



GENERAL ORDER:	1.21
CHAPTER:	Law Enforcement Role, Responsibilities, and Relationships
SUBJECT:	Less Lethal Weapons Systems
ISSUED DATE:	November 8, 2007
REVISION DATE:	February 1, 2024
NOTES:	N/A
RELATED ORDERS:	General Orders 1.05 , 1.20 , 2.21.02 Penal Codes 149 , 835 , 835a , 836.5(b) , 843 , 13652 , 13652.1
ATTACHMENTS:	None

PURPOSE: To establish guidelines for the handling and the deployment of less lethal weapons systems and reporting procedures for their use.

POLICY: Members of the Alameda County Sheriff's Office (ACSO) who have successfully completed an agency approved, Commission on Peace Officer Standards and Training (POST) certified course in the proper use and deployment of less lethal weapons systems shall be authorized to use them during the performance of their duties to protect life and property. This order does not replace General Order (GO) 1.20 Conducted Electrical Weapons.

DEFINITIONS:

LESS LETHAL WEAPONS SYSTEMS: Those munitions that can be fired, launched, or otherwise propelled for the purpose of engaging compliance, overcoming resistance, or preventing serious injury without posing a significant potential for causing death. Examples of less lethal weapons systems include foam, rubber batons, rubber pellets, chemical agents, and other like items including thrown or launched canisters containing an ignition fuse similar to a smoke or chemical agent canister or separating submunition.

LETHAL MUNITIONS: Those munitions that can be fired from a firearm and derive their stopping ability via penetrating trauma to the body. Use of these munitions usually results in debilitating injury or death of the subject. Examples of lethal munitions include shotgun buckshot rounds, service ammunition, and other like items.

ORDER: Less lethal weapons systems should be used whenever practical to protect life and restore order. Less lethal weapons systems should be considered whenever the use of less lethal options would assist in enabling an arrest or reducing the risk of more serious injury.

A. CIRCUMSTANCES JUSTIFYING USE OF LESS LETHAL MUNITIONS

Circumstances justifying the use of less lethal weapons systems include, but are not limited to:

1. Restoration or maintenance of order during jail disturbances/riots.
2. Safely controlling non-compliant/violent persons.
3. Situations where the first line supervisor or Commanding Officer deem necessary to safely resolve the incident with a lesser potential of serious injury to citizens, the involved subject/suspects, and Agency members.

B. PROHIBITED USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS

1. Pursuant to PC 13652(a), except as otherwise provided in PC 13652(b), kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any peaceful assembly, protest, or demonstration.
2. PC 13652(b): During unlawful and violent protests, kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by Commission on Police Officer Standards and Training (POST). The use of kinetic energy projectiles needs to be objectively reasonable to defend against a threat to life or Great/Serious Bodily Injury (GBI), 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:
 - a. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
 - b. 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.
 - c. Persons are given an objectively reasonable opportunity to disperse, based on a Law Enforcement objective, and leave the scene.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. An objectively reasonable effort has been made to extract individuals in distress.
 - h. 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.
 - i. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
 - j. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
 - i. A violation of an imposed curfew

- ii. A verbal threat
- iii. Noncompliance with a law enforcement directive
- k. If the chemical agent to be deployed is tear gas, only a command officer at the scene of the assembly, protest, or demonstration may authorize its use.
- l. Kinetic energy projectiles and chemical agents will be inventoried before and after pre-planned crowd management events. Best efforts will be made to inventory kinetic energy projectiles and chemical agents when responding to violence, major vandalism, theft, or looting.

m. Under no circumstances shall multiple projectile impact munitions (MPIM) be utilized inside of a Therapeutic Health Unit (THU) at Santa Rita Jail.

C. REPORTING PROCEDURES

1. All incidents involving the use of less lethal weapons systems shall be reported immediately to a supervisor.
2. The use of less lethal weapons constitutes a use of force and must be reported in accordance with the Agency's Use of Force Policy GO 1.05.

D. AGENCY REQUIREMENTS FOLLOWING DEPLOYMENT

1. Pursuant to PC 13652.1 (a), each law enforcement agency shall, within 60 days of each incident, publish a summary on the agency's 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 PC 13652, for a crowd control event. However, an agency may extend that period for another 30 days if they demonstrated just cause, but in no case longer than 90 days from the time of the incident.
2. For each incident reported under the above PC, the summary shall be limited to that information known to the agency at the time of the report and shall include only the following:
 - a. A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.
 - b. The type of kinetic energy projectile or chemical agent deployed.
 - c. The number of rounds or quantity of chemical agent dispersed, as applicable.
 - d. The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.
 - e. The justification for using the kinetic energy projectile or chemical agent, including any de-escalation tactics or protocols and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

E. STORAGE OF LESS LETHAL WEAPONS SYSTEMS

1. Storage of less lethal weapons systems shall conform to manufacturer's recommendations. Munitions, which have been removed from their original container, shall be clearly and conspicuously identified as less lethal to prevent confusion with lethal munitions.
2. Under no circumstances shall less lethal munitions be kept in a manner, which might lead to confusing them with lethal munitions.
3. 40mm launchers shall be stored in the following manner:
 - a. In a case, in the less lethal weapon system kit. Alternate acceptable storage for the launcher will be in the duty station armory.
 - b. The breech of the launcher will be closed and the chamber empty.
4. The less lethal weapon system kit will consist of:
 - a. One (1) 40mm launcher.
 - b. Agency approved chemical or impact munitions.
 - c. Other less lethal munitions and equipment as determined by the facility's Commanding Officer.
 - d. The Commanding Officer, or the Commanding Officer's designee, will be responsible for maintenance and inventory of the less lethal weapon system kit.

F. TARGET AREAS

1. Less lethal weapons systems will be aimed at the appropriate suspect target areas based on the circumstances.
2. When engaging a subject/suspect, personnel should evaluate the effectiveness of each round during the volley while constantly re-evaluating the incident as a whole and the subject/suspect's actions or response. Compliance and/or incapacitation are the desired goals, and alternative target areas should be considered when rounds are not effective.
3. Alternative target areas/response considerations will be based on the circumstances the Agency member is observing and responding to.
4. Aiming Points
 - a. Primary Target Areas: Large Muscle Groups
 - i. Buttocks
 - ii. Thighs
 - iii. Calf
 - iv. Abdomen
 - b. Secondary Target Areas: Skeletal and Medium Muscle Groups
 - i. Wrist

- ii. Elbows
 - iii. Knees
 - iv. Upper arm
- c. Final Resort Target Area: When maximum effectiveness is desired to meet a level of threat escalating to deadly force (*except during a crowd control event, refer to PC 13652 (b)*).
- i. Chest (center mass)
 - ii. Groin
 - iii. Spine
 - iv. Lower Back
 - v. Head and Neck

G. POTENTIAL FOR CAUSING DEATH OR SERIOUS INJURY

1. The potential for causing death or (GBI) with projectiles is a reality.
2. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical attention is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back, thoracic and abdominal cavities and the groin.
 - a. Medical attention shall be sought anytime a less lethal weapons system is deployed and the subject/suspect is detained or apprehended.
3. Shots to “the head” will provide the highest probability of causing immediate incapacitation, but also have the potential to cause serious injury or death.

H. DEPLOYMENT DELIVERY SYSTEMS

Refer to GO 2.21.02 – Military Equipment for a listing of all less lethal munitions/Systems.