

440 – Guidelines for the Use of Less Lethal Munitions

# Santa Ana Police Department

## Departmental Order #440 – Guidelines for the Use of Less Lethal Munitions

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## Purpose

The purpose of this Order is to familiarize departmental personnel with the operational capabilities of less lethal weapons, their munitions, and to establish policy guidelines for their use.

## Background

We are entering an era in which law enforcement officers are looking for ways to address use of force situations from non-traditional perspectives. Technology is changing, giving us more options than ever before. It is clear that law enforcement is coming under much closer scrutiny in use of force decisions, especially those that involve the use of potentially lethal force. Considering the above, less lethal munitions provide us with additional resources, and when practical to use, may assist us in safely resolving potentially dangerous situations.

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

## Policy

### I. Types of Less Lethal Munitions

The Santa Ana Police Department uses several types of less lethal munitions. The following identifies the weapons systems and the munitions, which it deploys.

#### A. Flexible Projectiles

1. 12-Gauge Shotgun - Deploys beanbag munitions.
2. 37mm - Deploys beanbag munitions.
3. 40mm- Deploys foam projectile.
4. FN303 Launcher - Deploys .68 caliber frangible polystyrene projectiles.

#### B. Non-flexible Projectiles

1. 12-Gauge Shotgun - Deploys rubber pellet munitions.
2. 37mm (smooth bore) - Deploys rubber pellet, foam baton and wood dowel munitions.
3. 37mm, SL-6 Multi-Role Launcher - Deploys hard rubber projectile munitions.
4. Hand-thrown devices - Deploys rubber pellet munitions.

## II. Procedures

### A. Authorization and Approved Personnel

1. The use of less lethal munitions requires approval from an on-scene supervisor who has been trained in the deployment of less lethal munitions.

**Exception:** Under conditions of extreme emergency where immediate threat of injury or threat of life exists, or where prior supervisory approval is not possible or feasible, supervisory approval will not be required. In such cases, the officer deploying the less lethal munitions shall notify a supervisor as soon as possible and explain the factors, which influenced his/her decision to deploy the weapon.

2. Only trained, active duty S.W.A.T. personnel will be approved to deploy 12-Gauge Shotgun munitions, 37mm munitions and hand-thrown devices.
3. Only active duty S.W.A.T., corporals, and field officers who successfully complete the FN303 training course will be approved to deploy the FN303 less lethal launcher.
4. Only active duty S.W.A.T. and police officers who successfully complete the 40mm training course will be approved to deploy the 40mm less lethal launcher.

## **B. Deployment**

1. In situations involving hostile crowds that are actively engaged in aggressive and violent behavior including, but not limited to, throwing objects. Less lethal projectiles should never be randomly fired into a crowd. Specific target acquisition is the most crucial way to prevent serious injury from less lethal projectiles. The head or neck should not be targeted unless deadly force is a reasonable and/or justifiable option.
2. Other situations where a supervisor can articulate that the use of the munitions meet an operational objective with less potential for causing death or serious physical injury than current police tactics.
3. SWAT deployed munitions (12-gauge shotgun and 37mm) shall be deployed a minimum of 10 feet away from intended suspects. However, closer shots may be fired in those incidents when deadly force is justified.
4. The 40mm Launcher shall be deployed a minimum of 10 feet away from intended suspects. However, closer shots may be fired in those incidents when deadly force is justified
5. The FN303 Launcher may be deployed at a distance no less than 3 feet. In close combat situations (3 - 12 feet) the recommended target area shall be the thighs of the subject.
6. Deployment of the SL-6 multi-role launcher must be approved by a S.W.A.T. Lieutenant or S.W.A.T. team leader sergeant only
7. Although less lethal munitions have been proven to be highly effective, there may be times when they fail to control a violent individual. Therefore, less lethal munitions should not be deployed without lethal cover.

## **C. Medical Treatment**

1. Paramedics will be called to evaluate and treat any suspect who has been struck by less lethal munitions.

2. Individuals who have been struck with less lethal projectiles containing OC shall receive first aid as outlined in Training Bulletin 00-18 in addition to evaluation by paramedics.

#### **D. Documentation**

1. Less lethal munitions are considered kinetic impact projectiles. The reporting procedures regarding their use shall be the same as any other use of force incident (per Departmental Order #425 - Use of Force).
2. There may be rare occasions (i.e., large hostile crowds/riots, where large amounts of less lethal munitions have been deployed) when the standard reporting procedure may not be practical. In those instances, the supervisor directing the deployment of the munitions will complete a thorough administrative report (per Departmental Order 425) detailing each deployment of the less lethal munitions.

#### **E. Training**

1. Training in less lethal munitions shall only be conducted by Santa Ana Police Department Range Masters that have attended instructor training on less lethal munitions and have been approved by the Department's Training Commander as a Less Lethal Munitions trainer.

### **III. Review Process**

In cases where suspects have sustained minor or moderate injuries, the review process will be the same as other use of force incidents. In all cases where a suspect is hit by less lethal munitions, the scene supervisor shall (at a minimum) complete a use of force administrative report in compliance with Departmental Order No. 425. If a serious physical injury or death occurs, the review process shall be the same as any other officer-involved shooting, as outlined in Departmental Order 400, Section III, Subsection C. The District Attorney's Office Shooting Team shall not be contacted to respond unless the use of the less lethal munitions results in serious physical injury or death as described in Departmental Order 425, Sections A and B. In circumstances where less lethal munitions are fired at a suspect, but misses them, the supervisor authorizing their deployment shall document the incident on a supervisor's log.