

Desert Hot Springs Police Department (1033) Less Lethal Weapons CCN: 30995

COURSE GOAL:

This course will provide the trainee with an understanding and ability to deploy less lethal impact munitions within department policy and law. The trainee will develop the necessary knowledge and skills to safely and accurately deploy extended range kinetic energy impact munitions (12 gauge and 40mm launched) as appropriate to potential field encounters.

The course consists of classroom lecture, written test, practical skills building and accuracy/manipulation/judgment testing of designated officers.

TACTICAL FIREARMS

Minimum Topics/Exercises:

1. Classroom lecture
2. Policy and/or legal issues
3. Use of Force considerations
4. Written test
5. Safety guidelines/orientation
6. Practical application: Manipulation and accuracy drills
7. Target recognition and analysis
8. Practical application test: Qualification course (accuracy & manipulation)

COURSE OBJECTIVES:

The trainee will:

1. Demonstrate knowledge of Department Use of Force and Weapons Policies.
2. Demonstrate appropriate judgment as to use of less-lethal vs. lethal force application.
3. Demonstrate a minimum standard of launching platform proficiency with every technique, exercise, and course-of-fire, to include:
 - A. Judgment and Decision Making
 - B. Weapons Safety and Manipulation
 - C. Fundamentals of Shooting
 - D. Target/Non-Target Identification
 - E. Speed, Accuracy and Effectiveness under stress and movement conditions
 - F. Shot Placement: Stopping Power, Multiple rounds, Alternatives

Minimum standards of performance shall be tested by an instructor observing the trainee during their performance of each technique, exercise and course-of-fire. If the trainee does not meet minimum standards, as established by the presenter, remediation will be provided. Failure to successfully remediate shall constitute a failure to pass this course.

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EXPANDED COURSE OUTLINE

Training site: 65950 Pierson Blvd. DHS (DHSPD)
72120 Northshore St. Thousand Palms (PS Gun Range)

- I. INTRODUCTION/ORIENTATION
 - A. Introduction, Registration and Orientation
 - B. Course Objectives/Overview, Exercises, Evaluation/Testing
 - C. Weapons Safety Orientation, Review of Range and Shooting Safety Rules
 - 1. All weapons are to be considered loaded
 - 2. Never point the muzzle at anything you are not willing to shoot
 - 3. Keep finger off trigger until ready to fire
 - 4. Be sure of target and background
 - 5. Range and Tactical Safety
 - a. Follow Range Rules
 - b. Follow instructor commands
 - c. Strict weapon discipline and muzzle control
 - d. No lasering of personal body parts
 - 6. Review of Range Safety Rules
 - a. Cover primary elements as a checklist with students
 - b. Local emergency/first aid procedures to include radio/telephone procedures, closest medical facility
- II. LESS-LETHAL FORCE OVERVIEW
 - A. Intended to incapacitate, not seriously injure/kill
 - B. Shot placement is critical
 - C. NOT to be used in lieu of deadly force when deadly force is justified
 - D. Immediate lethal cover should be present when deploying
 - E. Verbal warning prior to deployment when feasible
- III. USE OF FORCE/LESS LETHAL FORCE AND FIREARMS POLICY
 - A. Use of Force Options
 - 1. Lethal Force within the spectrum of force options
 - 2. Verbal, Hands, Less Lethal, Lethal Force
 - 3. Escalation and De-escalation Process
 - B. Department Policy and State Law

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1. Deployment considerations
2. Alternative force options
3. Documentation (report writing/photos), supervisor reporting
4. Medical treatment/care

IV. ASSEMBLY BILL 48

Assembly Bill 48 was enacted and amends Section 12525.2 of the Government Code and adds Sections 13652 and 13652.1 to the Penal Code, relating to law enforcement. Per Penal code Section 13652, kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration, unless:

A. Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:

De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

- i. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- ii. Persons are given an objectively reasonable opportunity to disperse and leave the scene.
- iii. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
- iv. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- v. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- vi. An objectively reasonable effort has been made to extract individuals in distress.

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- i. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- ii. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- iii. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
 - A violation of an imposed curfew.
 - A verbal threat.
 - Noncompliance with a law enforcement directive.
- iv. If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

This section does not prevent a law enforcement agency from adopting more stringent policies.

For the purposes of this section, the following terms have the following meanings:

“Kinetic energy projectiles” means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

“Chemical agents” means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

Per Penal Code Section 13652.1, each law enforcement agency shall, within 60 days of each incident, publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in Section 13652, for crowd control. However, an agency may extend that period for another 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident.

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1. PC 835(a)
 - Reasonable Force
2. SB320
 - Key elements of SB320
3. PC 196
 - Justifiable Homicide by Police

- A. Capabilities/Limitations of Munitions
- a. Minimum standoff distance
 - b. Maximum effective range
 - c. Effects of bulky clothing/body size/mental status

D. Case Law

1. Graham vs Connor
 - a. Force must be reasonable
2. Quezada V. County Of Bernalillo (1991)
 - b. officer might be held liable for putting them self in a situation that requires them to use deadly force against an armed suicidal person.
 - c. Not binding in 9th circuit
3. Plakas V. Drinski (1994)
 - d. use of a less lethal alternative was not required when the use of deadly force by police was justified.
4. Nelson V. City Of Davis (2012)
 - a. No qualified immunity for reckless use of pepper ball.
5. Glenn V. Washington County (2011)
 - a. Use of Less lethal OK for suicidal subject
 - b. Court “uncomfortable” with use of significant force to prevent suicide.
6. Deorle V. Rutherford (2001)
 - a. Must give warning if feasible for less lethal.

E. Written Test

V. DRILLS AND COURSES-OF-FIRE

A. Range Orientation and Safety Briefing

B. All courses emphasize:

1. Weapons safety and manipulation
2. Accurate shot placement
3. Communication (to suspect – lawful verbal commands – and partner officers)

C. Dry-Fire Course (warm-up drill)

1. Patrol ready
2. Chambering round, providing verbal challenge
3. Simulated dry firing and reloading

D. Live-Fire Exercises

1. Accurate delivery of munitions from various distances
2. Appropriate use of cover/concealment

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3. Reloading drills
4. Clearing malfunctions
5. Transition to deadly force

E. Shotgun

1. Review
2. Safety
3. Never use lethal shotgun with less lethal ammo
4. Distance limits
5. Patrol ready set up
6. Loading/Unloading
7. Ammunition management/reload drills
8. Transition to handgun/ lethal force
9. Fire from 5, 10, and 20-yard lines, verbal commands, target areas as commanded
10. Combat load and reload from shell carrier
11. Qualification

F. 40mm launcher

1. Safety
2. Distance limits
3. Patrol ready set up
4. Loading/Unloading
5. Ammunition management/reload drills
6. Transition to handgun/ lethal force
7. Fire from 15-yard line and 40-yard line, verbal commands, target areas as commanded
8. Speed reloading from ammo carrier
9. Qualification

G. Test – Department Qualification Courses of Fire

Testing:

Any student scoring below standard on any exercise, as established by the presenter, will be remediated, and retested. Failure to successfully remediate shall constitute a failure to pass this course.