



DIRECTIVES

Oak Creek Police Department

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Title:

LESS-LETHAL EXTENDED RANGE IMPACT DEVICES

Directive Number

6-400

Critical Policy

Yes

Open Record

Yes

Total Pages

6

Applicability

Sworn Officers

I. PURPOSE

It is the purpose of this directive to establish procedures for the use of extended range less-lethal weapons and projectiles.

II. POLICY

The Oak Creek 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 potentially violent confrontations.

III. DEFINITIONS

- A. *Less-Lethal Force 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.
- B. *Kinetic Energy Impact Projectiles* – Flexible projectiles which are intended to incapacitate a subject with a minimal potential for causing death or serious physical injury when compared to conventional projectiles.
- C. *Pepperball* – A non-lethal chemical agent delivery system that uses high-pressure air (large capacity hoppers) and CO₂ (limited capacity magazines) to deliver PAVA powder projectiles from a safe distance.
- D. *Safety Priorities* – The Department safety priorities are established as follows:
- Hostages
 - Innocent bystanders
 - Police Officers
 - Suspects
- E. *Suspect* – The person who is the focus of the police operation.

IV. PROCEDURE

A. Less-Lethal Extended Range Impact Devices

1. There are many projectiles considered “less-lethal”. The primary types used by the Oak Creek Police Department are:
 - a. Bean Bag round – 12-gauge
 - b. Flexible soft tip impact baton – 37mm
 - c. Pepperball Live-X – .68 cal Pepperball
 - d. Pepperball VXR Live-X - .68x.72 cal Pepperball

B. Evaluation of Projectiles

1. The approved kinetic energy projectile of the Oak Creek Police Department will be evaluated on the following criteria
 - a. Accuracy
 - 1) This is the primary consideration since proper shot placement greatly assists in controlling the other two evaluation criteria.
 - 2) This will be evaluated based on the anticipated ranges of deployment.
 - 3) A minimal standard of accuracy for such rounds is:
 - a) 12-inch group at 15 yards for the 12-gauge system
 - b) 12-inch group at 25 yards for the 37mm system. This standard is achieved from a secure rest.
 - b. Effectiveness
 - 1) This is the potential of the round to cause incapacitation and reduce the subject’s ability to continue their inappropriate behavior.
 - 2) The level of energy necessary to cause incapacitation creates the potential for injury, but when properly deployed, with a low probability for causing serious physical injury or death.
 - c. Potential for causing death or serious physical injury
 - 1) The potential for causing death or serious physical injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal an internal injury, including such areas as the chest, back, thoracic and abdominal cavities and the groin.

IV. PROCEDURE - *Continued*

- 2) When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation is the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

C. Deployment Areas

1. The less-lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.
2. The Department's less-lethal projectile training chart (see attached) is the recognized department model for determining contact areas for kinetic energy impact weapons, based on potential for injury.
 - a. Green Areas – These areas will be considered when incapacitation is necessary and a minimal potential for injury is the appropriate response.
 - b. Yellow Areas – These areas will be considered when an escalation of force above green (areas) is necessary and appropriate, **acknowledging an increase in the potential for death or serious physical injury**.
 - c. Red Areas (head/neck/spine) – Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary and appropriate.

D. Intervention Options

1. The Oak Creek Police Department recognizes the State of Wisconsin Disturbance Resolution (*Use of Force Policy #6-100*).
2. The use of Pepperball rounds intended for area dispersal of chemicals and not direct impact onto a suspect, are considered Control Alternatives.
3. The use of kinetic energy impact projectiles are considered Protective Alternatives when deployed to areas of the suspect's body that are considered unlikely to cause death or serious physical injury (green areas on the less lethal projectile training chart).
4. The use of kinetic energy impact projectiles are considered a deadly force if *intentionally* deployed at the head or neck (red areas on the less lethal projectile training chart).

E. Deployment Techniques—12-gauge

1. The approved shotgun is a designated **less lethal only shotgun** with an orange safety indicator in the chamber to ensure a safe/clear weapon prior to loading less lethal rounds, as well as an empty magazine. The designated less lethal shotgun is indicated by an orange stock labeled "less lethal".

IV. PROCEDURE – *Continued*

2. The less lethal ammunition will be carried on the weapon in a sidesaddle and/or sling.
3. Deploying
 - a. Before deploying less-lethal ammunition, the officer shall consider:
 - 1) The level of force being confronted
 - 2) The proximity/access of subject to officer
 - 3) The department safety priorities
 - b. The officer will then determine if lethal cover is necessary and appropriate, but a lethal cover officer is always recommended.
 - 1) Special consideration of lethal cover should be made in all cases involving subjects with firearms.
 - c. When a qualified officer loads the dedicated less lethal weapon, the following procedures shall be performed. The officer is solely responsible for the condition of the weapon (lethal vs. less-lethal rounds).
 - 1) The weapon, prior to loading, will be checked both visually and physically for any lethal ammunition. If lethal ammunition is located, it should be segregated from less-lethal ammunition and the dedicated less-lethal shotgun. No lethal ammunition shall be loaded into a dedicated less-lethal shotgun. All duty ammunition will be removed from the weapon and remain under the control of the officer.
 - 2) After removal of the orange safety indicator, the officer will visually and physically inspect the chamber and magazine to ensure that the weapon is free of any lethal ammunition.
 - 3) The officer will then load the less-lethal rounds into the shotgun, visually inspecting **each round prior to insertion**, ensuring that each round is, in fact, a less-lethal round.
4. Where possible, officers should inform other police personnel in the immediate vicinity that less-lethal impact rounds will be deployed in order that the shot will not precipitate the use of firearms by other officers by verbalizing “bean bag, bean bag”.

F. Deployment Techniques—37mm and Pepperball

1. All 37mm less-lethal delivery systems will be maintained by the Emergency Response Unit.
2. This system will only be deployed by ERU and SMIRT officers who have qualified with the weapon.
3. This system will be deployed with a lethal cover officer, in circumstances consistent with Section IV(E)(3)(a) above.

IV. PROCEDURE – *Continued*

4. Where possible, officers should inform other police personnel in the immediate vicinity that 37mm less-lethal impact rounds will be deployed in order that the shot will not precipitate the use of firearms by other officers by verbalizing “less-lethal, less-lethal”.
5. Where possible, officers should inform other police personnel in the immediate vicinity that Pepperball less-lethal impact rounds will be deployed in order that the shot will not precipitate the use of firearms by other officers by verbalizing “Pepperball, Pepperball”.

G. Handling of Injured Suspects

1. Suspects who are struck with a less lethal round should be restrained according to trained D.A.A.T. techniques.
2. Officers shall call for an ambulance when suspects are struck by a less-lethal round.
3. Suspects who are struck by a less-lethal round will then be transported to a medical facility for examination.

H. Investigation

1. The shift supervisor will conduct a use of force investigation into any situation involving the firing of a less-lethal round at a suspect.
2. Both the Administrative Captain and Operations Captain will be notified immediately by the shift supervisor conducting the use of force investigation for any possible further investigation.
3. The operational use of a kinetic energy impact projectile will be documented in the same manner as other use of force options.

I. Training

1. Training in the use of extended-range kinetic energy impact projectiles will consist of the approved department end-user program and annual re-certification.

J. Inspection and Maintenance

1. The less-lethal extended range impact weapon /ammunition will be inspected **daily** by officers during shift squad checks.
2. The weapons will receive regular maintenance as needed when dictated by the assigned range/armory supervisor.

V. DISCLAIMER

The Less-Lethal Extended Range Impact Devices Policy developed by the Oak Creek Police Department is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety and care in an evidentiary sense with respect to third party claims. Violations of the Less-Lethal Extended Range Impact Devices Policy can only be the basis of a complaint by this department, and then only in non-judicial administrative setting.

REFERENCE:

- Use of Force Policy #6-100
- Emergency Response Unit Policy #12-100
- Firearms Policy #6-200
- Department Less-Lethal Training Curriculum
- I.A.C.P. Less-Lethal Weapons: Impact Projectile Policy



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Chief of Police

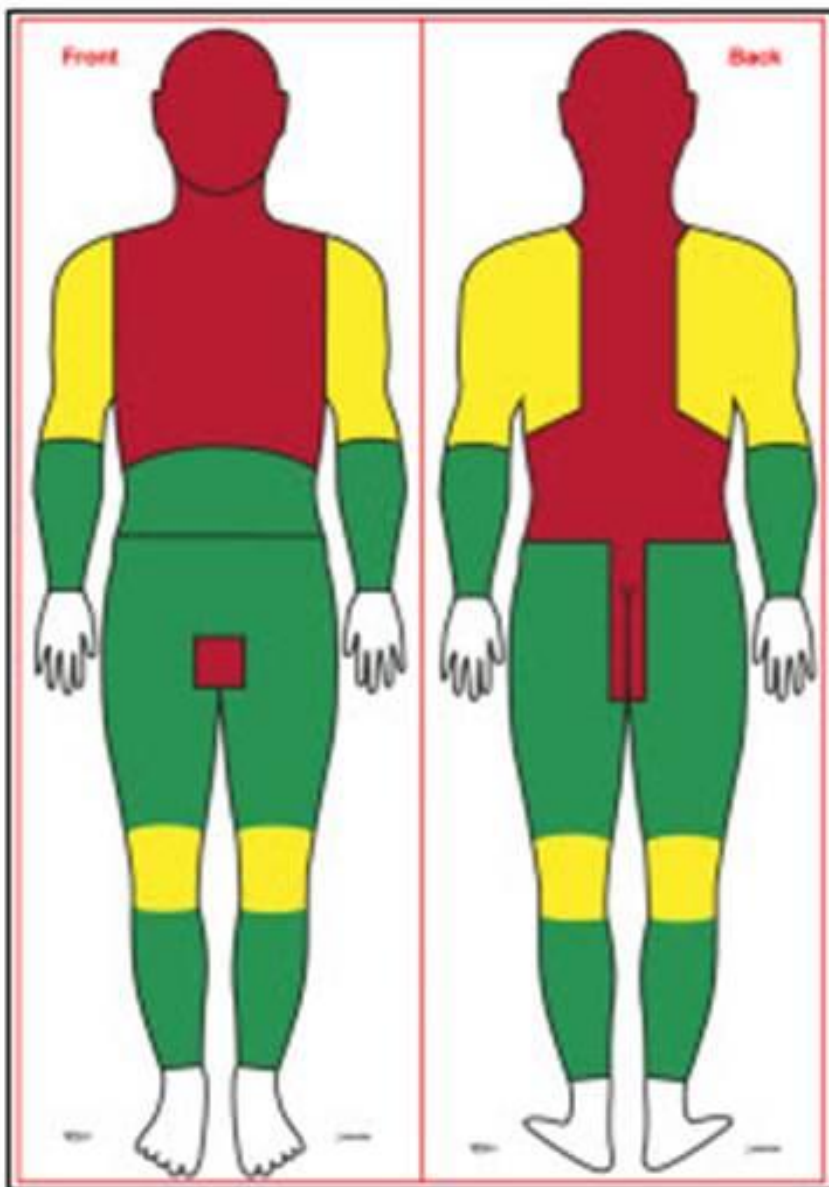
DRS/tp

(Attachment)

Less Lethal Projectile Training Chart

policies\less lethal policy

Less Lethal Projectile Training Chart



Propensity for Injury/Death

Green = Minimum

Yellow = Median

Red = High