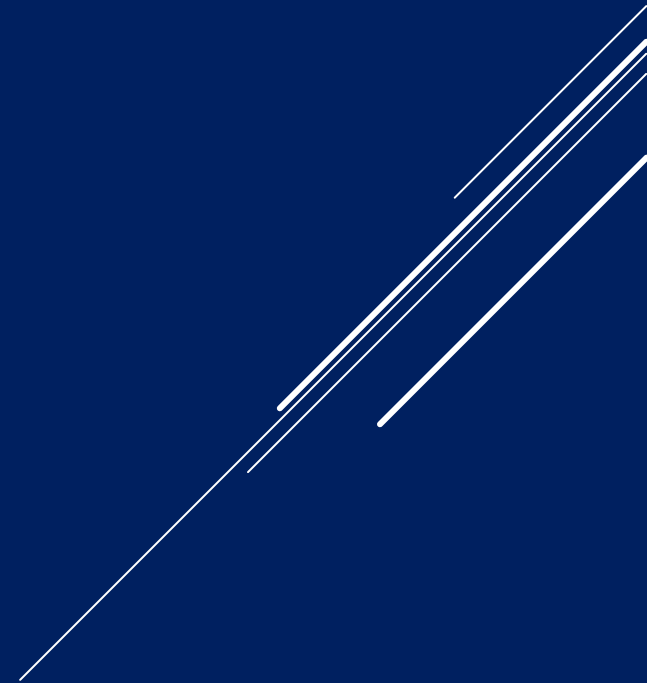



*Serving the College Community*




EXTENDED RANGE  
IMPACT WEAPON SYSTEM  
LESS LETHAL SHOTGUN  
YEARLY UPDATE TRAINING



# COURSE OBJECTIVE & GOALS

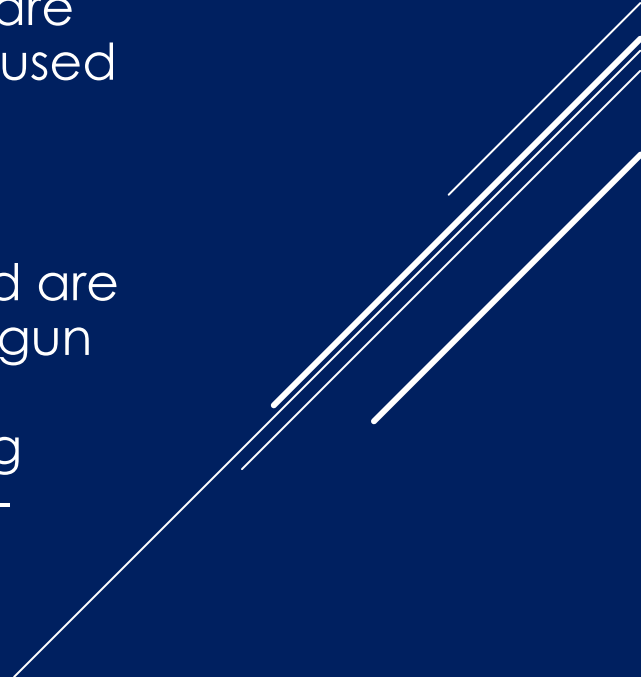
- ▶ Provide an overview of department policy.
  - ▶ Review department approved options and munitions.
  - ▶ Review Less Lethal Guidelines.
  - ▶ Review case law, use of force liability issues and potential for injury.
  - ▶ Improve proper verbal communication and listening.
  - ▶ Documentation in a use of force incident.
- 

## 300.3 USE OF FORCE POLICY

- ▶ Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).
- 

# POLICY 302.9

## KINETIC ENERGY PROJECTILE GUIDELINES

- ▶ This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, 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.
  - ▶ Kinetic energy projectiles are approved by the department and are fired from a department-issued Remington® 870 12-gauge shotgun marked with an orange stock and fore-grip. Kinetic energy projectiles approved for use are the Defense Technology® Drag Stabilized™ FET rounds and Combined Tactical Systems® Super-Sock™ 2581 rounds. Only shotguns and rounds issued by the department shall be used.
- 

# 12 GAUGE LESS LETHAL SHOTGUN

- REMINGTON 870 PUMP ACTION SHOTGUN
- ORANGE FORE-END AND STOCK



# DEFENSE TECHNOLOGY DRAG STABILIZED AND COMBINED TACTICAL SOLUTIONS (CTS) SUPER SOCK

- ▶ Yellow and/or white fabric bag.
- ▶ Approximately 40 grams of lead shot.
- ▶ [REDACTED]
- ▶ [REDACTED]
- ▶ Orange painted brass cap and primer or orange hull.
- ▶ Has tail that cause drag and results in better accuracy.



# LESS LETHAL GUIDELINES

The use of the kinetic energy projectiles can be deployed when the circumstances dictate that the use of other traditional methods of physical force, such as the standard police baton, would be an unnecessary risk to officers.



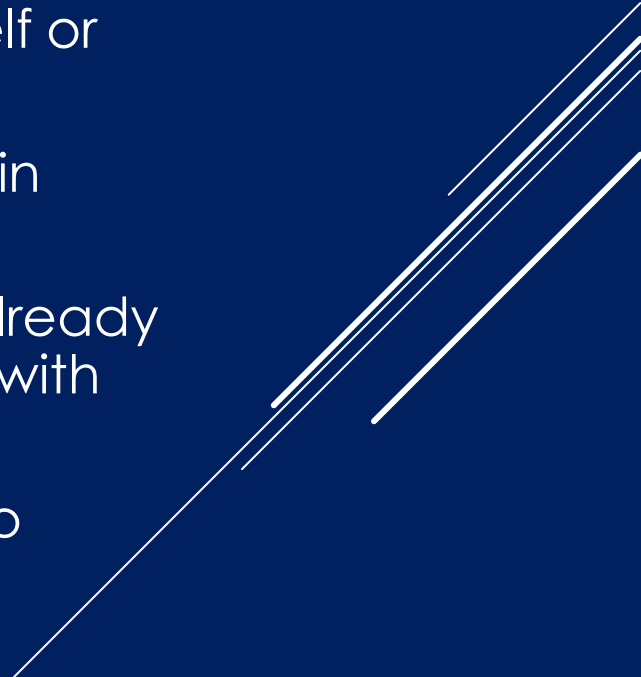


# LESS LETHAL GUIDELINES

- ▶ Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.
- ▶ Used to control an actual or potentially violent, combative or assaultive suspect.
- ▶ Whenever other force options are not reasonable.
- ▶ **EXTENDED RANGE IMPACT WEAPONS HAVE THE POTENTIAL TO CAUSE SERIOUS INJURY OR DEATH.**

# LESS LETHAL GUIDELINES

CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT INCLUDE, BUT ARE NOT LIMITED TO, SITUATION IN WHICH:


- ▶ The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
  - ▶ The suspect has made credible threats to harm him/herself or others.
  - ▶ The suspect is engaged in riotous behavior and the use is in compliance with **AB 48**.
  - ▶ There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
  - ▶ To stop a dangerous animal that is an immediate threat to yourself or others.
- 

# ASSEMBLY BILL (AB) 48

- ▶ Effective January 1, 2022, AB 48 amended Penal Code 13652 to ban the use of kinetic energy projectiles and chemical agents by law enforcement agencies to disperse any assembly, protest, or demonstration, except by officers who have received proper training in their uses to defend against a threat to life or serious bodily injury to any individual (including a peace officer), or to bring an objectively dangerous and unlawful situation safely and effectively under control.

# LESS LETHAL GUIDELINES

BEFORE DISCHARGING PROJECTILES, THE OFFICER SHOULD CONSIDER SUCH FACTORS AS:

- ▶ Severity of the crime or incident.
  - ▶ Whether the suspect was actively resisting arrest or attempting to evade arrest.
  - ▶ Distance and angle to target.
  - ▶ Type of munitions employed.
  - ▶ Type and thickness of subject's clothing.
  - ▶ The subject's proximity to others.
  - ▶ The location of the subject.
  - ▶ Whether the subject's actions dictate the need for an immediate response and the use of a control device appears appropriate.
  - ▶ For dangerous animals, whether the animal poses an imminent threat to human safety and alternative methods are not reasonably available or likely to be ineffective.
- 


# CASE LAW

GRAHAM V. CONNOR 490 U.S. 386 (1989)

- ▶ The leading case on use of force is the 1989 Supreme Court decision. The court held, “...that all claims that law enforcement officers have used excessive force -deadly or not- in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the Fourth Amendment and it’s **objective reasonableness standard...**”
- ▶ The case further dictates that the arrest must be reasonably proportionate to the need of force as measured by: (Inquiry of Reasonableness)
- ▶ (a) The severity of the crime at issue.
- ▶ (b) Whether the suspect poses an immediate threat to the safety of the officers or others.
- ▶ (c) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

# GRAHAM V. CONNOR

## “OBJECTIVE REASONABLENESS”

- ▶ Judged through the perspective of a **reasonable** officer on scene.
  - ▶ Based on the totality of the facts known to the officer at the time force was applied.
  - ▶ Based on the facts known to the officer, without regard to the underlying intent of motivation.
  - ▶ Based on the fact that the officer acted properly under established law at the time.
- 

# REASONABLE FORCE CONTINUED



- ▶ Would another officer with the same/similar training and experience
- ▶ Facing the same/similar circumstances
- ▶ Act the same way or use similar judgement?
- ▶ Does not need to be the best decision, only a reasonable one.

# CASE LAW

- ▶ *Deorle v. Rutherford*, No. 9917188ap (9<sup>th</sup> Cir.) (2001)
- ▶ When feasible, officers have a duty to give a warning before deploying force that could cause substantial injury. This case pertains to all less lethal weapons: including bean bags.





# CASE LAW


- Bryan v. McPherson 630 F.3d 805 (9<sup>th</sup> Cir. 2009)
- Court held that certain less lethal devices, (Taser and/or Bean Bag Shotgun) constitute a higher level of force (Intermediate, significant level of force that must be justified by the governmental interest involved) than other uses of force.
- The court ruled that McPherson used excessive force on Bryan, when he used his taser (intermediate use of force) on an unarmed, not threatening and upset suspect that was only wanted for not wearing his seatbelt.



# LESS LETHAL LAUNCHER SAFETY

- ▶ TREAT ALL LAUNCHERS AS IF THEY ARE LOADED.
- ▶ LOADING: BE SURE THE DESIGNATED LAUNCHER IS LOADED WITH LESS LETHAL MUNITIONS ONLY. VISUALLY AND PHYSICALLY CONFIRMED.
- ▶ LASER RULE: NEVER ALLOW THE MUZZLE TO COVER ANYONE YOU DO NOT INTEND TO OR REASONABLY ANTICIPATE YOU MAY HAVE TO DEPLOY LESS LETHAL MUNITIONS AGAINST.
- ▶ MASTER GRIP: KEEP YOUR TRIGGER FINGER OFF THE TRIGGER UNTIL THE CONSCIOUS DECISION HAS BEEN MADE TO DEPLOY LESS LETHAL MUNITIONS.
- ▶ COMMUNICATE: IN ORDER TO AVOID “CONTAGIOUS FIRE” FROM OTHER OFFICERS VERBALLY COMMUNICATE WHEN LESS LETHAL MUNITIONS ARE ABOUT TO BE DEPLOYED.
- ▶ BE SURE OF YOUR TARGET AND WHAT IS BETWEEN YOU AND THE BACKSTOP AND BEYOND.

# TARGET AREAS

- ▶ The officer should not intentionally strike a person in the head, neck, throat, spine or groin area: including the chest and kidneys, because of the potential for causing serious permanent injury or death
  - ▶ **DO NOT AIM CENTER MASS WITH THE LESS LETHAL SHOTGUN**
- 

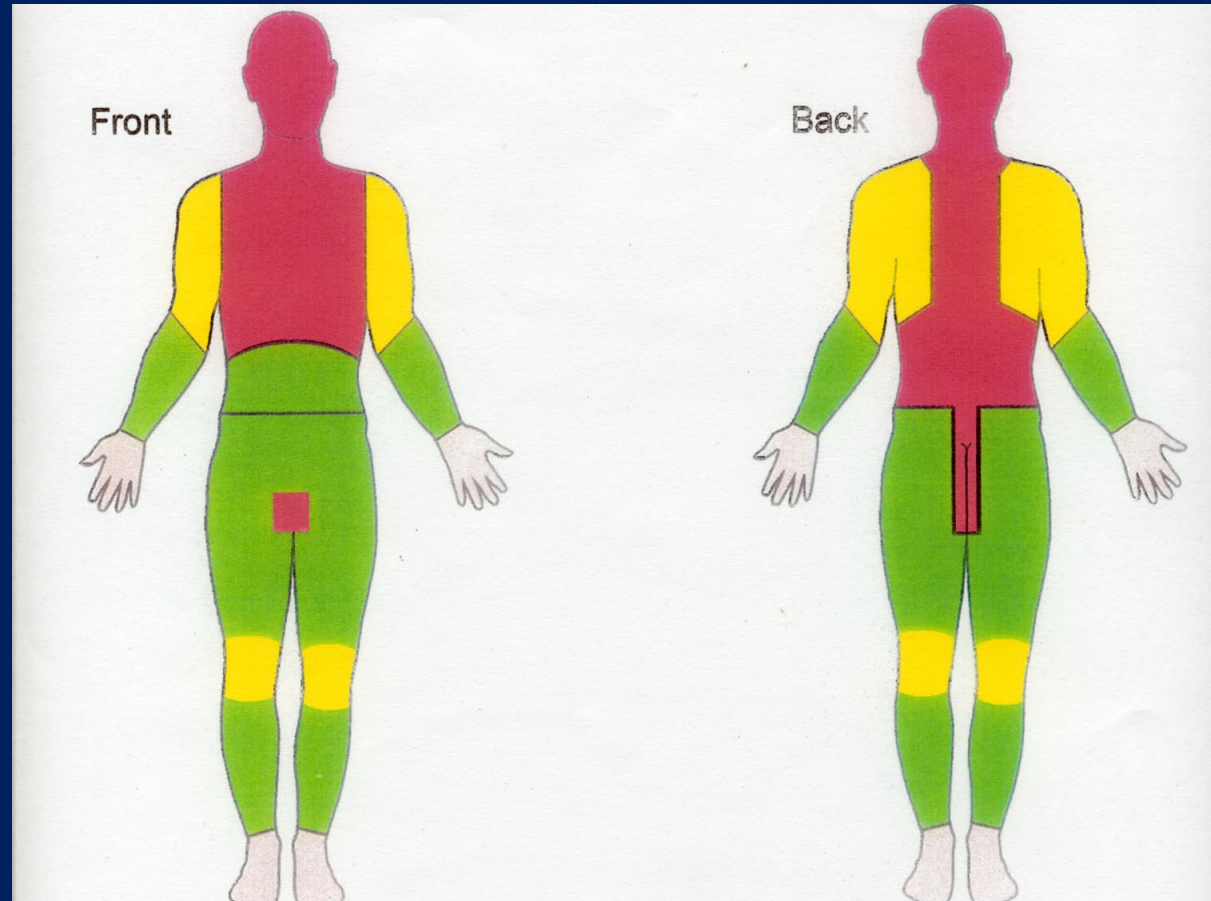
# TARGET AREAS

Green – Primary Target Areas


Yellow – Secondary Target Areas

Red – Potentially Lethal Target Areas


ACCURACY IS KEY WHEN  
DEPLOYING LESS LETHAL  
MUNITIONS.




# TARGET AREAS

- ▶ The need for rapid incapacitation versus the potential for causing injuries must be considered when deciding on the target area.
  - ▶ Consider target areas more likely to rapidly incapacitate and stop the subject.
  - ▶ First the extremities and then other appropriate body areas should be evaluated as potential targets.
- 


# DEPLOYMENT GUIDELINES

- ▶ At the beginning of each shift the officer deploying with the less lethal shotgun SHALL ensure the shotgun is operational.
  - ▶ The shotgun **shall be stored unloaded.**
  - ▶ The side saddle of the gun shall contain 6 rounds of bean bag munitions.
  - ▶ The bean bag munitions shall only be used in a shotgun designated with a orange stock and fore-end.
- 

# DEPLOYMENT GUIDELINES

- ▶ The less lethal shotgun will be loaded at the scene of the incident, by the officer intending to fire the weapon.
  - ▶ The officer intending to fire the less lethal shotgun is responsible for confirming the loading of the prescribed munitions.
  - ▶ **ALWAYS** confirm each less lethal round when loading the weapon.
  - ▶ When possible also have a second officer confirm each less lethal round while loading.
  - ▶ If unsure of the ammunition. **DO NOT USE IT**
- 

# DEPLOYMENT GUIDELINES

- ▶ Officers should when practical give a warning to the suspect that force will be used and it might cause injury.
  - ▶ Officers should also when practical yell, “Bean bag, bean bag, bean bag” prior to deploying the bean bag shotgun to help lower the chance of a contagious fire incident.
  - ▶ Less Lethal shotguns have slings to help keep the weapon secure when not in use.
- 



# PROPER USE OF THE SLING


Shorten



Lengthen



# EVIDENCE COLLECTION

- ▶ Collect projectiles / Book as evidence.
  - ▶ Photograph suspect (Injures / Lack of).
  - ▶ Photograph scene.
  - ▶ Record potential witness statements.
- 
- A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom right towards the top right, located in the lower right quadrant of the slide.



# NOTIFICATION


- ▶ Watch Commander and immediate supervisor notification shall be made as soon as practicable following the application of force in any of the following circumstances:
- ▶ (e) Any application of a TASER device or control device. (Less Lethal Shotgun)

# MEDICAL CONSIDERATION



- ▶ If you shoot someone with a beanbag round, it is reasonable to believe they are injured so call EMS to have them medically cleared.
- ▶ Make sure you inform the medical staff and the VCSO Jail Deputy Supervisor upon transferring the suspect into VCSO custody.

# DOCUMENTATION

- ▶ Any use of physical force by a member of this department shall be documented completely and accurately in an appropriate report.
  - ▶ This includes a less lethal shotgun discharge (whether or not contact is made).
- 

QUESTIONS?

