

LA MESA POLICE DEPARTMENT INSTRUCTION

PATROL: USE OF LESS – LETHAL WEAPONS

Adopted: July 1, 2000 / Reviewed 4/2018

No: 627

Page: 1 of 6

Ray Sweeney, Chief of Police

I. PURPOSE

The purpose of this instruction is to establish policy related to the training and use of department approved less-lethal weapons. The purpose in using less-lethal weapons, by department personnel who are trained and qualified in their use, is to reduce the risk of serious injury or death to officers and the public.

II. PHILOSOPHY

Department approved less-lethal weapons may be both alternatives to deadly force and intermediate steps in the application of conventional arrest and control techniques, applied in a manner to meet an operational objective.

Department approved less-lethal weapons are used to stop aggressive behavior which, if not stopped, may result in serious injury or death. Generally it is the intent of officers to use less-lethal weapons to increase the chances of not having to use lethal force. When used properly, by trained personnel, these types of weapons are less likely to result in death or serious injury.

III. DEFINITIONS

A. Less-lethal weapons are:

1. Department approved impact munitions that use pellet-filled bags or socks, rubber pellet(s), sponge-rubber, hard-rubber or wooden projectiles discharged from 12-gauge, 37mm or 40mm firearms, and plastic OC (Oleoresin Capsicum) powder/liquid-filled pellets expelled from a rifle or pistol operated by compressed gas.
2. Department approved chemical devices that produce smoke, OC or CS (Ortho Chlorobenzalmalononitrile) in powder, fog, mist, foam, liquid or gaseous forms through compressed gas expulsion, explosion grenade, pyrotechnic grenade or any combination.
3. Department approved explosive impact devices, which by explosive grenade emit rubber pellets, and may include an OC or CS chemical agent component.

4. Department approved explosive light/sound devices, which by explosive grenade emit a distracting light and/or sound, and may include an OC or CS chemical agent component.
5. Department approved Taser as defined in Department Instruction 614.
6. Department approved impact devices defined by section 6.24.1 of the Department Rules & Regulations.

IV. GUIDELINES FOR USE

A. Circumstances Permitting Use

1. Only trained officers may use the following department approved less lethal weapons if reasonable and necessary based upon the circumstances of the incident:
 - a. Impact devices
 - b. 12-gauge impact munitions
 - c. Four-ounce and twelve-ounce OC aerosol projectors
 - d. OC Pepper-balls
 - e. Taser
2. Only trained officers, with Supervisory approval, may use the following department approved less lethal weapons if reasonable and necessary based upon the circumstances of the incident:
 - a. 37mm or 40mm impact munitions,
 - b. Other OC chemical and high-volume projectors,
 - c. Chemical smoke,
 - d. Light/sound distraction devices,
 - e. Explosive impact devices.
3. Only trained officers, with Supervisory and Watch Commander approval, may use department approved CS chemical agents. The approving authority should consider whether:
 - a. Personnel on scene or immediately available are insufficient to control the incident,
 - b. Other less-lethal means have been ineffective in establishing substantial control of the incident,
 - c. Significant harm to life or property is likely without intervention with CS chemical agent,

d. The hazard of likely exposure to uninvolved persons does not outweigh the risk posed by the incident.

4. Officers actually using department approved less-lethal weapons should be assisted by an officer who is capable of immediately using lethal force.

B. Issuing and Inspecting Less-lethal Weapons

1. Officers assigned to regularly scheduled uniformed patrol or traffic duties, except officers on motorcycles or bicycles, who have been trained in the proper use of less lethal weapons, should be issued a department approved less-lethal shotgun or pepper-ball rifle at the beginning of their shift in a procedure approved by the Patrol Division Commander.
2. Officers assigned to Investigations, who have been trained in the proper use of less lethal weapons, may be issued a department approved less-lethal shotgun or pepper-ball rifle for field operations in a procedure approved by the Investigations Commander.
3. When less-lethal weapons are issued, Officers will inspect the weapon for functionality and approved less-lethal ammunition.
4. Lethal ammunition will not be loaded into, or attached in any manner to, a designated less-lethal weapon.
5. Officers will report to their supervisor any less-lethal weapon which may not be satisfactorily functioning or was found in an unsafe condition.
6. Less-lethal weapons assigned to patrol should be kept in the field by the assigned officer in a manner that makes them reasonably available for use.
7. At the conclusion of their patrol shift or investigative operation, Officers assigned less-lethal shotguns or pepper-ball rifles will make the weapons safe and return them to the station in a procedure approved by their respective unit commanders.

C. The Incident Scene

1. The Watch Commander and Field Supervisor should be notified as soon as practical when less-lethal weapons are used. The Field Supervisor should proceed to the scene if possible, or as requested if another unit supervisor is in charge of the incident.

V. AFTER USE PROCEDURES

- A. The actual use of any less-lethal weapon will be reported according to the applicable provisions of Department Instruction 413 - Use of Force.
- B. Persons who may be injured as a result of the use of less-lethal force should be managed according to the applicable provisions of Department Instruction 413 - Use of Force.

Additionally, any incident where a person suffers serious injury or death as a result of the use of less-lethal force should be managed according to the applicable provisions of Department Instruction 307 - The Investigation of Officer-Involved Shootings.

Additionally, any person who is struck by a taser should be managed according to the applicable provisions of Department Instruction 614 - Use of the Taser.

- C. Persons or places contaminated by Oleoresin Capsicum (OC) should be managed according to the applicable provisions of Department Instruction 622 - Use of OC Spray.
- D. Persons or places contaminated by Ortho Chlorobenzalmalononitrile (CS), should be managed according to the applicable provisions of Department Instruction 618 - Hazardous Materials Response Procedures.
- E. Animals that may be injured as the result of the use of less-lethal force should be managed according to the applicable provisions of Department Instruction 501 - Animal Regulations.

VI. TRAINING OF PERSONNEL

The Department Training Manager is responsible for managing the training required by this instruction.

A. Basic Training for All Sworn Officers

All regular and reserve Officers below the rank of Lieutenant should successfully complete less-lethal weapons training in the use of:

1. Department approved impact devices,
2. 12-gauge impact munitions,
3. Four and twelve ounce OC aerosol projectors,
4. OC Pepper-balls.

B. Advanced Training for Selected Officers.

Selected Officers should successfully complete less-lethal weapons training in the use of:

1. 37mm or 40mm impact munitions,
2. OC chemical devices and high-volume projectors,
3. CS chemical and smoke devices,
4. Light/sound distraction devices,
5. Explosive impact devices,
6. Taser.

C. Supervision Training

All Officers with regular field supervision responsibilities should successfully complete training in the tactical deployment of department less-lethal weapons.

D. Refresher Training

Refresher training in the use of less-lethal weapons should be accomplished each year. When practical, refresher training should be incorporated into the quarterly range and defensive tactics training plans. Refresher training should include a practical skills demonstration.

VII. SELECTION PROCESS FOR INSTRUCTORS

A. The Chief of Police may appoint less-lethal weapons instructors who shall be responsible for the less-lethal weapons training program.

1. Department personnel seeking appointment as a less-lethal weapons instructor shall submit a written request to the Chief of Police which includes a summary of their applicable training and experience.

2. Prior to acting as a less-lethal weapons instructor, personnel will successfully complete instructor level courses from appropriate less-lethal weapons manufacturers and/or applicable P.O.S.T. instructor courses. Instructors shall maintain current instructor certificates as required by the manufacturers and P.O.S.T.

B. Less-lethal Weapons Instructor Responsibilities

In coordination with the Department Defensive Tactics Instructors and Department Rangemasters, the less-lethal Instructors shall:

1. Insure that all less-lethal training is conducted safely.
2. As applicable to this instruction, prepare and/or approve all basic, advanced and refresher less-lethal training.
3. Arrange for the necessary equipment and supplies needed to complete training.
4. Report to the Department Training Manager any members of the Department who fail to attend or qualify in any phase of less-lethal weapons training. The report shall include a recommendation for corrective action.

VIII. SELECTION PROCESS FOR ADVANCED TRAINING

- A. Department Rangemasters and Defensive Tactics Instructors should receive advanced less-lethal weapons training so that refresher training tactical development may be implemented in their respective programs.
- B. The Chief of Police may select additional personnel from both the Patrol and Investigations Divisions to receive advanced less-lethal weapons training. Interested personnel shall submit a written request to the Chief of Police which includes a summary of their applicable training and experience.
- C. All Department personnel seeking advanced training in less-lethal weapons must successfully complete the department basic less-lethal training course.