



# Lansing Police Department Manual

## 600.60 — USE OF LESS LETHAL WEAPONS

*Operational Procedure*

*Effective Date: 09/2024*

*Rescinds: 02/2023*

### PURPOSE

To establish procedures for the use and carry of less lethal weapons.

### POLICY

Officers in performance of law enforcement responsibilities may use only the weapons, restraints, and ammunition authorized by the Lansing Police Department (LPD). This applies to both on-duty and off-duty incidents. Only those officers trained and/or certified may possess and use authorized devices. The decision to use a less lethal weapon is a response to resistance that must be “objectively reasonable” as set forth in Operational Procedure 600.07 *Response to Resistance*.

### DEFINITIONS

- **Less Lethal Weapon:** any authorized Department issued weapon, other than a firearm, that when deployed is less likely to cause serious or fatal injury. This includes but is not limited to: Oleoresin Capsicum Spray (OCS), Aerosol Subject Restraint (ASR), Impact Weapons (IW), Conductive Energy Weapons (CEW), 40-millimeter Impact Rounds, Bean Bag Rounds, Baton, Flashlight, Flash/Sound Diversionary Devices, Pepper Ball Deployment Systems, and/or other munitions to include those utilized for Mobile Field Force.
- **Less Lethal Impact Projectiles:** Projectiles which can be launched and are less likely to cause death or serious physical injury when deployed to areas of the suspect’s body.

### COMMUNICATION INTERVENTION

- When feasible, officers will attempt to de-escalate the situation through verbal or non-verbal communication.
- Officers will attempt to identify themselves as a police officer and issue a verbal warning before using a less lethal weapon.
- Verbal warnings or commands to the subject are not required in situations where the officer reasonably believes the conditions would place the safety of the officer or another person in jeopardy; however, when feasible officers should provide a warning to other officers in advance of using less lethal devices.

### USE OF LESS LETHAL WEAPONS

- Less lethal weapons may be utilized in situations including but not limited to the following:
  - To prevent escape from custody, to effect an arrest of a person who the officer reasonably believes has committed an offense, or is experiencing a medical emergency; and/or

- To defend themselves or another person from what the officer reasonably believes is or will be an imminent assault while attempting to effect an arrest; or while preventing or attempting to prevent an escape; and/or
- To take protective custody of a person from a credible demonstration of self-harm.
- To deter attacks by vicious animals (does not require authorization).

**NOTE:** Less lethal weapons are referenced in other procedures including Operational Procedure 600.07 *Response to Resistance*, Operational Procedure 700.18 *START Use of Flash/Sound Diversionary Devices*, and Operational Procedure 700.33 *Tactical Cell Entries*.

## **TYPES OF LESS LETHAL WEAPONS**

- Aerosol Subject Restraint (ASR)

- Aerosol Subject Restraints include but are not limited to Department approved OCS, and will be carried by all trained uniform personnel consistent with Operational Procedure 400.04 *Employee Appearance and Dress Code*.
- Personnel will return expired canisters of OCS to the Property and Supply Unit or a Subject Control Instructor for replacement.
- Persons exposed to an ASR will be handled consistent with current training.
- Persons exposed to an ASR will be monitored for signs of medical distress.

- Impact Weapons (IW)

- Department issued flashlights and/or batons may be used as an impact weapon.
- Persons subjected to an impact weapon will be handled consistent with current training.
- Persons subjected to an impact weapon will be monitored for signs of medical distress.

- Conductive Energy Weapon (CEW)

- Only the Department approved CEW will be utilized by personnel who have completed the Department's requisite training program.
- At the beginning of each shift, officers will inspect each device, check for functionality, and document the CEW number on their Daily Activity Sheet if not specifically assigned to them.
- Officers will carry the CEW in a Department approved holster worn on the support side, opposite the firearm, in a support-hand draw or cross-draw position.
- Officers will use the CEW consistent with current training and Operational Procedure 600.07 *Response to Resistance*.
- Unless it would compromise officer safety or is unreasonable due to circumstances, a verbal warning of the intended use of the CEW will precede the deployment of the device in order to provide the individual with a reasonable opportunity to voluntarily comply, and provide officers with a warning the CEW may be deployed.
- Persons subjected to the CEW will be handled consistent with current training and Operational Procedure 600.07 *Response to Resistance*.
- Persons subjected to the CEW will be monitored for signs of medical distress and transported to an area hospital as soon as reasonable.
- Application of the CEW will be discontinued consistent with current training and Operational

93 Procedure 600.07 *Response to Resistance*.

- 94 ○ Except in emergent circumstances, the CEW should not be used in any situation where there is  
95 a reasonably foreseeable likelihood of severe injury or death. In the extraordinary instance  
96 Department personnel feel compelled to utilize the CEW in the following circumstances, the  
97 conduct of the involved personnel will be evaluated in accordance with Operational Procedure  
98 600.07 *Response to Resistance*, and sound tactical principles:

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- 100 ▪ Persons in an elevated position;
  - 101 ▪ Persons in control of a motor vehicle, motorcycle/ATV and bicycle;
  - 102 ▪ Handcuffed persons;
  - 103 ▪ Persons near flammable or combustible fumes;
  - 104 ▪ Persons near any body of water that may present a drowning risk;
  - 105 ▪ Persons known to have a pacemaker or known to be pregnant; and
  - 106 ▪ While working with outside departments and unknown less lethal OCS

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- 108 ○ Each CEW discharge upon a subject requires certain evidentiary collection and documentation  
109 in a response to resistance report consistent with current training and Operational Procedure  
110 600.07 *Response to Resistance*.
  - 111 ○ Officers will report all CEW discharges, including accidental discharges, to a supervisor.

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- 113 ▪ All accidental CEW discharges will still require a written report by the discharging officer,  
114 utilizing the current Record Management System.
  - 115 ▪ Supervisors will complete a written report, in the current Internal Affairs Record System, for  
116 all accidental CEW discharges and follow the force reporting process outlined in 600.07  
117 *Response to Resistance*.

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- 119 ○ Dysfunctional CEW's and accessories will be turned over to the Training Unit or designee.
  - 120 ○ CEW devices will be properly maintained by the assigned officer consistent with training to  
121 include actions which allow the CEW to download usage data for reporting.

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- 123 • Mobile Field Force Munitions

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- 125 ○ Chemical weapon munitions, both launched and hand thrown, that are delivered by specially  
126 trained Grenadiers.
  - 127 ○ These are utilized to accomplish Mobile Field Force objectives in accordance with Operational  
128 Procedure 600.25 *Mobile Field Force*.

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- 130 • Flash/Sound Diversionary Devices

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- 132 ○ A device that produces a loud sound with a brilliant light that causes confusion and distraction  
133 to provide personnel with a few seconds of tactical advantage.
  - 134 ○ The use of these devices will also follow Operational Procedure 700.18 *START Use of*  
135 *Flash/Sound Diversionary Devices*.
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137 • Less Lethal Impact Projectiles

138 ○ Examples of less lethal projectiles are:

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- 141     ▪ 40-millimeter Exact Impact Rounds
- 142     ▪ Beanbags
- 143     ▪ Pepper Ball Deployment Systems
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145 **NOTE: Only Special Tactics and Rescue Team (S.T.A.R.T.) Officers are authorized to use beanbag**

146 **projectiles.**

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- 148 ○ Less lethal impact projectiles shall not be used without prior authorization from a Captain or
- 149 above in cases of a deliberate (planned) arrest and/or Detention operations.
- 150 ○ The Department recognizes that certain circumstances such as emergency arrests or
- 151 Detention Operations may necessitate the use of such devices, due to an immediate threat to
- 152 the life of an officer or citizen, prior to authorization being received. In all situations where
- 153 immediate safety is not an issue, the notification will be accomplished, and authorization
- 154 received prior to use.
- 155 ○ Considerations for authorization for the use of less lethal impact projectiles include but are not
- 156 limited to:
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- 158     ▪ Suicidal subjects.
- 159     ▪ Situations where utilizing lower levels of force would not be safe or effective to subdue or
- 160 arrest a violent person.
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- 162 ○ Use of less lethal impact projectiles, for non-Detention operations, shall include the use of a
- 163 lethal back up option.
- 164 ○ Deployment of less lethal impact projectiles must take into account whether the suspect is in an
- 165 elevated position, as well as considering the target's backstop.
- 166 ○ Communication during the use of such devices must include:
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- 168     ▪ Announcement over the radio of a less lethal impact projectile launcher on scene.
- 169     ▪ A plan for a contact and arrest team.
- 170     ▪ A warning regarding sympathetic gun fire.
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- 172 ○ Upon receiving any projectiles, the person actually deploying them shall be responsible for
- 173 ensuring that these projectiles are less lethal and used in accordance with Department policy.
- 174 ○ Whenever feasible, if the use of less lethal impact projectiles is anticipated, personnel should
- 175 notify emergency medical personnel and request they stand-by in the area to transport the
- 176 subject.
- 177 ○ If a subject is struck with a less lethal impact projectile, the subject must be transported to a
- 178 medical facility for evaluation. The scene will be secured and protected pending a medical
- 179 disposition.
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181 **NOTE:** Less lethal projectiles may be used in a situation resulting in the suspect escaping before he/she

182 can be safely restrained.

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- When a suspect is struck and transported to a medical facility, police personnel must provide the medical personnel with the information card associated to the projectile launcher which provides data on the device as well as provide an example of the munition used.
- If the subject suffers from minor injuries such as contusions and abrasions, patrol will:
  - Photograph the scene per departmental procedure.
  - Collect spent projectiles and casings and place into evidence.
  - Photograph the impact site on the subject unless in a sensitive area.
  - Document by serial number the types of less lethal projectile launcher used.
  - If minor injuries occur during Detention operations these tasks will be completed by the Detention supervisor.
- If the subject is in critical condition or suffers internal injuries, officers will:
  - Maintain scene security.
  - Contact the Duty Captain to determine the course of investigative action.
- If the subject suffers lethal injuries, officers should also refer to and follow Operational Procedure 600.39 *Police Employee Involved Critical Incident*.
- Pepper Ball Deployment System:
  - An air-powered launch device utilizing small plastic spheres filled with powdered or liquid Oleoresin Capsicum (OC), and/or inert rounds without any OC.
  - Any utilization of the Pepper Ball Deployment System will be within the guidelines of Less Lethal Impact Projectiles except for the following:
    - Aerosol Subject Restraint (ASR) guidelines would apply in situations where the Pepper Ball Deployment System is used, and the projectile does not make contact with the suspect's body (ex. Deployed against a fixed object for the OC effect only).

## TRAINING AND QUALIFICATIONS

- Only personnel who have undergone the applicable training and are qualified to utilize the respective less lethal weapon(s) are authorized to deploy them.
  - All training, qualification, and proficiency assessments of less lethal weapons will be documented in the current LPD Training Record System.
  - All training will be monitored by a Certified Weapons Instructor of the respective weapon(s) being trained on.
  - Less lethal weapons training will occur at least every 2 years.
    - CEW training is required annually.
  - The specific training provided, and individual(s) responsible for providing it, will be dependent upon the weapon system(s) being trained on (i.e. Training Unit, START, Mobile Field Force Commander, Specialized Trainer, etc.).

- Remedial training:
  - Personnel who are unable to qualify with applicable less lethal weapon(s) assigned to them will be afforded an opportunity for remedial training.
  - The specific remedial training provided, and individual(s) responsible for providing it, will be dependent upon the weapon system(s) being trained on (i.e. Training Unit, START, Mobile Field Force Commander, Specialized Trainer, etc.).
- Failure to Qualify:
  - Personnel unable to qualify after being provided with remedial training will not be able to utilize that less lethal weapon until qualification is met. Sanctions will depend upon the weapon(s) and employee assignment(s) but could include any of the following:
    - Reassignment, suspension, and/or discipline.
  - Personnel can be prohibited from returning to full duty if it is determined they are not capable of performing their duties due to significant training deficiencies.
  - If the employee has not qualified after a reasonable attempt at remedial training, a detailed report will be submitted by the responsible Trainer(s) to the Chief of Police/designee for administrative action. Failure to qualify may result in disciplinary action up to and including termination.

## **LESS LETHAL EQUIPMENT**

- The Chief of Police will authorize all less lethal weapons and applicable less lethal ammunition and munitions used by LPD.
  - A list of all Departmental approved less lethal weapons, all applicable ammunitions/munitions, and records on each weapon will be kept by the following:
    - Training Unit: CEW, Impact Weapons, ASR
    - START Commander: Impact Projectile Weapons, Flash/Sound Diversionary Devices
    - Mobile Field Force Commander: Mobile Field Force Munitions
  - Department issued less lethal weapons and related equipment must be inspected and approved by a Certified Weapons Instructor before issue.
  - Any less lethal weapons found to be unsafe shall be removed from duty.
  - The unsafe less lethal weapon must either be marked or stored in such a fashion as to preclude it from being entered back into service.
  - The unsafe less lethal weapon shall either be repaired or replaced.
    - Unsafe less lethal weapons, and any actions taken to repair/replace them, shall be documented in the applicable record system.
  - The above actions for unsafe less lethal weapons will be completed by the applicable work group in charge of the weapon (Training, START, Mobile Field Force Commander, etc.)

- Unattended less lethal weapons shall be stored in a secure manner as to prevent unauthorized access and use.
- All weapons and equipment covered in this procedure will be maintained in a state of operational readiness in accordance with Operational Procedure *400.03 City/Police Department Property/Equipment*.

## **REPORTING AND REVIEW**

- Any use of a less lethal weapon requires a written report by the employee in the current LPD Record Management System (RMS), notification of use to the employee's immediate supervisor for review, and that reviewing supervisor's entry into the current LPD Internal Affairs Record System for Chain of Command approval. This process is defined in Operational Procedure *600.07 Response to Resistance*.