



USE OF LESS LETHAL MUNITIONS GENERAL ORDER #12.04

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POLICY

The Sheriff's Office permits the use of less lethal munitions when reasonable and appropriate to assist with the de-escalation of potentially violent confrontations. The Use of Less Lethal Munitions shall be governed by this General Order and all applicable Use of Force policies, including General Order #12.00 ("Use of Force").

This policy applies to all sworn staff of the Sheriff's Office, and reference to "deputy" or "deputies" throughout this policy refers to all sworn staff. **Correctional Bureau personnel shall refer to applicable Custody Bureau Policies and Procedures that govern the use of less lethal munitions within county correctional facilities.**

PROCEDURE

A. DEFINITION

Less Lethal Weapon is defined as any device that is designed to or that has been converted to expel or propel less lethal ammunition by any action, mechanism or process for the purpose of incapacitating, immobilizing or stunning a human being or animal through the infliction of any less than lethal impairment or physical condition, function or senses including physical pain, or discomfort. It is not necessary that a weapon leave any lasting or permanent incapacitation, discomfort, pain or other to qualify as a less lethal weapon.

Less Lethal Munition is defined as any ammunition that is designed to be used in any less lethal weapon which can be fired, launched or otherwise propelled through a weapon that utilizes

compressed air for the purposes of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential for causing death when used correctly. When used in the less lethal weapon the ammunition is designed to immobilize or incapacitate or stun a human being or animal through the infliction of any less lethal impairment of physical condition, function or senses, including physical pain or discomfort. These munitions may cause similar injuries to those caused by the 42" wooden baton, 26"/29" wooden baton, or collapsible baton and may be referred to as "extended range impact weapons." Examples of less lethal munitions include, launchable foam or plastic projectiles.

B. APPROVED LESS LETHAL MUNITIONS

Only less lethal weapons and less lethal munitions approved by the Training and Compliance Division shall be used by the Sheriff's Office. Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations and each situation must be evaluated on the totality of circumstances at the time of deployment.

Authorized less lethal weapons include the 40MM launcher and the FN-303 launcher. The FN-303 launcher is authorized for use only by the Sheriff's Emergency Response Team (SERT) and Crowd Control Unit (CCU).

C.S., or O.C. Gas munitions deployed through less lethal weapons are authorized for use only by the Sheriff's Emergency Response Team (SERT) and Crowd Control Unit (CCU). They may only be used by those individuals who have completed a POST approved training course (Penal Code § 13514) and who have approval by their unit commander to use those agents.

C. LEVEL 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 deadly force. The less lethal impact projectile is considered a lethal use of force if intentionally deployed to the subject's head or neck. Deputies 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. Deputies shall comply with the provisions of General Order #12.00 ("Use of Force") regarding the use of force in determining the level of force that is necessary and proportional.

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 enabling 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.
 - a. Under no circumstances shall the use of less lethal munitions be permitted against peaceful protestors, or against individuals peacefully exercising their First Amendment right to free speech and to peaceably assemble.
 - b. Individuals participating in an Unlawful Assembly, Riot, or Rout per California Penal Code sections 404 - 409 are not considered peaceful protestors, nor considered to be peacefully assembling or exercising their First Amendment rights.
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 Sheriff's Office Use of Force Continuum, 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 bodily injury or death to the deputies or to others.
7. As a member of the Sheriff's Emergency Response Team (SERT) and when directed to breach a window or deploy chemical munitions into a vehicle or structure by the commander in charge of the team, based on the totality of circumstances known to the commander and consistent with this General Order and General Order #12.00 ("Use of Force").

D. TRAINING REQUIREMENTS / AUTHORIZATION TO USE

Only personnel who have successfully completed a training course approved by the Training and Compliance Division in the proper use and deployment of less lethal munitions 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 Rangemaster. Individuals shall be qualified at least annually.

E. 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. 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.

F. EVALUATION

The deploying deputy 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.

G. 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.

H. POST DEPLOYMENT EVALUATION OF SUBJECT

Subjects who are struck by less lethal impact projectiles shall be evaluated and provided with emergency medical attention as soon as feasible. 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.

I. INVESTIGATION

Whenever a deputy discharges a 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 from the munitions shall be collected and submitted as evidence. Photographs of the subject, any wounds or injuries, and the area of the munition impact, should be taken and forwarded with the investigation report (IR). The less lethal weapon will be inspected by the Rangemaster prior to being placed back into service.

J. REPORTING REQUIREMENTS

The use of less lethal impact munitions constitutes a reportable use of force and, as such, must be reported in compliance with General Order #12.00 (“Use of Force”).

Deputies using less lethal impact munitions shall prepare a Blue Team 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) and Blue Team Report documenting their observations. The division captain shall forward the completed reports to the Undersheriff and the Assistant Sheriff in the chain of command for review. The Undersheriff shall then forward the report to the Sheriff, who will designate the Undersheriff or an Assistant Sheriff to convene the Shooting Review Board.

K. SHOOTING REVIEW BOARD

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.



**LAURIE SMITH
SHERIFF**