

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: February 3, 2021

HISTORY: April 12, 2018

SUBJECT: Use of Less-lethal Munitions

POLICY NUMBER: 18-013

I. PURPOSE

The purpose of this Policy & Procedure is to establish policies and procedures regarding the use of less lethal weapons and to identify the responsibilities of officers of the City of Oconomowoc Police Department when using them or after they have been used.

II. POLICY

The City of Oconomowoc Police Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require special training and equipment. Thus, the department has adopted the less-lethal force philosophy to assist with the de-escalation of these potential violent confrontations.

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.

III. INTERMEDIATE IMPACT WEAPON-KINETIC ENERGY IMPACT PROJECTILES (BEANBAGS)

- A.** Kinetic energy impact projectiles, commonly referred to as, “beanbag rounds,” may be utilized by trained department personnel in circumstances where a level of force less than deadly force may be appropriate for resolving the situation and when the risk associated with closing on the subject to take control makes other alternatives useless. The option to use kinetic energy impact projectiles may be used when a person poses a significant threat of harm to self or others and unarmed tactics have either been exhausted or would not be effective or safe given the circumstances. Officers may include in the decision to use this force option information known to the officer at the time of the incident, including conduct of or statements by the subject or prior history of resistive or assaultive behavior.
- B.** When utilized, the department places the use of kinetic energy impact projectiles/less than lethal munitions at the intermediate weapon mode. Less-lethal is defined as the, “Intentional use of an instrument to impede a subject, the use of which would not cause death.”
- C.** An officer should not brandish, display, or threaten the use of the kinetic energy impact projectiles unless he/she can reasonably conclude its use may become justified and is anticipated.
- D.** When kinetic energy impact projectiles (beanbag rounds) are used against the body of a person, the officer should notify the Chief of Police or his designee. Any officer delivering kinetic energy impact projectiles will complete an incident report and a use of force report, detailing the circumstances of the incident.
- E.** Only department-authorized and issued kinetic energy impact projectiles may be used and delivered with a dedicated less-lethal shotgun.

- F. Kinetic energy impact projectiles may be delivered to the subject's body in accordance with the following guidelines:
 - 1. Primary Target Areas (legs and buttocks): In addition to legs and buttocks, arms may also be considered a primary target under some circumstances. The officer must consider the proximity of the targeted portion of the arm to vital areas of the body. Primary target areas are considered when incapacitation is necessary, but the threat is not imminent. Multiple impacts to the primary target areas should be considered before progressing to the secondary target area.
 - 2. Secondary Target Area (lower abdomen): The secondary target area is considered when incapacitation is critical due to the imminent threat posed by the subject, but deadly force has not yet become necessary.
 - 3. Head/Neck/Chest Area: Intentional impact to these areas is avoided unless the use of deadly force is justified.
- G. In each instance where kinetic energy impact projectiles are deployed at an incident, lethal cover is recommended.
- H. Subjects who are struck by a kinetic energy impact projectile should be transported to a hospital and be medically cleared. Photos will be taken.
- I. All deployed kinetic energy impact projectiles will be retrieved and placed into property inventory.

IV. DEPLOYMENT TECHNIQUES

- A. The dedicated less-lethal shotgun will be carried in the trunk or rear compartment of the assigned officer's squad car. The dedicated less-lethal shotgun will have an empty chamber and magazine. The dedicated less-lethal shotgun is identified by an orange stock on the weapon and case will be marked as "Less Lethal".
- B. The kinetic energy impact projectiles will be carried on a sleeve attached to the dedicated less-lethal shotgun inside the case marked "Less Lethal".
- C. Deploying
 - 1. Before deploying kinetic energy impact projectiles, the officer shall consider:
 - a. The levels of force being confronted.
 - b. The proximity/access of subject to officers.
 - c. The department safety priorities.
 - d. If lethal cover is necessary and appropriate.
(Lethal cover is always recommended, but special considerations for lethal cover should be made in all cases involving subjects with a firearm)
 - 2. When a qualified officer loads the dedicated less-lethal shotgun, the following procedures shall be performed. **The officer is solely responsible for the condition of the dedicated less-lethal shotgun (Lethal vs. Less-lethal rounds)**
 - a. The dedicated less-lethal shotgun, prior to loading, will be checked both physically and visually for any lethal ammunition. If lethal ammunition is located, it should be separated from less-lethal ammunition and the dedicated less-lethal shotgun. No lethal ammunition shall be loaded into a dedicated less-lethal shotgun. All lethal duty ammunition will be removed from the dedicated less-lethal shotgun and remain under control of the officer.

- b. The officer will then load the kinetic energy impact projectiles into the dedicated less-lethal shotgun, visually inspecting each round prior to insertion, ensuring that each round is, in fact, a kinetic energy impact projectile stating "Super-Sock"
 - c. When possible, officers should announce "Beanbag" to other police personnel in the immediate vicinity for notification that kinetic energy impact projectiles will be deployed in order that the shot will not produce sympathetic fire from other officers. Also, this announcement of "Beanbag" informs a subject if compliance is not made, a beanbag round will be deployed.
3. If possible, the officer should try to advise dispatch via radio that kinetic energy impact projectiles might be deployed.
4. Officers not specifically trained in the use of the dedicated less-lethal shotgun will be prohibited from its deployment.

V. INVESTIGATION

The shift supervisor will conduct an initial investigation into any situation involving the firing of a kinetic energy impact projectiles at a subject.

VI. TRAINING

Training for all members authorized to carry and use the dedicated less-lethal shotgun shall receive initial training and thereafter refresher training at the department's qualification shoot, at a minimum.

VII. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict