



**USE OF LESS LETHAL IMPACT MUNITIONS**

<b>new:</b> ✓ rescinds: 20.6 & 20.6(3) amends:		<b>cross-reference:</b>
<b>effective date:</b> Ma7, 2017		<b>amend date:</b> May, 2020
		<b>accreditation standards:</b> NYSLEAP Standard(s): 14.1, 20.1, 20.6, 21.2 & 32.4

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.*

**I. PURPOSE**

To establish parameters for the type of less lethal impact munitions to be used by members of this office and to insure that members of this office are properly trained in the use thereof. In addition this order defines the policies governing the issuance, storage, deployment and reporting the usage of less lethal impact munitions.

**II. DEFINITIONS**

*Impact Munitions:* Any firearm-based or explosive-based, less lethal weapon which functions by striking the body of the target.

*Impact Projectiles:* Often referred to generically as “bean bag and baton rounds.” They are designed to incapacitate a subject with a minimal potential for causing death or serious physical injury when compared to conventional projectiles, when used in accordance with office policy and training guidelines.

*See G.O. 900 Use of Force – General*

**III. POLICY**

The main responsibility of Sheriff’s Office members is to protect the life and property of civilians. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or other.

#### IV. PROCEDURE

##### **Authorized Less Lethal Impact Munitions**

- A. The only authorized less lethal impact munitions is the offices specially marked and designated Remington 870 police shotgun with drag stabilized 12 gauge bean bag impact projectiles.

**Note:** Authorized personnel (SWAT) are authorized to carry a less-lethal 40 MM launcher while on duty as defined in the Ithaca SWAT S.O.P. The less-lethal 40 MM launcher shall be stored in the designated mount within the offices designated SWAT patrol vehicle. Other less lethal devices may be used in training and deployed during SWAT call outs by SWAT members. Such training is conducted, maintained, and recorded by the Ithaca Police Department.

- B. No member shall be permitted to use any less lethal weapon or munitions without first having successfully completed approved training in the use of that less lethal weapon and munitions. Prior to being authorized to deploy the less lethal impact munitions shotgun, an officer must successfully complete an office approved course of instruction for the specific weapon. A firearms instructor, certified as an impact munitions instructor, shall handle the instruction. All qualifications must be completed once per year, with at least one projectile being accurately fired to a target. Any officer failing to qualify or showing deficiencies in safe weapon handling will not be allowed to deploy the less lethal munitions.
- C. The less lethal shotgun(s) will be designated by having an orange stock and forend. It shall be marked "Less Lethal" on the stock. The less lethal drag stabilized bean bag rounds will have a clear plastic shell and will be clearly marked as less lethal drag stabilized bean bag rounds.
- D. The less lethal shotgun(s) shall be stored UNLOADED, in the designated mount within the patrol vehicle (closed chamber with NO rounds in the magazine tube). Six (6) drag stabilized bean bag rounds will be stored in a sleeve on the stock of the shotgun. Each officer will check the less lethal shotgun before each shift.
- E. No member shall possess or use any unauthorized less lethal weapon or munitions.

##### **Less Lethal Impact Munitions Usage**

- A. Members shall only utilize physical force in accordance with Article 35 of the New York State Penal Law and Office rules and regulations as they pertain to the use of force. *See GO 900 Use of Force - General*. Less-lethal munitions are an option where force is justified, but the subject's actions do not rise to a level that permits the use of a deadly force and the decision has been made to attempt control techniques not intended to result in deadly force.
- B. Members shall not subject themselves or others to undue risk while waiting for the arrival of personnel equipped with impact munitions. The situation must be continually assessed, and other appropriate action must be taken if the risk to self or others demands immediate attention.

- C. When considering the use of less lethal impact munitions an officer should carefully evaluate the conditions surrounding the incident that may affect the subject's responses to the deployment and the increased indirect risks to the subject(s).
- D. Members should not deploy impact munitions against individuals with frail health, the elderly, children, women believed to be pregnant, or person who are on an elevated position (on rooftops, stairwells, etc.), in water or other circumstances where a fall may cause drowning, substantial injury or death; unless exceptional circumstance are present that pose an immediate threat of harm to the member or another party and no reasonable alternative is available.

### **Deploying Less Lethal Impact Munitions**

- A. The optimal effective range for the deployment of the 12 gauge beanbag round is 7 yards to 20 yards. At less than 7 yards the risk of serious injury or death is greatly increased. At over 20 yards the effectiveness and accuracy of the 12 gauge beanbag round is diminished to the point that this option may not achieve its purpose.
- B. The drag stabilized bean bag round is a direct fire munition, and shall not be fired as an indirect or "skip" round under any circumstances.
- C. Whenever possible the impact munitions should be deployed from a position of cover and the officer shall communicate all movements, tactics and directions to other officers present.
- C. Lethal force cover should be provided in all deployments of the less lethal impact munitions.
- D. To avoid "sympathetic live fire" the officer deploying the less lethal shotgun shall advise other officers of the intention to deploy the less lethal impact munitions. This should be done in a clear and loud voice to alert all officers in the area that the impact munition is about to be deployed. If possible use the phrase "deploying less lethal."
- E. Officers shall not fire less lethal impact munitions through a chain link fence or glass, due to the possibility of causing undue risk of secondary injury.
- F. If the less lethal shotgun is handed to another officer before deployment, the receiving officer shall perform a weapons safety check before re-deploying the shotgun with less lethal munitions.
- G. Target areas for the impact munitions are as follows:
  - 1. Zone 1- Consists of large muscle groups. When the threat level is appropriate and this zone is viable, it should be considered first. Zone 1 targets are:
    - Buttocks;
    - Thighs;
    - Calves

**Note:** The groin area should not be intentionally targeted. While shoulders and arms are a viable target zone, careful consideration should be given before aiming for the shoulders or arms. Due to the mobility of the shoulders and arms there is a greater potential to miss and unintentionally strike another zone.

2. Zone 2- Consists of medium muscle groups. This area has a greater potential for serious injury when struck. A strike in this zone may result in a laceration or fracture.

- Abdominal area.

3. Zone 3- This zone has the greatest potential for serious or fatal injury and should be avoided whenever possible. It should only be considered when the maximum effectiveness is desired to meet a level of force escalating to deadly force. This zone targets:

- Chest (center mass);
- Spine;
- Head and neck.

**Note:** Unless deadly physical force is authorized and justified officers shall not intentionally target Zone 3.

- H. Officers may fire less lethal impact munition rounds as necessary. However, after each impact munition round deployment, an assessment shall be made. Each deployment of an impact projectile constitutes a use of force, and may only be used when objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person. In the event the impact munition rounds prove to be ineffective, personnel shall exercise other options.
- I. Supervisory personnel shall monitor the use of less lethal weapons and munitions. *See G.O. 900 Use of Force - General.* A Defensive Action Report will be filed. Supervisory personnel shall complete the Defensive Action Report – Administrative Review form, conduct inspections and take corrective action when a deficiency is noted. Improper deployment of the less lethal impact munitions shall be documented and reviewed. Results of such review may include, but not limited to, loss of use of the less lethal munitions and/or disciplinary action.

#### **Following the Deployment of Less Lethal Impact Munitions.**

- A. In every instance where the less lethal round is deployed and has struck an individual, the person will be transported to the hospital for evaluation and treatment.
- B. Whenever possible and safe, pictures of the impact area should be taken as soon after deployment as is practical and then incrementally after that (i.e. 6 hrs, 12hrs, 18hrs). These photos will be submitted as evidence.

#### **IV. RECORDS AND MAINTENANCE**

- A. All shotguns shall be inspected on an annual basis by a firearms instructor and the inspection recorded.
- B. Shotguns shall be checked during annual qualifications to maintain proper sight alignment and condition. Only certified shotgun armorers will make repairs or adjustment.
- C. All inspections and repairs will be documented and kept on file.
- D. Following training or deployment, the less lethal shotgun shall be cleaned and placed unloaded in the patrol vehicle. The exception to this guideline is an exceptional circumstance where

deployment causes substantial injury, in which case the shotgun and round shall be preserved for evidentiary purposes.

- E. When a patrol vehicle is being serviced and the officer will not be staying with the vehicle, the less lethal shotgun will be removed from the vehicle beforehand, and secured in the agencies temporary Gun Locker or in the Garage Armory in accordance with *G.O. 204 Storage, Control & Inventory of Office Weapons & Ammunition*
- F. Whoever retrieves the vehicle after being serviced, shall be responsible for retrieving the less lethal shotgun and re-securing it in the vehicle. If a member makes use of a patrol vehicle, and in doing so notices that a less lethal shotgun is not in the vehicle, it would be incumbent upon them to complete this task.

Attachments:

A. [\*Ithaca SWAT SOP\*](#)

By Order Of



Derek Osborne  
*Sheriff*