USE OF FORCE OPTIONS
USE OF FORCE

• **Force Defined**: Any action taken to control, restrain, overcome or stop a suspect’s actions.

• Use of Force **must** be justifiable! (**SITARE**)
  - Severity of the crime
  - Immediate Threat posed by the suspect
  - Actively Resisting
  - Attempting to Escape arrest by flight

• Adjust the amount of force as the situation changes
USE OF FORCE

- **Reasonable Force**: Only the amount of force reasonably necessary to control a subject to prevent recurrence of the incident.
  - What would a reasonable man do with the same training and experience?
  - Scott v. Heinrich (9th Circuit 1994): “Officers need not to avail themselves of lesser alternatives of force. The test is one of reasonableness, not escalation.”
USE OF FORCE

• California Penal Code on Use of Force
  • 835a PC: Use of force to effect arrest, prevent escape or overcome resistance.
    • “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.”
USE OF FORCE

• Force Must Be Within Law and Policy
  • Federal Law
  • State Law
  • Case Law
  • Policies and Procedures
    • Peterson v. Long Beach: Wrongful death, actions justifiable.
    • Appeal: ruling was reversed
      • Officer did not exercise due care
      • Officer did not follow Long Beach PD guidelines
USE OF FORCE

• Unreasonable Force: When it becomes apparent that the TYPE, DEGREE AND DURATION of force employed was neither REASONABLE nor APPROPRIATE.
USE OF FORCE

• Levels of Force
  • Mere Presence
  • Verbal Commands
  • Empty Hand Controls
  • Hard Hand Controls
  • Less Lethal Weapons
  • Deadly Force

*** De-escalation of force is as important as escalation of force.
USE OF FORCE

• Other Case Law
  • Graham v. Conner
    • Perspective of reasonable officer
    • At time force was applied
    • Fact confronting officer
    • Officer acted properly under established law
USE OF FORCE

• Considerations
  • Any Force by a SWAT team will be scrutinized
  • Failure to use appropriate force in a timely manner will be criticized

• Civil Liability Considerations
  • Appropriate Uniform
  • Failure to Train
  • Equipment Considerations
  • Fatigue Considerations
  • Emotional Attachment
USE OF FORCE

• Event Specific Considerations
  • Search Warrants
  • Call-Out Verifications

• Incident Documentation
  • Team Involvement
  • Supplemental Reports
    • Reason
    • ID of personnel
    • Injuries
    • Equipment used or lost
    • Property damage
POLICIES

• Lexipol 300 – Use of Force

• Lexipol 303 – Less Lethal
RANGE SAFETY

• Treat every firearm as if it was loaded.
• Never point a firearm at anything you do no intend to destroy
• Keep your finger straight and off the trigger until you intend to fire
• Be aware of your target and background

• Never try and catch a falling firearm
• Always secure your firearms
EMERGENCIES

• Nearest Hospital is CHOMP

• Nearest first aid kit
LESS LETHAL MUNITIONS
LESS LETHAL MUNITIONS

• Definition: Less Lethal Munitions are weapons capable of creating blunt trauma or discomfort that may be used from a distance for the purpose of compelling a subject to cease violent or self destructive actions.

• Less Lethal Force Defined: A force applied with the intention of rendering a subject non-threatening, which over a given number of occurrences a death can occur.
LESS LETHAL MUNITIONS

• Types of Less Lethal Munitions
  • Non Flexible: Rigid projectiles that are delivered from a launching system and do not conform to the body upon impact.
    • Wood and foam baton rounds, rubber sabot, wood dowels, 40mm plastic baton
  • Flexible: Projectiles that are delivered from a launching system and upon impact conform to the body
    • 12 gauge and 40mm fabric shot bags ("bean bags")
LESS LETHAL MUNITIONS

• Delivery Systems
  • 40mm Launcher
  • 12 Gauge Shotgun
LESS LETHAL MUNITIONS

• Deployment Concerns
  • Verification of Less Lethal Munitions Use
    • Keep all less lethal munitions separate from other 12 gauge ammunition
  • Must Have Accurate Shot Placement
    • The need for immediate incapacitation and the potential for injury must be considered when deciding on shot placement
• Distance to Target
  • This may be deciding factor on which weapon or ammunition to use
LESS LETHAL MUNITIONS

• Deployment Concerns (cont.)
  • Subject Information
    • Age, Body Mass, Clothing, Mental and Medical History
  • Weather Conditions
  • Training and Qualifications of Officer Deploying
  • Prevention of “Contagious Fire” by Other Officers
LESS LETHAL MUNITIONS

• Tactical Deployment Concerns
  • Weapon(s) Subject Armed With
  • Subject’s Intent: suicide, homicide, refusal to submit
  • Available Cover For Officers
  • Safety Priorities in High Risk Incidents
    • Hostages, innocent bystanders, officers, suspect
• Less Lethal Officer
  • More than one available
  • Should also be armed with lethal weapon
LESS LETHAL MUNITIONS

• Tactical Deployment concerns (cont)
  • Cover Officer
    • Armed with lethal force firearm
    • Primary task to protect less lethal officer
  • Alternate Force Officers
    • Taser, hand held impact weapon, pepper spray, pepper ball gun, K-9, etc.
  • Arrest Team: Close proximity to Less Lethal Officer and may also include Less Lethal Officer
LESS LETHAL MUNITIONS

• Tactical Deployment Considerations (cont)
  • Should Have Alternate Plan in Place in Case Less Lethal Fails
  • Target Areas of the Body to Avoid
    • Head
    • Neck
    • Spine
    • Heart
    • Groin
LESS LETHAL MUNITIONS

• Medical Evaluation and Treatment
  • Striking critical areas of the body could cause serious injury or death
  • Medical treatment must be provided as soon as possible without causing further risk to officers, citizens or the subject

• Documentation
  • Report of factors leading to use and munitions deployed
  • Statements
  • Medical treatment provided
  • Evidence collected and final outcome of incident
LESS LETHAL MUNITIONS

• Maintenance of Less Lethal Weapons
  • Must be maintained on a continual basis to ensure proper function when needed
  • Failure to maintain may result in less than desired outcome
40 MM PENN ARMS

LESS LETHAL WEAPON
HISTORY

• Developed in late 70’s for riot control by the British Army
• When first developed, it was a single shot
• Original weapon was the ARWEN and put into use in 1979
• SAGE replaced ARWEN due to unavailability of ARWEN
• Now 40mm replacing SAGE
• Legally classified as a firearm
PURPOSE

• Riot situations for taking out the ring leaders
• Incapacitating an armed or violent inmate
• Intervening in suicide attempts
• As a show of force to defuse a potential incident
• Delivery of chemical agents
NOMENCLATURE

STOCK    LATCH    SIGHTS    BARREL

GRIP    TRIGGER    MAGAZINE    FORE GRIP
UNLOADING

• Open weapon, dispense empty casing backwards over shoulder
• Visually inspect to make sure it is unloaded
40MM MULTI LAUNCHER

• Pump Action Cylinder
• Double Action Trigger
• 6 Shot, No Winding Needed
• Break Open Frame
• Rifling: 1:47 twist
• Barrel Length 11 inches
• Weight: 9.672 lbs Unloaded
40 MM WEAPON

• Multi Launcher (Penn Arms)
• Multiple Types of Munitions
• We Use
  • **Blue Tip eXact Impact Sponge Round**

Other types of rounds are
• Direct Burst on Impact (Inert)
• Direct Burst on Impact O/C
• Rubber Ball Round (Stinger)
BLUE TIP EXACT IMPACT

• Foam Tip
• Velocity: 325 feet per second
• Maximum Effective Range: 120 feet
• Optimal Range: 15-115 feet
• Point of Aim, Point of Impact
• 5 year warranty

• Projectile Specs:
  • 4.0 inches long
  • 2.4 inches high
  • 1.6 inches diameter
  • 1.1 ounces weight
  • Aluminum Casing
  • Smokeless Powder
TARGET ZONES

- Large muscle groups
- Thighs
- Biceps
- Buttocks
TARGET AREAS TO AVOID

• Head, Neck, Spine, Heart, Groin
  • May cause death or serious bodily injury
  • Movement of suspect may result in these areas being struck
TACTICAL CONSIDERATIONS

• Distance and cover
  • Minimum distance 2 meters (6 ½ feet)
• Lighting
• Threat suspect poses to others and self
• Weapons available to suspect
• Safe area to deploy
• Use of cover officer for lethal coverage
REMINIGTON 870 SHOTGUN

LESS LETHAL WEAPON
HISTORY

• Developed in 1950
• Most popular shotgun ever made
PURPOSE

• Riot situations for taking out the ring leaders
• Incapacitating an armed or violent inmate
• Intervening in suicide attempts
• As a show of force to defuse a potential incident
• Delivery of chemical agents
NOMENCLATURE

STOCK
SAFETY
RECEIVER
EJECTION PORT
SIGHTS

GRIP
TRIGGER
ACTION RELEASE
MAGAZINE TUBE
FOREND
BARREL
UNLOADING

• Pull back forend to open ejection port
• Visually inspect barrel and magazine tube to make sure it is unloaded
REMINGTON 870 SHOTGUN

- Pump Action Slide
- Bottom Loading
- Magazine tube holds 6 rounds
- Rifling barrel
- Barrel Length 20 inches
12 GA SHOTGUN

• We Use
  • SUPER SOCK BEAN BAG

Other types of rounds are
• Direct Burst on Impact (Inert)
• Direct Burst on Impact O/C
• Rubber Ball Round (Stinger)
12GA SUPER-SOCK BEAN BAG

• Shot filled ballistic fiber
• Velocity: 270-290 feet per second
• Optimal Range: 21-75 feet
• Maximum Effective Range: 75 feet
• 5 year warranty

• Projectile Specs:
  • 2.4 inches long
  • 51 grams weight
TARGET ZONES

- Large muscle groups
- Thighs
- Biceps
- Buttocks
TARGET AREAS TO AVOID

- Head, Neck, Spine, Heart, Groin
  - May cause death or serious bodily injury
  - Movement of suspect may result in these areas being struck

Monterey Police Department
Chief David J. Hober
TACTICAL CONSIDERATIONS

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