



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 403.9

Subject: Use of Force

Topic: Less-Lethal Impact Munitions

Accreditation: ADM. 05.02, 06.01

Revised:

Reaffirmed:

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I. PURPOSE

The purpose of this General Order is to establish policy and procedures governing the use of less lethal impact munitions by sworn members of the Loudoun County Sheriff's Office.

II. POLICY

It is the policy of the Loudoun County Sheriff's Office that sworn personnel shall attend and successfully complete all applicable training. The deployment of less-lethal impact munitions by sworn personnel shall be done in accordance with General Order 403.1 and all applicable LCSO training protocols. However, it is ultimately the responsibility of the deputy to ensure that the deployment of less-lethal impact munitions is within the standards of *Graham v. Conner*.

Deputies have an affirmative duty to act if they observe another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances, and shall safely intercede to prevent the use of excessive force. Deputies shall promptly report the incident to a supervisor.

III. PROCEDURE

- A. Less-lethal impact munitions ("bean bag" rounds) are designed to offer the deputy an alternative to deadly force. The use of less-lethal impact munitions is not always appropriate and should not be considered if not readily available and a delay in action would be detrimental to the situation.
- B. The less-lethal impact munition may be used to resolve potentially violent situations, thereby reducing the likelihood of serious physical injury or death to all persons.
- C. Less-lethal impact munitions may only be deployed when there is an exigent and immediate safety risk that is reasonably likely to be cured by the use of the less-lethal impact munitions.
 1. Refusal to obey commands alone does not constitute active resistance, even when that resistance includes physically preventing the manipulation of the subject's body.

2. Erratic behavior and mental illness do not necessarily create a safety risk.
- D. The less-lethal impact munition will be used only when there is a reasonable belief that it is unsafe for deputies to approach within physical contact range and the subject has an immediate ability to utilize force likely to cause death or serious physical injury.
- E. The less-lethal impact munition may be used to prevent a subject from causing imminent serious physical injury or death to himself or others.
- F. Instances where the use or availability of a less-lethal impact munition may be effective would include, but not be limited to:
1. Suspects who are armed with weapons other than firearms
 2. Violent persons or persons under the influence of drugs or alcohol who are armed with a weapon
 3. Persons threatening to injure themselves or commit suicide in the presence of the deputy and armed with a weapon or otherwise capable of carrying out their intent while holding deputies at bay
- G. Operational Procedures:
1. The less-lethal impact munition shall only be used by deputies trained and certified by the Loudoun County Sheriff's Office. Only the designated "bean bag" shotguns will be used for the less lethal deployment of "bean bag" rounds. "Bean bag" shotguns shall only be loaded with "bean bag" ammunition.
 2. Only those 12 gauge less-lethal impact munitions issued by the Loudoun County Sheriff's Office shall be used by agency employees.
 3. Requests for a less-lethal impact munition operator may be made by any deputy through the Emergency Communications Center.
 4. It shall be the responsibility of the operator to visually and physically inspect the shotgun and munitions to ensure that only the appropriate munitions are used for deployment.
 5. All perimeter units within the immediate area shall be advised, either by radio or direct verbal contact, that less-lethal impact munitions have been deployed and may be used.
 6. Less-lethal impact munitions should be used from behind cover or at a safe

distance. A cover officer shall be in position to engage the subject with deadly force, if necessary.

7. During a less lethal situation, the less-lethal impact munition shall only be deployed to the approved areas of the body as designated by certified less lethal instructors.
 - a. In determining the target area, consider the potential injury and the need for immediate incapacitation.
 - i. Center mass shots have a higher probability of immediate incapacitation, serious injury, and death
 - b. Target Zones
 - i. Zone 1:
 - (a) If available, these areas should be targeted first
 - (b) Large muscle groups (buttocks, thigh, calf)
 - ii. Zone 2:
 - (a) Medium muscle groups (abdomen)
 - iii. Zone 3:
 - (a) This area carries the highest potential for serious injury or death
 - (b) Chest
 - (c) Head
 - (d) Spine
 - (e) Neck
 - (f) The intentional targeting of the these areas is considered the use of deadly force
 8. The subject shall be taken to a medical facility for examination after having been impacted with a less-lethal impact munition.
- H. 40 mm Direct Impact Round (or any other similar, less-lethal weapon that has been approved for use)

1. The 40 mm direct impact round shall only be used in accordance with the manufacturer's specification and within agency guidelines for the use of less-lethal force. The 40 mm weapon system can fire direct impact (sponge) rounds and may provide a less-lethal response to counter an attack from an armed or suicidal individual.
2. The 40 mm direct impact rounds shall be issued to and maintained by certified deputies.
3. The weapon system shall only be deployed by trained deputies who have qualified with the weapon.
4. The weapon system will be deployed with a cover officer capable of employing lethal force.

IV. REPORTING

- A. Any deputies witnessing or involved in the incident shall submit an IBR or supplemental incident report thoroughly documenting the events.
- B. In all cases where less-lethal impact munitions are tactically deployed, the supervisor shall complete a full and thorough investigation of the incident and document the investigation on the Administrative Investigation Inquiry Use of Force form.
 1. Refer to General Order 302 for further direction on completing Administrative Investigation Inquiries.
 2. Any injury received that results in serious injury or requires hospitalization shall be reported to the Internal Affairs section, which shall conduct the investigation.
 3. If a death occurs, it shall be investigated in accordance with General Order 403.12.
- C. The impact area shall be photographed and any other evidence shall be documented appropriately.
 1. Typical evidence related to uses of force may include, but are not limited to: video (in-car and/or body cameras), witness statements, incident reports and/or supplemental incident reports, related physical evidence, etc.
- D. The on-scene supervisor shall notify the chain of command of the deployment of less-lethal impact munitions in all cases that result in death, serious injury or requires hospitalization.

E. Copies of all documents shall be forwarded to the Internal Affairs section.