

Less Lethal

384.1 POLICY

The Department is committed to reducing the potential for violent confrontations. Less Lethal Systems are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation. While the option to consider a Less Lethal System is available, nothing in this policy shall require any Member to deploy such an option when circumstances reasonably indicate the use of deadly force is necessary, in accordance with policy 300. This Policy identifies the types of Less Lethal Systems authorized by the Department and guidelines for use.

384.2 USER GUIDELINES

1. Members who have been trained in the use of less lethal systems may deploy the device when the use of force complies with the use of force guidelines, established in the Department policies. The option to deploy a less lethal system shall be left to the discretion of the involved Members based upon the circumstances at that time.
2. The less lethal system may be used for the purpose of compelling an individual to cease his or her violent or potentially violent actions by using the less lethal munitions and kinetic energy impact force directly on the suspect.
3. An evaluation of the tactical situation shall be made by the Members on scene, taking into consideration available circumstances which may include, but not limited to the following:
 - (a) The suspect's stated or exhibited intent to violently resist being taken into custody and the credibility of that threat as evaluated by the on scene Member(s).
 - (b) Additional information immediately available to the Member(s), such as knowledge of the subject's expertise in martial arts or other unarmed defensive tactics.
 - (c) The suspect is armed with a potentially deadly weapon such as a knife, club, nunchakus, etc.
 - (d) Indications of drug use or alcohol intoxication.
 - (e) The suspect's physical stature and clothing worn. For example, a subject who has a thin build and is not wearing a shirt presents a different set of conditions compared to an individual who is heavy-set and wearing a jacket.
 - (f) Due to their physical condition, use of less lethal munitions against minors, the elderly, and pregnant women should be avoided unless there are unique circumstances present that would justify such deployment.
 - (g) Availability of other force options and their possible effectiveness and appropriateness.

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- (h) Indications that attempts to subdue the subject through the use of control holds or self-defense techniques would be ineffective.
 - (i) A reasonable expectation it will be more dangerous for the deputy(s) to approach to within physical contact distance of the subject.
 - (j) The subject's actions indicate the need for an immediate response, and the use of a less lethal system reasonably appears to be appropriate, especially if the only other option to deal with those actions may be the use of deadly force.
4. When practical, the Member should provide a verbal warning prior to the deployment of a less lethal system.

384.3 PEPPERBALL LESS LETHAL SYSTEM

Pepperball is a unique less lethal kinetic energy delivery system that uses high-pressure air launchers to deliver chemical agents and/or kinetic energy impact force from a distance. It can be used on individual suspects as well as large groups of people for riot and crowd control.

384.3.1 AUTHORIZED PEPPERBALL LAUNCHERS AND MUNITIONS

An addendum of Department-approved authorized manufacturers shall be maintained by the Training Division Commander.

384.3.2 DEPLOYMENT DISTANCES AND TARGET LOCATIONS

1. Pepperball projectiles are fired at the velocity of 300 to 380 feet per second.
2. Target range is 0-30 feet (individual) and a maximum range of 100 feet (area of saturation).
3. Never target a subject's eyes, face, throat, or spine when deploying.

384.4 12 GAUGE LESS LETHAL SHOTGUN

Shotguns specifically used to deploy less lethal munitions shall be identified by the receiver-mounted, orange sidesaddle ammunition holder for carrying less lethal munitions, and shall be equipped with a fore-end mounted flashlight and a sling. The stock shall be painted orange.

Less lethal should only be used in shotguns designated specifically for less lethal munitions.

384.4.1 AUTHORIZED LESS LETHAL SHOTGUNS AND MUNITIONS

An addendum of Department-approved authorized manufacturers shall be maintained by the Training Division Commander.

384.5 40MM LAUNCHERS AND MUNITIONS

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384.6 STING-BALL GRENADES

The Sting-Ball Grenade is most widely used as a crowd management tool for Law Enforcement and Correctional Institutions. It's unique design, allows for effective deployments in both indoor and outdoor operations. Protective gloves and safety glasses should be worn when deploying. As with any pyrotechnic device, firefighting equipment should be available.

Authorization for the deployment of the Sting-Ball grenades will be given by a sergeant, Watch Commander, or higher authority in the chain of command. The supervisor shall review the situation and provide direction based upon his/her assessment.

384.6.1 AUTHORIZED STING-BALL GRENADES

An addendum of Department-approved authorized manufacturers shall be maintained by the Training Division Commander.

384.7 MEDICAL TREATMENT

Generally, less-lethal munitions should not be intentionally directed at a person's head, neck, or throat, unless imminent danger is present and lethal force would be justified. In the event a person is struck with a less lethal munitions projectile, the deploying officer shall ensure the subject is treated and medically cleared by a physician. The deploying officer shall document all medical treatment given to the subject.

The only exception would be when a subject flees the scene after deployment and an effort to locate him/her has been unsuccessful.

Any individual who refuses medical attention shall have his or her refusal fully documented in related reports and if possible be witnessed by another deputy/SSO and/or medical personnel. If medical staff is willing to provide a copy of the subject's medical refusal, this document should be collected and included with the report package. If possible, an audio recording of the refusal should also be made with a notation in the report indicating the subject's refusal was recorded and booked as evidence.

384.8 DOCUMENTATION OF LESS LETHAL MUNITIONS USE

Discharge of a less lethal weapon for any reason other than an approved training exercise shall be documented and treated like any other use of force incident.

If a supervisor is not present, one shall be notified, as soon as practical that less lethal munitions have been deployed.

All relevant information concerning the use of less lethal munitions shall be documented in accordance with Policy 300.6. Post Use of Force Procedures.

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All information shall be documented on a Department crime report, incident report, arrest, or follow-up report. The report should include the following:

1. Describe the circumstances that gave rise to the use of less lethal munitions.
2. Explain ineffective use of force options employed and/or considered but believed to be impractical or ineffective.
3. Describe how many less lethal munitions projectiles were deployed, by which Member(s) and at what distances. Include how many projectiles struck the subject, on which areas of his/her body and the effect of the less lethal munitions.
4. Document any injuries or claims of injuries to citizens, Member(s) and/or the subject involved.
5. Describe medical treatment, including that given to the subject after the impact of the less lethal munitions, by the Fire Department/Paramedics and the hospital where the subject was transported. Identify the treating physician in your report.
6. Any witness statements.
7. Subject's statements.
8. Photographs, video and other physical evidence. Take photographs, even if there are no visible injuries. Note: photographs of subject/suspect's private areas; buttocks, breasts, and underwear, are only allowed per 4030 P.C. (dealing with strip searches), so only take photographs of exposed areas. Medical staff can rearrange clothing, conduct a visual check and make a notation in the subject's chart.

384.9 SUPERVISOR RESPONSIBILITIES

Refer to Policy 300.9 Use of Force – Supervisor Responsibility

384.10 LESS LETHAL CERTIFICATION AND TRAINING

1. Certification through the Training Division is required to deploy less lethal weapons.
2. Recertification through the Training Division is required during each two-year Perishable Skills training cycle, to deploy less lethal weapons.