

<p>MESA POLICE</p> <p>Department Policy Manual</p>	<p>Less Lethal Shotgun</p>	<p>DPM 2.1.40 Effective 06/09/2016 Revised 03/28/2023</p>
<p>Approved by: Chief of Police</p>	<p>Chapter: Use of Force</p>	<p>Page: 1 of 6</p>

1. PURPOSE

This policy provides Mesa Police Department (MPD) members with guidelines for the use of the Less Lethal Shotgun, also known as Bean Bag Shotgun and 12-Gauge Shotgun.

2. DEFINITIONS

Immediate or Imminent Non-Deadly Threat: When it is objectively reasonable to believe that:

- A subject's actions are immediately likely to cause physical injury to the member or others unless action is taken;
- The subject has the means or instruments to cause physical injury; and
- The subject has the opportunity and ability to cause physical injury.

Impact Weapon: Instrument by design used to apply force through physical contact. Impact weapons can include the expandable baton, side-handle baton, Less Lethal Shotgun, and 40mm Specialty Impact Weapon.

Less Lethal Shotgun: A 12-Gauge Shotgun, which fires Bean Bag Projectile rounds, is the Less Lethal Shotgun authorized by the MPD.

Less Lethal Shotgun Deployment: A member has deployed a Less Lethal Shotgun for reporting purposes if:

- The member has pointed a Less Lethal Shotgun at a subject; and/or
- Fired a Bean Bag Projectile from a Less Lethal Shotgun, whether a subject has been struck or not.

12-Gauge Flexible Baton ("Bean Bag Projectile"): The authorized less lethal round used in the Less Lethal Shotgun is manufactured by CTS. The shot filled bag is designed to be non-penetrating and collapse when contacting the target. The shot acts as a fluid medium, distributing the energy over a wider area than a solid projectile.

3. GENERAL

3.1 Authorized Equipment

- A. Department-issued 12-Gauge Shotgun. See [DPM 1.6.5A1 Authorized Firearms & Accessories List](#) for approved firearms.

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- B. Use only Department-issued, factory-loaded Bean Bag Projectiles.
- C. Less Lethal Shotguns and Bean Bag Projectiles are issued to Department members by the Range Sergeant or designee.

3.2 Philosophy

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects. The courts have held that less lethal force options are “*capable of inflicting significant pain and may cause serious injury.*” Therefore, consistent with the Department’s Use of Force policy, less lethal force options are only permissible as follows:

3.3 Authorized Use & Decision Making Process [ALEAP 1.8C]

- A. The Less Lethal Shotgun is an Impact Weapon.
- B. The use of the Less Lethal Shotgun is authorized in accordance with [DPM 2.1.1 Use of Force](#), [DPM 2.1.25 Impact Weapons](#), and this policy.
- C. The Less Lethal Shotgun is authorized to disrupt or defuse a subject if an immediate or imminent threat exists, and the elements of both 1 and 2 below are met:
 - 1. The subject is wanted for any of the following:
 - a. Robbery, not including thefts that are accompanied by low level assaults.
 - b. Homicide.
 - c. Aggravated Assault (must involve violence, a weapon, and/or injury or potential for injury).
 - d. Kidnapping.
 - e. Arson with threat of harm to people.
 - f. Domestic Violence felony crimes (violent).
 - g. Sexual Assault.
 - h. Drive by Shooting.
 - i. Unlawful Discharge of a Firearm.
 - j. First Degree Burglary.
 - 2. The subject is visibly armed with a deadly weapon or dangerous instrument; OR, if based on reasonable information gained from reliable, articulable facts, it is believed that the subject is armed with a deadly weapon or dangerous instrument.
- D. The Less Lethal Shotgun is also authorized for use when a subject is an immediate or imminent threat and displaying **active aggression, aggravated active aggression, or a dangerous violent fleeing felon.**
- E. The Less Lethal Shotgun is also authorized to disrupt or defuse a **suicidal individual who is armed or believed to be armed**, is an immediate or

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imminent threat, and who cannot reasonably be dealt with in any other safer fashion.

- F. Less Lethal Shotgun operators should use extreme caution when considering the use of Less Lethal Shotguns on subjects in elevated positions, and when the subject is known to be or is visibly pregnant, elderly, very young, frail, or physically disabled.
- G. The Less Lethal Shotgun is not authorized to be used on a subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance do not alone justify the use of the Less Lethal Shotgun.
- H. It is prohibited to use Bean Bag Projectiles on subjects as a form of punishment, retaliation, undue coercion, or to gain compliance where less intrusive methods could be used.
- I. Each Bean Bag Projectile fired at a subject is considered a use of force. Members should reassess after firing each round and make every effort to give additional verbal commands.
- J. Bean Bag Projectiles are only authorized for use as a "door knocker" on structures with supervisor approval. The use should present no reasonable likelihood of harm to individuals. The use of bean bag projectiles on vehicles is prohibited.
- K. Units within the Special Operations Division may deviate from this section of policy based on the seriousness of the crime, the suspect's actions, and in compliance with approved tactics and training.

3.4 Authorized Operators [ALEAP 1.8C]

- A. Affected Division Commanders select the operators authorized to carry a Less Lethal Shotgun.
- B. The Range Sergeant has final approval of Less Lethal Shotgun operators.
- C. Less Lethal Shotgun operators in the Patrol Divisions should be distributed among the various work shifts so there is one available at all times.
- D. Less Lethal Shotgun operators will retain the Less Lethal Shotgun until they leave patrol, at which time the Less Lethal Shotgun will be returned to the Range Sergeant or designee for reassignment.

3.5 Restrictions [ALEAP 1.8C]

- A. See [DPM 2.1.25 Impact Weapons](#). Additionally;
- B. Only Bean Bag Projectiles may be fired from a Less Lethal Shotgun (except in training activities).
- C. When designated to deploy Less Lethal Shotgun, do not carry Lethal Shotgun ammunition.

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1. Exception: SWAT members may have access to both Lethal and Less Lethal Shotgun ammunition simultaneously.

4. DEPLOYMENT

4.1 Verbal Warnings [ALEAP 1.8C]

- A. Members will make every reasonable effort to identify themselves as law enforcement and give commands and warnings before deploying a Bean Bag Projectile in order to:
 1. Provide the subject with a reasonable opportunity to voluntarily comply.
 2. Provide other members and individuals with warning that a Bean Bag Projectile may be deployed.
- B. Members should reassess after the firing of each Bean Bag Projectile. Give additional verbal warnings, when feasible, providing the subject the opportunity to comply.

4.2 Target Areas [ALEAP 1.8C]

- A. Aim the Less Lethal Shotgun at the large muscle groups of the buttocks, thighs, and/or the knees of the subject.
 1. These areas provide sufficient pain stimulus and affect the mobility of the subject, while significantly minimizing serious or life-threatening injuries.
- B. Deployments to the head, neck, thorax, heart, groin, spine, or deployments less than 10 yards can result in fatal or serious injury. They shall **not** be targeted unless deadly force is authorized.

4.3 Deployment [ALEAP 1.8C]

- A. The optimal distance for deployment of a Bean Bag Projectile is between 10 to 15 yards.
 1. The projectile is effective beyond 35 yards; however, the accuracy diminishes after 15 yards.
- B. The minimum distance for the deployment of the Less Lethal Shotgun shall be no less than 10 yards.
- C. Always have another member present with available lethal force when deploying the Less Lethal Shotgun.
- D. Members should be prepared to employ other force options if the subject does not respond sufficiently to the Less Lethal Shotgun and cannot otherwise be subdued.

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5. POST-DEPLOYMENT

5.1 Medical Attention [ALEAP 1.8C]

- A. See [DPM 2.1.25 Impact Weapons](#).

5.2 Notification & Documentation

- A. See [DPM 2.1.25 Impact Weapons](#). Additionally;
- B. The firing of a Less Lethal Shotgun using Bean Bag Projectiles does not constitute discharging a firearm for Department policy purposes.
- C. Displaying and/or pointing a Less Lethal Shotgun at a subject but without firing shall be documented in a departmental report or supplement but does not require a Use of Force Report.
- D. Anytime a Less Lethal Shotgun is fired at a subject (except in training activities), whether a subject is struck or not, members shall notify a supervisor and document the incident in a departmental report or supplement. This is a reportable use of force and shall be documented by a supervisor in a Use of Force Report.
- E. When a Less Lethal Shotgun is fired at an inanimate object or animal, members shall notify a supervisor and document the incident in a departmental report or supplement, but no Use of Force Report is necessary. [ALEAP 1.8C]

6. CARRYING & MAINTENANCE

6.1 Less Lethal Shotgun Program [ALEAP 1.8C]

- A. The Advanced Training Section manages the Less Lethal Shotgun Program.
- B. The Range Sergeant is responsible for updating, ordering, and distributing Less Lethal Shotguns as needed.
- C. The Advanced Training Section is responsible for updating, ordering, and distributing Bean Bag Projectiles.

6.2 Care

- A. Operators issued Less Lethal Shotguns are responsible for the care of the weapon, including the accessories and Bean Bag Projectiles.

6.3 Security

- A. Less Lethal Shotguns will be secured and handled as outlined in [DPM 1.6.15 Firearms Handling & Security](#).

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6.4 Inspections

- A. Less Lethal Shotguns shall be inspected annually by Range members as outlined in [DPM 1.6.5 Authorized Firearms & Ammunition](#).

6.5 Maintenance & Repairs

- A. A Less Lethal Shotgun requiring maintenance or repair must be taken to the Range Sergeant as outlined in [DPM 1.6.5 Authorized Firearms & Ammunition](#).

7. TRAINING & RECORDS [ALEAP 1.8C]

- A. Selected Less Lethal Shotgun operators shall attend, and successfully complete, a Department-approved training course covering proper use and deployment of the weapon.
- B. Additional training/recertification for Less Lethal Shotgun operators is held annually.
- C. Training attendance is mandatory.
1. Failure to attend mandatory training will result in the operator being removed from the Less Lethal Shotgun Program.
- D. The Range Sergeant or designee shall verify and record the initial training and required qualifications.
- E. The Advanced Training Section maintains records on the Less Lethal Shotgun through Use of Force Reports and completes an annual status report for the Chief of Police.

REFERENCES

- [DPM 1.6.5 Authorized Firearms & Ammunition](#)
- [DPM 1.6.5A1 Authorized Firearms & Accessories List](#)
- [DPM 1.6.15 Firearms Handling & Security](#)
- [DPM 2.1.1 Use of Force](#)
- [DPM 2.1.25 Impact Weapons](#)