



NTOA FEATURE

FLASH/SOUND DIVERSIONARY DEVICES:

A comprehensive review

*By Sgt. Don Whitson, NTOA Less-Lethal Section Chair
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It seems like every few years flash/sound diversionary devices, also known as FSDDs or flashbangs, find their way into the headlines and become a subject of controversy. They are tactical tools that have great potential for saving lives during high-risk incidents. They also carry much mystique and misunderstanding. We still hear of police SWAT teams that use these devices on every deployment, in every room and often in conjunction with dynamic team movement, regardless of the type of incident they are handling. This article is intended to address some of the current issues regarding their use and safety and their future in law enforcement.

When considering the issues around these devices, one should remember their beginnings. Diversionary devices were introduced by the British SAS and Germany's

GSG9. Sometime around 1980, United States law enforcement tactical teams began to take notice of the advantages of the devices during high-risk operations.

Unlike the military and special foreign specialized paramilitary units, the FSDD was largely an unknown product. The Los Angeles Police Department was credited with the research and ultimate development of a law enforcement device that could be used to augment high-risk operations, specifically for a hostage rescue incident. There was a period during which different types of diversionary device designs were tested. Eventually, the iterations from artillery simulators to the M116A1 were developed. The M201A1 mechanical fuze replaced the friction fuse and is still in use today.

Early designs showed that the injury potential from a flying fuze was problematic.

Developers designed a submunition which separated the body from the fuze assembly, or bouchon, just before the explosive chain began. This alternative provided a level of safety from the flying bouchon. Other advances included the separating fuze and eventually the non-bursting canister which is widely used today.

Another type of diversionary device design is the bursting canister. The body of the device is made of plastic or hard foam which is consumed in the deflagration process. The purpose of this type of design is to make it lightweight. One of these devices was the Omni-Blast 100, which was also very thin. However, the downside to this design was that there was no protection for the user in the case of an accidental deflagration. There were at least three cases with the Omni-Blast 100 where the device



deflagrated while still being held by the officers and completely or partially amputated their hands. Eventually the Omni-Blast 100 was removed from the market and is no longer distributed by the manufacturer.

So, all of these devices are relatively new in the arena of contemporary tactical operations. Considering they were not widely distributed to law enforcement teams until the early to mid-1990s, there have not been a lot of changes since then. Even with the development of the non-bursting canister, diversionary devices still have a high risk potential. Several recent injuries and one death being reported is cause for a closer look at this once military-only tool.

Operator error

There have been reports of the device failing in some area in the explosive chain. Believe it or not, one of the most common causes of failure to ignite, thought to be a mechanical failure, is simply operator error. The operator is in a high-stress environment waiting to make entry. During the waiting time the officer is actively planning contingencies. Once the command is given, he delivers the device perfectly inside the front door, landing on the tile entry. No bang! After inspection it is discovered the operator failed to pull the pin. This is not considered a mechanical failure in this context.

Mechanical failures

A mechanical failure is an interruption of the deflagration process due to the mechanics of the explosive chain. For example, the safety lever can become rusted due to exposure to moisture, which does not allow the striker spring to advance the striker pin. While rare, it does happen.

Mechanical failures that are not caused by environmental degradation are very rare. The top manufacturers are constantly conducting quality control on their devices. It is in their best interest to assure their devices perform exactly as intended. To the credit of Defense Technologies, when they discovered the metal used in the fuze assembly

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of one of their devices was compromised by the company that produced them, they recalled the inventory. The weakness of the metal allowed the fuze to separate from the body and travel at high speed away from it, creating a hazardous situation for everyone around. This would be another example of a mechanical failure.

A mechanical *interruption* occurred recently during a NTOA Less-Lethal Instructor Course. (This is different than a mechanical *failure*.) A student sight-delivered a diversionary device from behind a wall on the shooting range. After waiting a few seconds he yelled out, “Failure.” I had been around thousands of these CTS devices and had never witnessed a failure to deflagrate. I walked slowly toward the device with a shovel in hand. After approximately 25 seconds, just as I was approaching, it deflagrated unexpectedly. What I observed was a freak occurrence. The bouchon had come to rest next to a broken sandbag. The pressure from the striker spring was pushing on the safety lever, moving away the sand a little at a time. Once enough sand was pushed away, the explosive train completed and initiated the charge. This is why universal precautions are always necessary when the device does not perform as expected.

A complete inspection of flash/sound diversionary devices should be conducted frequently. Small cracks in the body (especially in the reloadable devices) create

the potential for a shrapnel injury. Look carefully at the fuze head assembly for rust, debris and any damage done from dropping the device or bumping it frequently during non-deployment. This can occur from carrying it during training and not realizing the fuze was bent or damaged.

Injuries

The most common wound from a diversionary device involves contact with the human body. The byproducts of the deflagration process are heat, light and sound. The heat generated at the peak of the deflagration process can exceed 1200 degrees F. The sound is produced from the change in atmospheric pressure. That pressure is focused through ports in the body of the device. Some port at the bottom or top; some port at both ends. In the case of a bursting canister, the pressure is released 360 degrees from the explosive charge.

When the pressure wave is too close to the body, contact injuries can occur (Figure 1). They include injuries ranging from minor burns to serious blast force trauma. Thousands of pounds of pressure per square inch can be exerted toward the body. There have been reports of serious hand injuries from holding the devices when they went off unintentionally. There is a recent case from the Charlotte-Mecklenburg Police Department where a veteran SWAT officer was killed when the device detonated



Figure 1

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Blast force trauma injuries can also occur with bursting canister-type devices. ... Should it deflagrate while in the hand, serious injuries can occur.

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near his abdomen. The final investigation into this incident has not been completed. We have been briefed, however, and it does not appear that there was a mechanical malfunction of the Safariland (Defense Technology) #25 Tactical Distraction Device.®

Blast force trauma injuries can also occur with bursting canister-type devices. The body of the MK 141, for example, is made of a stiff foam product that is consumed in the deflagration process. Should it deflagrate while in the hand, serious injuries can occur.

Facts are still in dispute in a civil trial filed in the Eastern District of Pennsylvania regarding a diversionary device injury which nonetheless demonstrates the serious side effects of a bursting canister device. The incident involved a decorated Marine serving on active duty in Iraq. “During a combat inspection of one of his troops, he retrieved a MK 141 flashbang for a team member who did not have one. As he reached into the body armor vest pocket, the grenade exploded without warning. The Marine suffered an extensive blast injury to his left hand, with near amputation of the left thumb through the metacarpo-phalangeal joint; disruption of the radial and ulnar neurovascular bundles of the thumb; fracture of the left ring finger; and near amputation and complete degloving of the left small finger, and multiple lacerations. In addition, he suffered a perforated eardrum, shrapnel wounds, hearing loss, short-term memory loss and post-traumatic stress disorder.”

(United States District Court for the Eastern District of Pennsylvania, *Nels Cooper Brannan v. Pyrotechnic Specialists, Inc. et al*)

Operators should be aware of the potential safety hazards that can cause grievous contact injuries when using bursting canister designs.

Other safety considerations

In addition to the contact injuries, be mindful of the potential for injury should the fuze assembly project from the body of the device. The fuze assembly can travel up to 55 meters/second. At that velocity it has sufficient mass to cause a serious injury. Flying debris from the explosive charge and rocks around the blast area can also create dangerous secondary projectiles.

The acoustic output at close distances and proximity to the human ear has the potential to cause hearing damage. The threshold noise can reach 180 dB in closed spaces, where the effects of the acoustic signature can be compounded. Fire is also a real risk. Common household items such as couches, drapery and carpeting are subject to burning as a result of the flame coming from the ports on the devices.

These can lead to structural fires. We often say, “It’s not *if* these will create a fire, but *when*.”

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Sighted delivery

The best way to avoid contact injuries is to deploy the device with a concept known as *sighted delivery*. This is one of the most misinterpreted terms involving the deployment of the diversionary device. This does not mean you sight deliver them when you can or when it is convenient. The term applies to *every* deployment of a flash/sound diversionary device, unless exigent circumstances exist. The courts have been unambiguous about this term and it must be applied in every situation.

One interesting phenomenon occurs between training and an actual operation. This is much like the creeping you sometimes see when grenadiers try to place launched chemical munition rounds into a window from a distance. When they have not had much practice, they tend to creep closer to the window to assure an accurate shot.

Similar problems exist with sighted delivery. In training there is no danger of a suspect shooting at you as you look into the zone to deploy the diversionary device. Therefore the operator demonstrates a clear sighted delivery. But when it comes time to do it in a real operation with real risks, the sighted delivery often becomes a “step and toss” event, because the operator realizes the danger in gazing into the room to sight deliver the device. Taking shortcuts does not constitute sighted delivery. This should reinforce the risks of delivering a device into every room on every call.

Clearly not all SWAT tactics are created or changed due to case law. But at the same time the admonitions included in the decisions should give law enforcement pause as to how these devices are used and when. Dynamic entry, with its military-style clothing and movement, is closely examined by the courts. Blindly throwing a diversionary device into a residence without knowing where it will go off is dangerously close to a Fourth Amendment violation. Unless exigent circumstances are present at the time the device is delivered, deployment must be controlled.

FSDD poles

It is often said that placing the diversionary device on a pole provides more control over where the device deflagrates and therefore there is no need to sight deliver them. This is simply not true. The courts do not distinguish how the devices are deployed, but rather if they pose an unreasonable and unconstitutional risk of injury. Simply attaching the device to a pole does not preclude the officer from attempting to assure that the device does not injure or kill someone at the other end.

It is recognized that there are times when the officer can't see all the way inside the structure. For example, if the device is to be deployed into a window on the second floor bedroom, 14 feet off the ground, the officer would have to deploy it by way of an extended bangpole. But he/she can't simply drive the device through the window and pull the pin. In that instance the distraction might have to occur outside the window. Just because the officer can't physically see inside does not provide an exception to the sighted delivery paradigm.

12-gauge FSDDs

There are also 12-gauge shotgun FSDD-like munitions available to law enforcement. These 12-gauge rounds are loaded into a shotgun like regular ammunition. However, instead of firing a projectile, the round contains a proprietary blend of explosive material. In the case of the Bore Thunder by ALS Technologies, the propellant is a mix of nitrocellulose, nitroglycerine and graphite. When the trigger is pulled, a bright light is emitted from the barrel along with a loud sound from the deflagration process. The result is similar to a conventional hand-delivered diversionary device.

However, the hot gases emitted from the barrel could cause a serious contact injury. Therefore, a sighted delivery must be executed again. Sticking the barrel blindly through a window or open door without seeing inside is tantamount to an unsighted delivery.

So as part of any planning or operational briefing, the issue of whether a diversionary device can be utilized in the incident

should be predicated on whether they can be used safely. There may be plenty of circumstances in the process of any tactical operation that the spontaneous deployment of a device is required. Reasonable efforts should be made to see where the device is landing. In the event the situation becomes too dangerous or unpredictable, safety for the officer overrides the necessity to sight deliver the device, but only in cases where these exigent circumstances exist.

General tactics and safety

The legal considerations regarding diversionary devices are underscored by the need for proper training. In 2007 the NTOA and the leading manufacturers of flash/sound diversionary devices partnered to limit the point-of-sale only to agencies with a current less-lethal instructor. The voluntary program was intended to assure that the agency had the capacity to conduct contemporary training in the use of FSDDs in particular. It was evident that many agencies had failed to stay current regarding the case law, injury potential, product changes and tactical considerations for these devices.

Along with this initiative, there are more training issues worthy of discussion. The NTOA is an entity that rarely recommends rigid rules or procedures on tactics. There is a realization that with more than 18,000

federal, state and local police agencies and corrections facilities in the U.S., one tactic does not satisfy every need. However, some standard rules of care specific to the use of diversionary devices should apply to everyone. There are variations for tactics. Safety is more universal. This is not an all-inclusive list, but these are issues in which the NTOA Less-Lethal Section is frequently consulted.

Potentially dangerous practices that are utilized by some teams include:

1. The dangling pin: This practice involves hanging the distraction device on the finger of the off-hand by the pin. Typically the operator hangs the pin on the finger while holding the forestock of his/her shoulder-fired weapon. Many believe this allows for faster deployment should it be needed. Most operations are pre-planned events and a dedicated deployment officer is assigned when practical.

Think about the operational sequence using this practice. If you have the device hanging on your finger while you are holding the firearm, you will need to depress the muzzle, sling the weapon, grip the device into the web of your hand and pull the pin with the other hand (Figure 2). It is debatable whether this actually saves time. Further, the operator is using fine motor skills with more steps that can lead to a failure or a mistake. The NTOA Less-Lethal Section does not recommend this practice.

2. Taping the safety lever (spoon) and staging or pulling the pin: This practice was developed some years ago, again, with the hope of expediency. The thought is that taping the safety lever to the body keeps the striker spring from moving. Without the pin, the device begins progressing through the explosive sequence once the tape is removed.

This practice requires the operator to withdraw the device, remove the tape and maintain pressure on the safety lever before deployment. If the tape is across the body it is difficult to remove while placing the device firmly in the web of the hand. Also, if the tape is secure enough to hold the safety lever in place, it is strong enough to present difficulty in removing it without changing the device's position in the hand.

Figure 2



FSDDs: The legal perspective

By Jim Clark

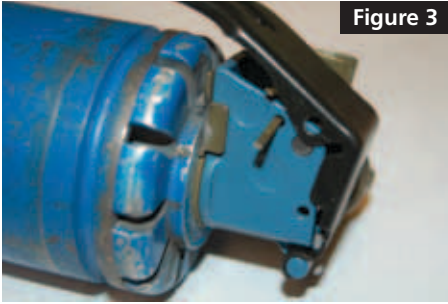


Figure 3

Storing the devices and tape in a police vehicle in hot weather can cause the adhesive to melt and loosen the pressure on the safety lever. Cold weather can also cause the adhesive to become brittle and cause the tape to fail to hold the spoon.

We do not recommend this practice. No manufacturer recommends this either. This procedure defeats the purpose of the fuze assembly safety features. The safety latch on the CTS and some DefTec fuze heads require a quarter turn in order to remove the pin, which requires a little extra time to manipulate the pin. That is a purposeful design. The fraction of extra time is worth the added safety.

3. Replacing the pin on a live device that has not been deployed: This has been a debated practice for years. There are times when the device is staged but for a variety of reasons not deployed. The operator still has a live device, with no pin protecting the safety lever from keeping the striker pin from rotating. The issue then becomes what to do with the device.

We recommend the diversionary device be destroyed by deploying it outside of the location. An “out” location should be scouted and available as part of the operational plan. Some argue that putting the pin in is just as safe. The problem is that you can’t be certain the pin is in correctly. One side of the cotter pin can be inserted under the striker spring, while appearing to be properly in place. This is more than a theoretical concern. Serious officer injuries have occurred due to this practice.

If the device is not deployed after the pin has been removed, the operator should carefully move to an area where the device can be destroyed (Figure 3).

The following seven case vignettes offer a glimpse of judicial decisions regarding distraction devices:

Langford v. Superior Court, 43 Cal. 3d 21, 729 P.2d 822, 827, 233 Cal. Rptr. 387 (1987): Law enforcement officers may only deliver flash/sound diversionary devices after having first seen fully into a room.

Commonwealth v. Garner, 423 Mass. 735, 672 N.E.2d 510 (1996): The court held that officers did not unreasonably execute a warrant when an officer broke a window and dropped a diversionary device into the bedroom where a four-year-old child was present, even though the officer failed to look inside the bedroom prior to deployment. The involved agency had a policy requiring sighted delivery.

Atkins v. City of Dallas and City of Carrollton, 1997 U.S. Dist. LEXIS 4983 (N.D. Tex.): Law enforcement officers were executing a search warrant during which distraction devices were utilized. The officers were armed with automatic weapons and were dressed in black uniforms. Approximately one month earlier, the targeted individual had moved out. The structure was occupied by the new residents, one of whom was seven months pregnant. The new residents were not the focus of any investigation. The court denied a United States Code §1983(Civil Rights) claim against each municipality, finding that there was no failure to train or a custom and policy leading to the mistaken entry. The court remanded the case to state court to resolve the numerous pendent state claims.

United States v. Myers, 106 F.3d 936, 940 (10th Cir. 1997): The court opined, “The use of a ‘flashbang’ device in a house where innocent and unsuspecting children sleep gives us great pause. Certainly, we could not countenance the use of such a device as a routine matter. However, we also recognize that we must review the agents’ actions from the perspective of reasonable agents on the scene, who are legitimately concerned with not only doing their job but with their own safety. Although it might seem that the [Kansas Bureau of Investigation]’s actions in this case come dangerously close to a Fourth Amendment violation, we cannot say that their actions were objectively unreasonable given the district court’s factual findings. The district court found that the agents knew that Mr. Myers had a history of illegal drug trafficking, and had spent time in federal prison for a firebombing incident, although they were unsuccessful in learning of the details of the incident. The district court obviously credited police testimony that Mr. Myers’s lengthy pattern of criminal activity — beginning with the fire-bombing in 1971 and continuing until the cocaine conviction in 1988 — made them apprehensive.”

Kirk v. Watkins, 1999 U.S. App. LEXIS 12043 (1999) (unpublished): Officers were entitled to qualified immunity after deploying a distraction device into a room while executing a no-knock search warrant for methamphetamine and a weapon. The device landed on a bed, where ignition caused nylon bed clothing to quickly catch fire, burning an occupant.

Mitchell v. Kansas City, 2000 U.S. Dist. LEXIS 19195 (D. Kan. 2000): “Because the officers believed that drugs and weapons were located within the home, the use of a diversionary device was reasonable to effectuate the safest entry possible. Accordingly, the court finds that any officer of reasonable competence would have made the same choice to utilize a distraction device in these circumstances. Thus, while the deployment of such diversionary devices should not be used as a routine matter, (citing *United States v. Myers*, 106 F.3d 936, 940 [10th Cir. 1997] and *Jenkins v. Wood*, 81 F.3d 988, 996-98 [10th Cir. 1996]), the court finds that the evidence, even when viewed in the light most favorable to plaintiffs, fails to establish a constitutional violation.”

United States v. Eugene Williams, USDC SD Texas: Mr. Williams, a former BATFE agent, was convicted on numerous counts involving distraction devices, inclusive of the fact they were “stored” in an office building without an approved magazine. ◀◀

4. Loading and unloading devices before and after the operation: Many agencies still use reloadable diversionary devices. The explosive charge is shipped separately from the metal body. Once the components are received by the agency they must be assembled. The most dangerous time for these devices is during the loading procedure. This is compounded during training when multiple officers are loading a lot of devices. If the explosive compound detonates, there is little in the way of protection for the officer loading it.

To mitigate risks while loading the devices we recommend the operator handle the exposed charge as seldom as possible. When the charges are received they should be loaded into the bodies and not removed. The devices should be stored assembled. This will result in fewer opportunities for an accident.

With the availability of non-reloadable devices, consideration should be made to transition away from reloadable flash/sound diversionary devices and replace them with one-time-use, non-reloadable units.

5. Storing the devices on the back of a loadbearing tactical vest: A few years ago while teaching a class, officers from an agency had their FSDDs stored in a pouch on the back of their tactical vests; a strange practice since they could not reach them without taking off the vest. They stated the rationale for the practice was two-fold. First, if the device were to deflagrate unexpectedly the vest would provide protection for the officer. They said that after four pre-deflagrations while in transit they changed to this practice. Secondly, they determined that it was easier for a fellow team member to access the device from the back of another officer's vest rather than his own holster. This is a good idea in theory until you are not looking at the back of another operator. *We do not recommend this technique nor do we recommend storing them on the front of the loadbearing vest.* The face and chest of the operator are exposed and at risk. The recommended location for storage of the FSDD is in a thigh holster.

6. Strings attached to the safety pins for rapid deployment: The distraction device is placed in a drop holster or vest carrier. A short piece of parachute cord or string is attached to the holster. The other end is attached to the safety ring with the cotter pins bent straight. When the operator removes the device from the holster the string automatically pulls the pin from the fuze head. The problem with this should be obvious. Removal of the pin is the first step in activating the explosive chain. Should the operator fail to grip the safety lever properly there is a good chance it will deflagrate prematurely. *The NTOA does not recommend this practice.* What little advantage there might be for quicker deployment is offset by the potential for serious injury. The best solution to getting faster at deploying the device is to train properly and often, not circumventing safety protocols.

No alterations of flash/sound diversionary devices should be made. Each perceived advantage to manipulating the device is clearly offset by the dangerous conditions that are created by doing so. *The NTOA does not recommend any changes, alterations or additions to the flash/sound diversionary devices from the manufacturer's design.*

Dynamic movement with the use of diversionary devices

It is not our intention to refuel the debate on dynamic style movement during every operation. However, as it relates to diversionary devices, there is still a need for meaningful dialogue. Tactical teams across the country report to us that they deploy a FSDD into every threshold, on every call out, no matter the type of incident. They argue that since the SWAT team is handling the incident, then it must be so dangerous that the use of FSDDs is imminently authorized and necessary. Maybe that's true in some cases, but call outs boast a variety and level of danger that deviates from one call to another. It would be difficult to reasonably justify using diversionary devices on every call to administrators or to team members.

“ No alterations of flash/sound diversionary devices should be made. Each perceived advantage to manipulating the device is clearly offset by the dangerous conditions that are created by doing so. **”**

Automatic diversionary device deployment during every operation also does not take into consideration the presence of the elderly, infirmed or children who may be present in the location. While a tactical unit could articulate that for the overall safety of the operation a FSDD was used with any one of these at-risk people present, I doubt they could justify it every time.

Diversionary devices produce a large volume of smoke and debris. That smoke and debris serves as an unintended obscurant inside structures. Some suggest that in order to minimize the smoke concern, the device should be deployed just inside the threshold of the door or hallway. Then the operator steps though the largest concentration of smoke and makes entry. When this works, it is limited in time. However, the operator will still have difficulty seeing inside the room.

As more devices are deployed, the accumulation effect makes it harder to see other operators or suspects. It is difficult to understand the practical advantages of deploying a dozen devices during a warrant service in an 1100-square-foot ranch style home. Circumstances may dictate that tactic on certain deployments, but probably not every one.

Radial or side-port devices

Diversionsary devices with radial ports are not preferred because they provide virtually no protection for the operator should one deflagrate prematurely. Even fire retardant gloves only provide minimal protection from injuries. There have been numerous accounts of officers receiving serious injuries using these types of devices. There is only a moderate sound wave dispersal advantage to them compared to the risk associated with their design.

Device selection

When selecting a type of device, consider one that provides effectiveness with the greatest number of safety features. For example, directional porting (top and bottom) have a predictable blast pressure zone. Additional guards on the bouchon that require the pin to be twisted a quarter turn add safety to the device and won't allow the pin to wiggle loose or become tangled with other objects that can pull the pin out accidentally.

Storage

The issue of proper storage intensified in 2008. It was recognized that many agencies were not lawfully storing flash/sound diversionsary devices. There has been a lot of confusion on how to store them properly.

In the Spring 2008 issue of *The Tactical Edge*, NTOA stated that storing these devices in the back of a patrol car was not sufficient. Three years later, the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) has yet to issue a variance on the storage requirements of diversionsary devices for law enforcement. Although close to resolution several times, each time the proposal for a storage variance was delayed by the Bureau.

BATFE has a difficult job balancing all the requests from the explosives industry. Each time they issue a variance their ability to control the safety of the explosives industry is potentially compromised. But the need for a storage variance for law enforcement personnel is a compelling public safety issue

in itself. NTOA's request is that BATFE will issue a ruling that will serve as the Code for the lawful storage requirements for law enforcement. We are a unique explosives user in that we wish to store these devices in our vehicles for quick response. The two main concerns by BATFE are the storage in an unoccupied vehicle and storage of an explosive device near an occupied structure. Those are the key changes to the current code that require an exemption for law enforcement. It is believed that the BATFE is very close to a final decision on the wording of their response to the request. As soon as the final ruling is announced the NTOA will publish it for its membership.

There has been considerable confusion regarding two separate rulings by BATFE. The first is in an industry letter that allows for a transportation and storage exemption for explosive breaching charges. Ruling 2009-3 allows explosive response teams to store a limited amount of explosive materials within official response vehicles under certain conditions. Ruling 2009-3 does *not* provide a variance for the storage of diversionsary devices. Flash/sound diversionsary devices are regulated by the National Firearms Act (NFA) and are classified as a destructive device. As such they must be stored in accordance with the current law. The ruling we are seeking is specific to distraction devices and will provide an exemption to certain storage requirements not currently allowed. Keep in mind that sting-ball grenades also fall under the same storage requirements as diversionsary devices.

Fuze assemblies classified as detonators

Another concern is the recent BATFE classification of fuze assemblies as detonators. That would restrict law enforcement from storing munitions with a mechanical fuze with or near distraction devices. Riot control munitions, smoke grenades, blast dispersion grenades and all other munitions with the M201A1 fuze assembly would be restricted. We are working with BATFE for a storage variance for these devices as well.

In summation

- Sighted deliveries of distraction devices are necessary absent exigent circumstances.
- Tactical teams should consider incorporating "deploy-don't deploy" drills in their training regiment just as they conduct "shoot-don't shoot" scenarios with firearms.
- Diversionsary devices with reduced charges that are specially made for training should be used during scenario-based exercises.
- All diversionsary device training and deployment should be well-documented inclusive of annual refresher training.
- Storage of the devices must comply with local, state and federal law. The NTOA is actively working with the BATFE to obtain variations on current regulations to facilitate law enforcement use.
- Special Weapons and Tactics teams will never train themselves to be "litigation-proof." Teams can markedly increase their chances of prevailing in a civil prosecution by making decisions and actions that are ethically and legally correct.

The NTOA is a leading resource on contemporary law enforcement information and training. Subject-matter experts have contributed to a body of knowledge regarding the handling, tactics and deployment of flash/sound diversionsary devices. We hope this article will serve as some best practice recommendations for their use. We will be providing information on emerging technology of flash/sound diversionsary devices in the Fall 2011 issue of *The Tactical Edge*. Please contact Don Whitson or Jim Clark at www.ntoa.org with any questions or concerns. ◀◀

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