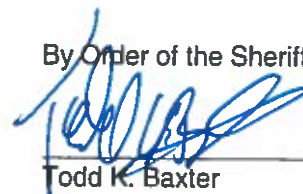
- A. When the LRAD is used (in a yellow and/or red volume zone setting) against a person or persons that are within the manufacturer's recommend sound cone, the LRAD Operators and their supervisors will be responsible for following all reporting and documenting procedures as covered in **MBGO-033 Response to Resistance Aggression & Subject Management Report**.
- B. Following each deployment of the LRAD device an after action report will be completed by the MFF/LRAD supervisor. This can be contained within an MFF, SWAT and/or HNT after action report, if appropriate.

- C. The after action report will include:
1. MFF/LRAD supervisors name and IBM.
 2. LRAD operators name and IBM.
 3. Name and IBM of any persons who used the LRAD microphone to deliver a message.
 4. Content of any pre-recorded electronic message (digital copy is acceptable).
 5. Duration and volume level for each use.
 6. Brief description of each use and description of effectiveness, to include whether tones, messages, or both were utilized.
 7. Description of circumstances of the original incident.
 8. Any applicable Body Worn Camera footage.

IV. Responsibilities

- A. The Commanding Officer of Special Operations, or his/her designee, will be responsible for the maintenance and care of the LRAD 450XL.
- B. The Commanding Officer of Special Operations, or his/her designee, will be responsible for coordinating training for LRAD operators and supervisors.
- C. The Commanding Officer of Special Operations will be responsible for reviewing all LRAD after action reports and incident reports to ensure compliance with this SOP and to assess training needs and forward to the Bureau Chief.
- D. The LRAD 450XL device will be stored in the HNT bay and inventoried as part of Special Operations equipment.
- E. The Special Operations and HNT will maintain copies of appropriate LRAD reference material listed in this order and this GO with the LRAD device, so they are immediately available to LRAD operators during deployment.

By Order of the Sheriff,



Todd K. Baxter

APPENDIX A

- **Category 1 Protest: Peaceful - Lawful Protest Demonstration:** Defined: as a gathering(s) whereas individuals are nonviolent, not committing crimes that impact other community members, and the group or individual express disapproval of a government or institutional action. This may involve protest advocates that hold signs and may include boycotting, participating in marches, sit-ins, displaying a particular symbol, and/or handing out flyers. Individuals may be carrying signs boycotting, chanting, yelling etc. Individuals are not causing a significant disruption to normal business and are not creating any hazards or significant annoyance and inconvenience.
- **Category 2 Protest: Public Disturbance / Protest Non-violent Violations of Law:** Defined: Gathering(s) are nonviolent but individuals are actively committing minor violations of law such as blocking a thorough-fare or acting disorderly. Individuals are causing a significant disruption to normal business and are creating a hazard, risk to public safety or significant annoyance and inconvenience. Examples of this would be a protest in front of a location that may include elements such as a late hour, loud noise that impacts the neighbors and causes them to be concerned for their safety. Exposure of a person in public, blocking emergency vehicle access and similar types of disturbances or tumultuous and violent conduct likely to cause public alarm.
- **Category 3 Protest: Riotous, Violent Behavior or Criminal Actions:** active rioting, looting, setting fires, the use of or threats of violence, terror to the public, committing harmful acts that injure people require a police response. Multiple or prolonged large-scale protests with potential to cause significant disruption of public services and/or governmental operations. Locations such as the County Public Safety Complex, County Office Building, District Attorney's Office, County Crime Lab, 911 Center and the EOC are examples.

APPENDIX B

Vehicular Warning

This is the Monroe County Sheriff's Office. You are unlawfully in the roadway and obstructing vehicular traffic. You are ordered to leave the roadway now and utilize the available sidewalk, please use

_____ to assist you in leaving the area. If you remain in the roadway and refuse to utilize the sidewalk, you will be placed under arrest and charged with disorderly conduct.

Vehicular Refusal

Since you have refused to leave the roadway, you will be placed under arrest on the charge of disorderly conduct. If you do not cooperate and accompany the arresting deputy to the prisoner transport vehicle, or if you resist arrest, you may be charged with additional crimes.

Pedestrian Warning

This is the Monroe County Sheriff's Office. You are unlawfully obstructing pedestrian traffic. You are ordered to disperse now to permit the safe flow of pedestrian traffic, please use

_____ to assist you in leaving the area. If you refuse to disperse, you will be placed under arrest and charged with disorderly conduct.

Pedestrian Refusal

Since you have refused to disperse, you will be placed under arrest on the charge of disorderly conduct. If you do not cooperate and accompany the arresting deputy to the prisoner transport vehicle, or if you resist arrest, you may be charged with additional crimes.

Building Warning

This is the Monroe County Sheriff's Office. You are unlawfully blocking the entrance to this building and obstructing pedestrian traffic. You are ordered to disperse now to permit the safe flow of pedestrian traffic. Please use

_____ to assist you in leaving the area. If you refuse to disperse, you will be placed under arrest and charged with disorderly conduct.

Building Refusal

Since you have refused to disperse, you will be placed under arrest on the charge of disorderly conduct. If you do not cooperate and accompany the arresting deputy to the prisoner transport vehicle, or if you resist arrest, you may be charged with additional crimes.