

BEMIDJI POLICE DEPARTMENT

LESS LETHAL DEVICES

POLICY #252

Purpose

The purpose of this policy is to provide guidelines for the use of less lethal control devices. Less lethal control devices have been determined to be an effective means in gaining compliance from uncooperative subjects who pose an immediate risk of injury or death to officers or bystanders.

Scope

All officers of the Bemidji Police Department will be trained to deploy the department issued less lethal control devices.

Definitions

Less lethal devices fire less lethal impact munitions that are intended to gain compliance of an uncooperative subject through less lethal means.

Less lethal shotgun - 12 Gauge Remington pump shotgun that has an orange stock and forearm.
37/40mm gas launcher - Capable of launching less lethal impact munitions and/or irritants.

Drag Stabilized Bean Bag Round - comprised of a tear shaped bag made from a cotton and ballistic material blend with a range of 75 ft and minimum stand-off of 20 feet.

PepperBall Round – Round projectile designed to distribute OC Pepper.

Rubber Slug - a single rubber composite slug.

Distraction Round - a loud blast for training and distraction purposes.

Fin Stabilized Round - a 5.8 gram finned rubber sabot with the range of 35 ft.

Rubber Ball Rounds contain:

(A) One, Two or Three- .68 Caliber Rubber Balls up to 40ft.

(B) Eighteen- .32 Caliber Rubber Balls up to 40ft.

Taser XREP© (Extended Range Electronic Projectile) Round - delivers neuro muscular incapacitation from a distance of 75 ft. for a full 20 second discharge cycle.

Policy:

A: Application:

1. The less lethal impact munitions may be used in situations where non-deadly or deadly force is justified to control aggressive and/or combative subjects who pose an active threat to themselves or others, therefore reducing the likelihood of serious injury to subjects, officers and innocent bystanders.
 - a. Circumstances appropriate for deployment include, but are not limited to, situations which:
 - i. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
 - ii. The suspect has made credible threats to harm themselves or officers/bystanders.
 - iii. The suspect or suspects are engaged in riotous behavior and/or throwing dangerous objects at people and/or officers.

- iv. There is probable cause to believe the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
2. The need to immediately incapacitate the subject must be weighed against the risk of causing injury or death.
3. Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the officer involved determines these munitions cannot be used safely.
4. Verbal warnings of intent to use device should precede its application, unless such warnings would endanger the safety of officers or are not practical. The purpose of the warning is to give the subject a chance to comply, to inform other officers of its intended use and to allow innocent bystanders to leave the area.
5. The primary and preferred targeting area is major muscle groups below the waist (excluding genitals). This zone is the least likely to result in serious injury when struck by a Less Lethal Impact Munition.
6. The abdomen, shoulders and arms are also an acceptable secondary targeting area; however, have a greater potential for causing serious injury and/or missing the intended target. Consideration shall be given to the preferred targeting area when available.
7. The head, neck, kidneys, spinal cord and chest should not be intentionally targeted unless the suspect poses an imminent threat of serious bodily injury or death and deadly force would be justified.
8. Less lethal impact munitions may be deployed multiple times, according to training, until control of the subject is obtained.
9. Once munitions are deployed, officers should safely move in and restrain the subject as soon as possible.
10. Less lethal impact munitions may be used to control aggressive animals.
11. Only department approved less lethal munitions shall be carried and deployed.

B: Safety Considerations:

1. Devices designated for the use of less lethal impact munitions will be specifically marked as such with an orange stock and forearm.
2. The effective range of most munitions is between 20ft – 75 ft. Officers should keep in mind the manufacturer’s recommendations and their training regarding deployment distances and target area.
3. Officers should additionally consider the recommended minimum stand-off distance for the drag stabilized bean bag munition is 20ft.
4. Before discharging munitions, the officer should consider such factors as:
 - a. Distance and angle to target.
 - b. Type of munitions employed.
 - c. Type and thickness of subject’s clothing.
 - d. The subject’s proximity to others, physical location and surroundings.
 - e. Whether the subject’s actions dictate the need for an immediate use.
 - f. The level of control device used is appropriate.
5. Before use and during monthly vehicle inspections, Officers will inspect devices to ensure they are in proper working order and loaded with only approved munitions.

6. Less lethal impact munitions should not be used when the subject is at danger from falling from a significant height or submerged in water.
7. Officers are to make every effort to avoid less lethal impact munitions placement in the face, soft tissue areas, the eyes, neck, groin or genital area, chest, kidneys, spinal cord and head.

C: Medical Treatment:

- A. Officers must be aware of the possibility of injury that may result from the use of less lethal impact munitions and provide immediate medical treatment to subjects after deployment.
- B. Officers will consult with emergency medical personnel who will determine if the subject's injuries require further medical treatment.

D: Restricted Uses:

- A. Less lethal impact munitions shall not be used on individuals exhibiting compliant or passive resistive behavior.
- B. Less lethal impact munitions shall not be used on restrained individuals unless the actions of the subject present an immediate threat of bodily harm to themselves or any other person.
- C. Less lethal impact munitions should not be used on women known to be pregnant unless there is an immediate threat of serious harm or death to themselves or another person.
- D. Less lethal impact munitions shall not be used in any public or private setting for demonstration purposes except under the following circumstances:
 - (a) The use is specifically approved by the Chief of Police
 - (b) The use is part of an official training course.

E: Documentation:

- A. Officers must make every reasonable effort to have any impact areas on the subject's person photographed. When available, an officer of the same sex as the subject should take photographs of all injuries where genitals or breasts are exposed.
- B. Officers are required to fully document in a report the use of any less lethal impact munitions. A response to resistance form will be completed in accordance with the department's use of force policy.
- C. Officers shall place into evidence any expended munition casings for administrative and judicial proceedings.

F: Training and Deployment:

- A. All BPD officers will be trained by a certified less lethal trainer.
- B. Officers must demonstrate proficiency and knowledge once a year with assigned less lethal impact munitions.
- C. All officers trained with the less lethal impact munitions will have department issued less lethal device available and secured in patrol units.

G: Maintenance:

- A. Officers shall report any malfunctions or problems to a shift supervisor.

- B. Less lethal repairs will be performed by certified personnel. Cleaning and maintenance will be the responsibility of the assigned officer.

H: Reference or Revision Date(s):

- A. REVISION DATE(S):
 - a. 10/17/2022