USE OF LESS-LETHAL MUNITIONS

GENERAL ORDER #12.04

Adopted: 4/18/18
Pages: 6

Persons Affected: All sworn personnel
Authority: Laura Wilson, Director

IACLEA Standards: 7.1.4, 7.1.5, 7.1.6, 7.2.1, 7.2.2, 7.2.3, 7.2.4

Revision History
Replaces SUDPS General Order #12.04 (06/21/2017)

PURPOSE

The purpose of this Order is to define when less-lethal munitions may be used, who may authorize their use, the type of munitions authorized for use by Stanford Department of Public Safety deputies, and the requirements that must be met after use.

POLICY

The Sheriff's Office and the Stanford University Department of Public Safety permit the use of less-lethal munitions when reasonable and appropriate to assist with the de-escalation of potentially violent confrontations.
PROCEDURE

A. DEFINITION

For purposes of this policy, less-lethal munitions are defined as those munitions which can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential for causing death. These munitions may cause similar injuries to those caused by the police baton, or other impact weapons and may be referred to as “extended range impact weapons.” Examples of less-lethal munitions include beanbags (lead shot filled), foam or rubber projectiles (sometimes referred to as batons or pellets).

B. TYPES OF LESS-LETHAL MUNITIONS (IACLEA 7.2.1, 7.2.2)

Only weapons and munitions approved by the Sheriff’s Office Support Services Division and the Director of Public Safety shall be used by SUDPS deputies. Approved weapons and munitions will be used within the guidelines specified by the manufacturer, training standards and SUDPS General Orders. Less-lethal weapons and munitions approved for use by SUDPS deputies include:

1. 40mm Munitions

   a. Defense Technology 40 mm "eXact iMpact" sponge round projectile designed specifically to be launched from a 40mm projectile launcher.

C. WEAPONS CONTROL AND STORAGE OF SUDPS LESS-LETHAL MUNITIONS (IACLEA 7.2.3)

Less-lethal munitions will be stored in accordance with this Order when not in use. When not in use, equipment shall be stored in the designated cabinets located in the SUDPS weapons storage room. They will not be stored in a vehicle when the vehicle is not in use. Less-lethal weapons will be stored as follows:

1. Unloaded. No projectiles in the chamber.
2. All munitions will be kept inside the designated locker in the SUDPS weapons storage room.
3. Safety on (if applicable).
4. Action closed for 40mm launcher.
5. 40mm launcher de-cocked.
D. **CHECK OUT PROCEDURE FOR SUDPS MUNITIONS (IACLEA 7.2.3)**

When going on- shift, authorized deputies will check out a less-lethal weapon. An exception would be when there are more authorized deputies on duty than available 40mm launchers. Less-lethal weapons inspection procedure will be as follows:

1. Less-lethal weapons will be loaded and unloaded at a clearing station. Should a deployed less-lethal weapon need to be unloaded in the field, it may be unloaded by pointing it in a safe direction with the safety "on" as the round in the chamber is removed.

2. The weapon will be inspected at the start of the deputy's shift to confirm it is capable of functioning and at the end of the shift to confirm it is unloaded. Any weapon determined to be unsafe will be taken out of service and reported to the SUDPS Range Master.

3. The 40mm launcher will be carried unloaded with three rounds in the munitions holder on the stock.

4. Each round of ammunition to be carried will be inspected prior to going into service.

E. **LEVELS OF FORCE**

When deployed to the areas of the subject's body unlikely to cause death or serious physical injury, less-lethal munitions constitute greater force than the use of a baton, but lesser force than use of a carotid restraint. The less-lethal impact projectile is considered a lethal use of force if intentionally deployed to the subject’s head or neck. Officers may only use less-lethal munitions, when the use of force is reasonable, to prevent the commission of a public offense; to prevent a person from injuring himself or herself; to effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention; or in self-defense or in the defense of another person. Officers shall comply with the provisions of SUDPS G.O. #12.00 regarding the use of force.

Deputies may **only** use less-lethal munitions, when permitted as described above, under the following circumstances:

1. When deadly force would be justified and the use of less-lethal options would assist in affecting an arrest, restoring order and/or reducing the risk of more serious injury.

2. When use of that level of force is necessary for restoration or maintenance of order during jail disturbances, cell extractions, or civil insurrections, and where the use of deadly force is not justified.

3. When necessary to use that level of force to take into custody persons who are armed with deadly weapons, either conventional or non-traditional, and where the use of deadly force is not justified.

4. When necessary to use that level of force to subdue armed individuals threatening suicide, and where the use of deadly force is not justified.
5. When necessary to use that level of force to subdue vicious animals.

6. When lesser degrees of force (as described in the SUDPS General Order #12.00) have failed or cannot reasonably be used and the use of less-lethal munitions is reasonable and necessary to prevent serious physical injury or death to the officer or to others.

F. AUTHORIZATION TO USE (IACLEA 7.2.4)

Only SUDPS personnel who have successfully completed a training course in the proper use and deployment of less-lethal munitions and successfully have been qualified by the Sheriff's Office Range Master shall be authorized to use them during actual operations. Personnel authorized to use less-lethal munitions shall participate in periodic training and/or qualification courses as determined by the Training Manager and the SUDPS Range Master. Individuals shall qualify twice in a calendar year.

G. PRECAUTIONS WHEN USING LESS-LETHAL MUNITIONS

1. Safety of civilians and officers is paramount.

2. Only approved, factory loaded ammunition may be used.

3. Less-lethal munitions should not be used when the subject is in danger of falling from a significant height unless the circumstances justify the use of deadly force.

4. Time permitting: each round of ammunition will be inspected prior to being loaded into the delivery weapon.

5. Special consideration will be given when information indicates that the subject has a physical condition which could increase the effect of less-lethal munitions.

H. EVALUATION

The deploying officer should evaluate the potential effectiveness of each round fired into the subject. Ineffective rounds should be followed by the most appropriate action such as choosing additional or alternative target areas, use of an alternative weapon, or the need to deploy an alternate level of force.
I. OFFICER SAFETY

Deployment of less-lethal munitions should include the use of at least one cover (backup) deputy to ensure the safety of the deploying deputy and to assist with proper tactical considerations.

J. EVALUATION OF SUBJECT (IACLEA 7.1.4)

Subjects who are struck by less-lethal impact projectiles shall be immediately evaluated for emergency medical attention. They shall be transported to a medical facility for evaluation as soon as practical. A medical clearance will be obtained for any subject who will be booked into a jail facility.

K. INVESTIGATION (IACLEA 7.1.5)

Whenever a deputy discharges a firearm using less-lethal munitions, except when firing on an authorized range, the deputy shall, as soon as practical, notify the on-duty supervisor stating the circumstances surrounding the incident and shall document that use of less-lethal munitions. Additionally, the projectile and any debris shall be collected and submitted as evidence. Photographs of the subject and any wounds should be taken and forwarded with the case report. The less-lethal weapon will be inspected by the Range Master prior to being placed back into service.

L. REPORTING REQUIREMENTS (IACLEA 7.1.5)

The use of less-lethal impact munitions constitutes a use of force and, as such, must be reported. Deputies using less-lethal impact munitions shall prepare a Firearms Use Report in addition to an investigation report (IR). Deputies observing the use of less-lethal impact munitions shall prepare a supplemental investigation report (IR) documenting their observations. The SUDPS division commander shall notify the Director of Public Safety and forward the completed Firearms Use Report form 550.10 and IR to the SUDPS Captain. The SUDPS Captain will provide copies to the Director of Public Safety and the Sheriff's Office-Stanford Liaison Captain. The Sheriff's Office-Stanford Liaison Captain will forward the completed Firearms Use Report and IR to the Undersheriff and the Assistant Sheriff in the chain of command for review. The Undersheriff then shall forward the report to the Sheriff, who will designate the Undersheriff or an Assistant Sheriff to convene the Shooting Review Board.

1. The 40mm less-lethal launcher is considered, by definition, a firearm. Per SUDPS General Order #12.00 (M)(2)(b), if a deputy finds it necessary to deploy and point a less-lethal weapon at a subject to gain compliance or to protect themselves or others, this action shall be orally reported directly to the deputy’s immediate supervisor. As soon as practicable, the supervisor shall notify their Division Commander and the Director of Public Safety of the details of the incident via email.
M. SHOOTING REVIEW BOARD *(IACLEA 7.1.6)*

The Chairperson of the Shooting Review Board shall convene the board to examine all incidents involving the use of less-lethal munitions where death or serious bodily injury results. The Chairperson of the Shooting Review Board has the discretion to convene the Shooting Review Board to examine incidents in which less-lethal munitions were used other than for training purposes and death or serious bodily injury did not result.