

GENERAL ORDER XV

SUBJECT: USE OF LESS LETHAL FORCE

EFFECTIVE DATE: 06-13-02 REVIEW DATE: 02-05-2014

Note: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety of care in an evidentiary sense, with the respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a nonjudicial administrative setting.

I. POLICY

This policy addresses the use of extended range less lethal weapons and projectiles. The West Plains Police Department recognizes that combative, non-complaint, armed and/or violent subject results in handling and control problems that require special training and equipment, thus, the Police Department has adopted the less lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.

II PURPOSE

The purpose of this general order is to establish guidelines, responsibilities and procedures for less lethal force.

III. DEFINITIONS

A. Less Lethal Philosophy: A concept of planning and force application which meets operational objectives, with less potential for causing death or serious physical injury than conventional police tactics.

B. Kinetic Energy Impact Projectiles: Flexible and non-flexible projectiles, which are intended to incapacitate a subject with minimal potential for causing death or serious physical injury when compared to conventional projectiles.

C. Safety Priorities: The West Plains Police Department recognizes the following as safety priorities. In order they are hostages, involved non- subject civilian, police officers, suspect(s).

D. Force: The level of activity, physical or verbal, by an officer, that changes the action of a subject.

E. Non-deadly Force: The level of force that is not likely to cause serious physical injury or death.

IV. PROCEDURES

A. Less Lethal Extended Range Impact Devices: There are many projectiles considered less lethal. The West Plains Police Department will use both flexible and non-flexible less lethal rounds designed to be fired from a 12 gauge shotgun.

B. The only less lethal rounds authorized for use by the West Plains Police Department will be rounds that have been approved by the Chief of Police or his designee. At this time the following less lethal rounds have been approved by the West Plains Police Department:

1. Combined Tactical Systems Inc. Super-Sock 12 gauge bean bag cartridge consisting of a flexible sock filled with 40 grams of lead shot.

2. Combined Tactical Systems Inc. Multiple Projectile Rubber Pellet

12 Gauge Sting Ball Cartridge consisting of 18 rubber pellets with a diameter of .3125, a weight of .35 grams each and hardness of 75 durometer.

C. The authorized shotgun that will be used to deploy Less Lethal Options will be the 870 Remington pump shotgun with a fluorescent orange stock and forearm. If there are no less lethal certified officers on scene with an authorized less lethal shotgun, and it is determined that the immediate deployment of less lethal options is needed, the Chief of Police, Assistant Chief of Police, Sergeant, Corporal or the Less Lethal Instructor may authorize a Less Lethal Certified Officer on scene to convert his duty shotgun to less lethal, but only under his direct supervision. The weapon will first be unloaded by the officer and then inspected by his Supervisor, the less lethal rounds will then be inspected by the Supervisor and handed to the officer and in the supervisor's presence he will observe the officer load the less lethal rounds into the shotgun. Before the officer uses the less lethal options, he will announce to all officers on scene "Less Lethal" in a loud voice.

D. At no time will Less Lethal Options be deployed without a lethal back-up.

E. Before any less lethal force is used, the officer shall inform the suspect of his intentions to make an arrest. This is if the situation allows the time and ability to do so. The warning is not required when the situation makes it impossible to do so for the safety and protection of the officer(s) and/or citizens.

F. Weapons and tactics issued and approved by the West Plains Police

Department shall only be used as instructed in training and approved by the Department Training Officer and the Chief of Police. They shall not be used for any other purpose than in training situations, performance of duties, or as otherwise approved by law.

V, EVALUATION OF PROJECTILES

1. Kinetic energy impact projectiles will be evaluated on the following criteria: Accuracy, Effectiveness, Potential for causing death or serious physical injury.

A. Accuracy

This is the primary consideration, since proper shot placement greatly assists in controlling the other two evaluation criteria. A minimal standard of accuracy for the 12 gauge shotgun's less lethal options are as follows:

1. Bean bags and single projectile non-flexible rounds:

These rounds must maintain a consistent 12-inch group or less at 15 yards.

2. Multiple Projectile Round: This round must be fired in a downward motion at any distance beyond 7 yards (21 feet) as to ensure all non-flexible rounds that do not make connections with the target suspect strike the ground.

B. Effectiveness

There is the potential of the round to cause incapacitation creates the potential for injury. When properly deployed, less lethal force has a lower probability for causing serious physical injury or death than does the standard issued firearm.

C. Potential for causing death or serious physical injury The potential for causing death or serious physical injury with such projectiles is a reality. The potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided to the subject being struck by less lethal projectiles. When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation is the desired goal and alternative target areas/response should be considered when rounds are not being effective. Alternative target area/response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

VI Deployment areas

1. The less lethal projectiles will be delivered to the suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

2. All less lethal rounds will be deployed by following the less lethal/bean bag target zone chart consisting of the Green, Yellow and Red areas of the body. All rounds will be delivered below center mass to the green areas of the chart/body, shot placement to the yellow areas of the chart/body will only be authorized if the efforts to subdue the suspect using a primary (green) area is ineffective, inappropriate, or too dangerous. At NO time will shot placement be to the red areas of the chart/body unless deadly force is authorized.

3. The following are target areas for the less lethal/bean bag target zones.

A. Green-primary

B. Yellow-secondary

C. Red-may cause serious injury or death. The use of deadly force is a requirement for that area.

VII FORCE CONTINUUM

1. The use of kinetic energy impact projectiles are considered under the "Impact Weapon" position in the Force Continuum when deployed to areas of the suspect's body that are considered unlikely to cause death or serious physical injury.

2. The use of kinetic energy impact projectiles are considered a lethal deadly force, if intentionally deployed at the neck or head.

VIII DEPLOYMENT TECHNIQUES

1. Officers authorized to use less lethal options will be officers who have attended and passed a less lethal bean bag user certification class that has been approved by the Chief of Police.
2. All less lethal user certified officers will be required to be re-certified every two years.
3. Before transition to a less lethal options, the officer shall consider the following:
 - A. The level of force being confronted.
 - B. The proximity/access of subjects to officers or others.
 - C. The department safety priorities.

IX HANDLING OF INJURED SUSPECTS

1. Suspects who are struck by less lethal rounds shall be transported to a medical facility for examination. Simple examination by a medical personnel on the scene will not be sufficient to fulfill the requirements of this policy.
2. Squad cars are NOT authorized to be used as transporting vehicles.
3. At no time will the suspect that has been struck with a less lethal round be placed in a patrol vehicle and left unattended.
4. The on duty supervisor will assign an officer to stay with any subject that has been struck by less lethal rounds until that suspect can be seen at a medical facility.

X. POST DEPLOYMENT

1. After the incident, the officer who deployed the less lethal shotgun will be responsible for the cleaning of the weapon. After cleaning of the weapon it will be placed back into its proper case and any deployed rounds will be replaced at this time. The shift supervisor will then inspect the shotgun for the above items prior to being placed back in service.
2. Any officer deploying less lethal force will be required to fill out a Less Lethal Force Report, along with any other reports required by this Department.

XI INVESTIGATION

1. An investigation will be conducted into any situation involving the firing/impacting of less lethal rounds on a person.
2. The Chief of Police, or his designate will decide the depth of the investigation, based on the extent of the person's injuries and the circumstances surrounding the firing of the less lethal round.
3. Officer's firing/impacting less lethal rounds on a person, will not be placed on suspension, unless there is serious physical injury or death to the person, or the Chief of Police deems it necessary.

AUTHORITY

- A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

Jeffrey S. Head, Chief of Police