



**California State University, Los Angeles**  
**Department of Public Safety**

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NUMBER: IV- 40 APPROVED: \_\_\_\_\_  
Joseph Curreri, Chief of Police

EFFECTIVE: April 19, 2012

SUPERSEDES: 2/15/2010 Reviewed/Revised: April 19, 2012

SUBJECT: **Less Lethal Force Options**

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I. PURPOSE:

The purpose of this directive is to establish guidelines for the use of less lethal force options by officers of this department. This order recognizes that the use of less lethal force by law enforcement officers requires constant evaluation and review.

II. POLICY:

A. It is the policy of this department that officers shall use only that force which is necessary to accomplish lawful objectives given the facts and circumstances known at the time of the event. An officer may use less lethal force only when the officer reasonably believes that the action is in incidents which have not risen to the level that would require the use of lethal force.

B. California Penal Code Section 835a provides that:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance.

C. Intermediate Force Options include the following Authorized Less Lethal Weapons by certified department personnel:

1. Oleoresin Capsicum (OC) Spray – A chemical agent that is used for the temporary disabling of violent or otherwise resisting subjects. OC shall not be used when taking non-resistant persons into custody. OC is used to incapacitate those who resist or attack members of the Department or others.
2. Baton – A Straight Baton, PR-24 or ASP may be used whenever an officer is faced with a situation in which reasonable force becomes necessary to affect an arrest or to defend against aggression when the officer believes empty hand methods will be inadequate and the use of deadly force is not justified.

3. Remington 870 less lethal deployment system, shotgun, 12 gauge, powder projectile, for barricade situations. This system will not be used in crowd situations unless specific approval is obtained from a sworn department manager (Lieutenant or Chief of Police).
4. Remington 870 less lethal, shotgun, 12 gauge, "Super-sock Bean Bag Cartridge." This weapon has an "orange" stock to clearly define less lethal designation.

### III. DEFINITIONS:

- A. Less Lethal Force. Less lethal force is that force which is unlikely, when properly used, to result in serious physical injury or death. Less lethal force is a force level above intermediate force, and one level directly below lethal force.
- B. Serious Physical Injury. A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.
- C. Use of Force Continuum Model. A model, which provides a visual representation of force options, designed to facilitate an understanding of appropriate levels of force by officers. This is accomplished by establishing parameters, which exhibit the actions of both the subject and the officer on a comparative scale. It is designed to be easily understood and readily recalled by officers under the stress of a confrontation. It is valuable as a training aid in preparing for situations which may require the use of force. The continuum is viewed as an "elevator." The elevator goes directly to the necessary level of force. It is NOT a step by step process. As previously defined above, less lethal force is a force level above intermediate force, and one level directly below lethal force.

### IV. PROCEDURES:

- A. Philosophy and Guidelines on the Use of Less Lethal Options.
  1. The use of less lethal options by department personnel, as with all applications of force, is governed by the provisions of CPC 835a, by which officers are expected to use necessary and reasonable force to affect a lawful purpose. As with all uses of force, "necessary and reasonable" uses of less lethal devices are defined by the totality of circumstances that confront officers. It is not possible to specify in advance all the various scenarios under which less lethal systems are likely to be deployed, but it is possible to identify the types of situations for which less lethal options are intended, as well as those for which they are not.
  2. Less lethal devices are intended to provide officers with a force option within the Use of Force Continuum that may be appropriately used when necessary to confront any of the following circumstances: to overcome a subject's combative intent, physical resistance, and/or assault centered behavior, or to control, disable or subdue persons who desire to harm themselves or others, or to provide self-defense.
  3. As with any law enforcement equipment, less lethal equipment has limitations and restrictions requiring consideration before its use. Less lethal equipment should only be used when its operator can safely deploy the equipment within the equipments operational range. Although less lethal rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and should be prepared with other options in the unlikely event of such a failure.

4. At the same time, less lethal devices may not be used where statutory requirements for use of force cannot be satisfied. Examples include use of less lethal devices against non-combative/non-resistant subjects, or for the purpose of recovering evidence or compelling compliance, absent suspect resistance justifying the legal application of necessary force. In no situation are officers required to use less force than is being threatened by a subject. Less lethal devices provide officers with alternative resolutions short of the use of lethal force. Factors that may be taken into account when considering use of these alternatives include, but are not limited to:
  - a. the amount of time the officer has to react to the threat,
  - b. the officer's relative proximity to the person(s) posing the threat,
  - c. the immediacy of the need to incapacitate the subject;
  - d. the officer's ability to isolate or contain the person(s) posing the threat;
  - e. the limitations of the less lethal device being employed, and
  - f. the belief that the application is likely to be successful.

B. Less Lethal Deployment.

1. In the interests of public and officer safety, less lethal options shall not be employed against lethal threats except when lethal cover is available and in place to provide protection for the officers employing these tools as well as innocent parties who are not involved.
2. The Remington 870 less lethal deployment system will not be used in a crowd situation unless specific approval is obtained from a sworn department manager. However, when this delivery system is considered for use in crowd control situations, it will only be accomplished through use of the Super-sock Bean Bag cartridge.
3. Use of the OC 12 Gauge Powder Projectile (Barricade) cartridges shall not be used in crowd control situations as this delivery system is generally not effective for dispersing crowds, and other OC delivery systems shall be considered. This specific cartridge is routinely reserved for delivery of OC into rooms and buildings via open doors, windows, or other openings.
4. Remington 870 less lethal, shotgun, 12 gauge, "Super-sock Bean Bag Cartridge." This weapon has an "orange" stock to clearly define less lethal designation.

C. Training and Documentation.

1. The Department's training curricula provide an assessment of less lethal options from a use of force perspective. This is to let officers know how these devices compare to other uses of force with which they may be more familiar. Because such assessments do not account for the totality of circumstances faced by officers that may warrant a greater or lesser force response, they remain guidelines and do not substitute for the professional judgment of officers in individual cases.

2. The Department's Less Lethal Options Program is coordinated and administered by the Operations Lieutenant.
3. To ensure the orderly, consistent, and safe deployment of less lethal devices, the Department has developed a Less Lethal Options Training Guideline. The Guideline applies not only to officers certified to use less lethal devices, but also to those in the Department charged with equipping, supplying, training, supervising, and commanding these officers. Employees who perform any of these roles related to less lethal devices should, therefore, be cognizant of the Guideline and adhere to its principles and procedures. The Less Lethal Options Training Guideline and associated less lethal training materials are maintained by the Operations Lieutenant from which Department employees may obtain copies.
4. All less lethal device training will be conducted by a department certified less lethal instructor. Sworn personnel must successfully complete a Department authorized training and certification course before they may use less lethal devices. Authorized users of a less lethal option shall qualify with their device(s) at least biennially. The Range Master shall coordinate the re-qualification program.
5. The less lethal shotgun with beanbag rounds are viewed differently from a use of force perspective. The less lethal shotgun with beanbag rounds is placed at the same level as other impact weapons as a use of force. As with these other weapons, the use of force assessment will vary depending on the target area to which a beanbag round is applied.

#### D. APPLICATIONS OF LESS LETHAL OPTIONS

1. Applications of less lethal options are expected to conform to the principles outlined in the respective less lethal shotgun training and certification courses and be consistent with Department policy on the use of force.
2. In deciding to deploy a less lethal option, officers should carefully evaluate conditions or factors they know or have reason to believe about subjects that may affect responses to the deployment or increase the indirect risks (such as injuries caused by a fall) of the deployment. Such conditions or factors include subjects who are very old or very young, pregnant, physically disabled, suffering from a debilitating illness or medical condition, or drug users. In such cases, the need to stop the behavior should clearly justify the potential for additional risks.
3. In deciding to deploy a less lethal option, officers should carefully evaluate the environmental conditions and physical settings in which they confront subjects. These may include a subject's exposure to flammables such as gasoline, gunpowder, explosives, or alcohol-based pepper spray that may be ignited from a spark; or the subject's position near a fire, stairwell, or swimming pool where the risks of secondary injuries from incapacitation or falls may be increased.

4. At the earliest practical opportunity, a CSULA University Police supervisor shall be notified of a potential or completed less lethal device application and shall respond to the scene. The supervisor shall respond to the scene, documenting the on-site presence in the use of force.
5. The following types of less lethal options are approved, if used in accordance with this directive as well as an officer's statutory authority, when intermediate force options are not effective, and lethal force is not appropriate.
  - a. Department approved and issued beanbag delivery cartridges (12 Ga. Super-sock Bean Bag Cartridge).
  - b. Department approved and issued OC delivery cartridges (12 Ga. OC Powder Projectile (Barricade)).
6. No person who is employed by this department shall carry, possess, secret, or otherwise have readily available for use, any less lethal cartridges capable of being fired from any department approved weapon. All less lethal cartridges for on-duty use will be provided by this Department.
7. No person who is employed by this department shall carry, possess, secret, or otherwise have readily available for use, any less lethal delivery system that is capable of firing any form of less lethal cartridge, unless such weapon is approved and issued by this department. All less lethal delivery systems for on-duty use will be provided by this Department.

#### E. POST-APPLICATION PROCEDURES – LESS LETHAL SHOTGUN

1. Because of the greater capacity for injury with the less lethal shotgun, officers shall arrange for transportation to a medical facility whenever an individual is struck with a beanbag round. Persons who have had OC deployed by way of a department issued delivery system, either by canister or shotgun, against them will be evaluated by fire/ambulance staff to determine if treatment is required.
2. The shotgun, expended beanbag rounds and cartridges will be gathered at the scene and entered into evidence under the case number of the incident. If the supervisor at the scene determines that there are exceptional circumstances involved in the use of the shotgun, the chain of command will be notified immediately. "Exceptional circumstances" are defined as cases where there is a substantial injury, where an officer strikes a target that is a substantial deviation from training guidelines, where injuries are inconsistent with the normal performance of the device, where improper use of a less lethal device is shown or suspected, any interest to the University, and/or the media is aware of such less lethal use.
3. Officers and their supervisors are responsible for gathering information at the scene of a less lethal application necessary to comply with less lethal reporting and review requirements outlined in this Department Order, as well as Department Order IV-1 (Use of Force). The Use of Force Form will be completed each time the Less Lethal Shotgun delivery system is displayed or actually used.
4. Review of less lethal delivery systems Use of Force Reports will be conducted in the same manner as outlined in Department Order IV-1.
5. In the case of the less lethal shotgun, the Department may convene a Shooting Review Board.

6. Authorization for an officer to use less lethal options remains at the discretion of the Department and may be revoked at any time for violation of training guidelines, Department policies, or other reasons.

V. Appendices: None.