



SUBJECT: Kinetic Energy Impact Weapon System				
References: <u>NEW YORK STATE ACCREDITATION STANDARDS:</u>				
20.1 (Necessary Force), 20.6 (Less-Than-Lethal Substances/Devices),				
Special Instructions: 1. This Policy supercedes all previous Policies and Procedures.				
Number: T-32.200	Pages: 6	Effective Date: August,1 2020	Reviewed	Issuing Authority: Chief of Police

The Town of Cicero Police Department recognizes that combative, noncompliant, armed and/or violent subjects present handling and control problems that require special training and equipment. Thus, the Cicero Police Department has adopted the *less-lethal* force philosophy to assist in the de-escalation of these potentially violent confrontations.

Kinetic energy impact projectiles are justified and may be used to compel an individual to cease his or her actions when such projectiles present a reasonable option for resolving the situation at hand.

Officers are not required or compelled to use kinetic energy projectiles in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent third-party citizens, and officers take priority over the safety of subjects engaged in criminal or suicidal behavior.

It is recognized that due to the unpredictable nature of a person's movements and/or actions, Kinetic energy impact projectiles may unintentionally (on the part of the officer) impact a bodily area, or produce an outcome which does not parallel Department training. In evaluating the appropriateness of an officer's actions in these circumstances, the Department will examine each instance on a case-by-case basis in light of the foregoing to determine whether or not the force used was reasonable, and thus, authorized by policy.

References

Kinetic Energy Impact Projectiles: Flexible or non-flexible projectiles, which are intended to gain compliance or incapacitate a subject through pain compliance, with a reduced potential for causing death or serious injury when properly used, as compared to conventional weapons or projectiles. The only authorized projectile is the CTS "Super-Sock" commonly referred to as "Bean Bag" 12-gauge round. Flat square beanbag projectiles will NOT be used.

Kinetic Energy Impact Weapon: The Remington Model 870, 12-gauge shotgun with modified orange-colored stock and foregrip.

Less Lethal Target Zone Chart: Chart describing the human body target areas

Special Terms

Less Lethal Force – Application of force with less potential for causing death or serious physical injury than lethal methods.

Kinetic Energy Impact Weapon Projectiles – Projectiles, which are intended to incapacitate a subject with minimal potential for causing death or serious physical injury.

Policy

I. PROCEDURE

1. Only trained officers with current certifications will utilize the Kinetic Energy Impact Weapon System. Instructors must keep up their certifications to standards.
2. The Kinetic Energy Impact Weapon System is available to individual officers specifically trained and certified in their use. Only officers certified will be able to sign out a Kinetic Energy Impact Weapon System. The Kinetic Energy Impact Weapon System will be stored in the department's designated less-lethal gun locker when not in use.
3. Certified officers will take a Kinetic Energy Impact Weapon System (if available) with them while working any shift in a marked patrol car.
 - a. Regular patrol units will have priority over traffic units.
 - i. Kinetic Energy Impact Weapon System will be secured in the patrol vehicle's shotgun mount.
 - b. Officers will document on the whiteboard above the rifle safe by placing the officer's name in the location box next to the appropriate Kinetic Energy Impact Weapon System
 - c. Supervisors or Senior Ranking Officer will ensure compliance daily
4. The trained and qualified operator has the right and obligation to decline orders to deploy the system in an improper, illegal, or in an excessively dangerous manner.
5. The Kinetic Energy Impact Projectile is designed to cause incapacitation and reduce the subject's ability to continue his or her actions. The level of energy necessary to cause incapacitation creates the potential for injury but generally presents a relatively low probability of causing serious physical injury or death.

II. EVALUATION

A. Evaluation of Projectiles

Kinetic energy impact projectiles will be evaluated on the following criteria:

- i. **Accuracy:** This is the primary consideration since proper shot placement greatly assists in controlling the other two evaluation criteria. This will be evaluated based on the anticipated ranges of deployment. A minimal standard of accuracy for such rounds is a 12-inch group at 15 yards in a secure rest.
- ii. **Effectiveness:** This is the potential of the round to cause incapacitation and reduce the subject's ability to continue their inappropriate behavior. The level of energy to cause incapacitation creates the potential for injury, but when properly deployed, with low probability for causing serious physical injury or death.
- iii. **Potential for Causing Death or Serious Physical Injury:** The potential for causing death or serious physical injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination 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, and abdominal cavities and the groin.
- iv. **Deployment Areas:** The less-lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

B. Deployment

- i. Kinetic energy impact projectiles may be used by an officer to defend himself/herself or others from the threat of serious bodily injury. Examples of circumstances appropriate for deployment include but are not limited to the following situations where the subject:
 - a. If armed with a weapon and the tactical circumstances allow for the safe application of less-lethal munitions,
 - b. Has made credible threats to harm himself for others
 - c. Is throwing rocks, bottles, or other dangerous projectiles at citizens and/or officers.
- ii. Kinetic energy impact projectiles may be used when the officer makes the reasonable assessment that such actions by the subject would not result in the officers' or others' death or serious bodily harm.
- iii. Back-up officers armed with lethal weapons should provide cover in cases involving any armed and/or dangerous subjects, even if no firearms are involved.
- iv. Before discharging kinetic energy projectiles, officers should consider the following factors:
 - a. The severity of the crime or incident
 - b. Subject's capability to pose an immediate threat to the safety of officers or others.
 - c. If the subject is actively resisting arrest or attempting to evade arrest by flight.
 - d. The credibility of the subject's threat as evaluated by the officers present, & physical capacity/capability.

- e. The proximity of weapons available to the subject
 - f. The officer's versus the subject's physical factors (i.e., age, size relative strength, skill level, injury/exhaustion, the number of officers versus subject(s).
 - g. The availability of other force options and their possible effectiveness.
 - h. Distance and angle to the target
 - i. Type and thickness of the subject's clothing.
 - j. The subject's actions dictate the need for an immediate response and the use of less-lethal munitions appears appropriate.
 - k. The availability of a cover officer to provide lethal force if necessary.
- v. Prior to discharging Kinetic Energy Impact Weapons officers shall issue a verbal warning and allow a reasonable amount of time for compliance whenever it is feasible to do so and the warning would not endanger the officer or others.
 - vi. Random or indiscriminate firing into crowds, firing from the hip, and other deployments that do not involve a properly aimed shot are prohibited.
 - vii. The potential for causing death or serious physical injury with such projectiles is a reality. However, this potential is greatly reduced when impacts to the head and neck are avoided, and when an appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the head, chest, back, thoracic and abdominal cavities, and the groin.
 - viii. The issued kinetic energy impact weapon will be dedicated solely to kinetic energy impact projectiles and marked "LESS LETHAL" in ORANGE on the stock as an ORANGE grip and Fore-end of the weapon. At NO TIME will lethal ammunition be stored with these weapons. Officers assigned will visually/physically inspect the chamber and magazine, each time the weapon comes under their control (i.e., beginning of the shift, and/or any time the weapon was out of their direct control), to ensure the total absence of lethal ammunition.
 - iv. When engaging a target, the officer should evaluate the effectiveness of each round. Compliance and/or incapacitation are the desired goal, and alternative target areas/responses should be considered when rounds are not effective. Alternative target and/or response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

Kinetic energy impact projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

The impact weapon-training chart is the recognized model for determining contact areas for impact projectile weapons, based on the potential for injury.

- i. Green Areas – These areas will be considered when incapacitation is necessary and minimal potential for injury is the appropriate response.
- ii. Yellow/Red Areas – These areas will be considered when an escalation of force above green (areas) is necessary and

Appropriate, acknowledging an increase in the potential for serious physical injury death.

- iii. Head/Neck – Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary, and appropriate.

The use of Kinetic Energy Impact Projectiles is considered a level of force that *when deployed to designated areas (see impact weapon training chart) of the suspect(s) body are considered “less lethal” or unlikely to cause death or serious physical injury.* The use of kinetic energy impact projectiles is considered deadly force if **intentionally** deployed at the head or neck.

III. POST-DEPLOYMENT ACTIONS

1. Once a person has been struck with a kinetic energy impact projectile the person shall be provided first aid, if necessary, and then transported to the hospital for medical clearance.
2. On-call Duty Chief and Chief of Police must be notified that a person was struck with a kinetic impact projectile.
3. Photographs shall be taken of the person who was struck by the kinetic energy impact projectile. The photographs shall include the area struck by the projectile, visible injuries, and any area alleged by the person to be injured. The photographs shall be submitted into evidence and documented in the deploying officer's report.
4. Except in training situations, any projectile delivered through a kinetic energy impact weapon shall be collected and secured into evidence. If the projectile cannot be located, the deploying officer will document the efforts taken to locate the projectile.
5. Except in training situations, every officer who discharges a Kinetic Energy Impact Weapon or points such a weapon at a person shall submit both an incident and use of force report in a timely manner. See Cicero Police Use of Force Policy A-20.110
6. Officers shall note all facts and circumstances involving any weapon discharge in the relevant incident report. This Report shall also contain:
 - a. The names and addresses of victims and witnesses;
 - b. The extent of treatment of injuries, if any;
 - c. The name of the treatment facility and physician administering treatment.

IV. MAINTENANCE

1. Extended range impact weapons shall be inspected and documented when the weapon is initially obtained and/ or issued and at least annually to ensure mission readiness by the armorer. Any weapon found to be not working properly will be taken out of service for repairs by armorer any documented within weapons management system.
2. The armorer or firearm instructor will notify all affected personnel regarding any weapon that has been taken off line for repairs.



