

	<p style="text-align: center;">ITHACA POLICE DEPARTMENT</p>	<p style="text-align: center;">Distribution</p> <p style="text-align: center;">ALL PERSONNEL</p>	<p style="text-align: center;">General Order Number</p> <p style="text-align: center;"><b>3.11</b></p>
	<p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	<p style="text-align: center;">Original Issue Date</p> <p style="text-align: center;">07/15/2019</p>	<p style="text-align: center;">Reissue/Effective Date</p> <p style="text-align: center;">MM/DD/YY</p>
<p>Order Title:</p> <p><b>KINETIC ENERGY WEAPONS</b></p>	<p>Accreditation Standard: NY 2.2; 2.7; 6.1; 6.2; 14.1; 20.1; 20.6; 21.2; 32.4; 33.1; 33.2; 33.3; 40.1; 40.2; 40.3; 41.3; 51.1</p>	<p style="text-align: center;">Section</p> <p style="text-align: center;">3</p>	
	<p style="text-align: center;">Section Title</p> <p style="text-align: center;">RULES OF CONDUCT</p>		
<p>Rescinds:</p>	<p><b>Dennis Nayor, Acting Chief of Police</b></p>		

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting*

## I. PURPOSE

The purpose of this policy is to establish procedures and guidelines governing Ithaca Police Department authorized kinetic energy weapons, including training, carrying, and use of the weapons.

## II. POLICY

The policy of the Ithaca Police Department (“Department”) is to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The availability of less-lethal weapons can assist officers in de-escalation of potentially violent confrontations and provide additional alternatives to the use of deadly force. Impact projectiles are an important component of this agency's less-lethal force equipment. Officers are authorized to employ impact projectiles in accordance with provisions of this policy, and the Department’s *Use of Force* policy, General Order 3.01.

## III. DEFINITION

Active resistance: The actions of a subject who makes physically evasive movements to interfere with an officer’s attempt to control that subject. These movements may include bracing, tensing, pulling away, or pushing.

Authorized weapons: The weapons that Department officers are permitted to carry, which meet Department specifications, and for which officers demonstrate proficiency and successfully complete training.

Bean Bag Rounds: A generic term used for impact projectiles which are typically filled with lead shot and designed for use in a 12-gauge shotgun, 37mm, or 40mm munitions gun.

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance encountered.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances to effect an arrest, or protect the officer or other person

Harm: Injury inflicted upon a person, whether visible or not.

Impact Projectile: Projectiles designed for use in a 12-gauge shotgun, 37mm, or 40mm munitions gun. These projectiles are designed to incapacitate a subject with minimal potential for causing death or serious physical injury when compared to conventional projectiles.

Kinetic Energy Weapons: Flexible or non-flexible projectiles which are intended to incapacitate a subject with minimal potential for causing death or serious physical injury when compared to conventional projectiles.

Lethal Force: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal physical force is an extreme measure and shall only be used in accordance with the law and as stated in this policy and other policies governing the use of force.

Less-lethal Force: Any use of force not intended to, nor likely to, cause death or serious bodily harm.

Less-lethal Weapon: Any type of weapon or ammunition that is designed and intended primarily for use to temporarily incapacitate or disable a subject without causing death or serious physical injury to the subject.

Passive resistance: The actions of a subject who does not cooperate with an officer's commands, but who does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon request.

Serious bodily Injury: Injury that causes death or creates a substantial risk of death; permanent harm to health, disfigurement, or permanent loss of functions of any organ in the body; or injury that results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious bodily harm.

## IV. PROCEDURE

### A. Equipment

1. Certified Officers may carry and use only Department issued and approved kinetic energy weapons.
2. 40 mm launchers will be used for the deployment of all Less Lethal Impact Munitions.

40 mm launchers will be secured in select vehicles. The launchers will be secured in the patrol vehicle in a locking mount. They will be available for use for kinetic energy impact munitions. Single launchers will be kept unloaded.

3. Kinetic energy impact rounds will be stored in bandoleers with weapons dedicated for less-lethal munitions.
4. Officers who have been trained in the use of Less Lethal Direct Impact Munitions (kinetic energy impact weapons) may deploy these types of rounds.
5. The SWAT Team may employ additional less-lethal weapons for specialty munitions when they become available and may utilize uniquely marked weapons for deployment of these munitions.
6. SWAT officers may utilize unmarked 40 mm launchers to deploy kinetic energy impact rounds in some circumstances when needed. The SWAT Commander or a SWAT supervisor will make this decision.

### B. Training

1. Only officers who have been trained in the use of kinetic energy impact weapons and have qualified in their deployment may deploy these weapons.
2. Officers must be trained and certified annually by a certified instructor or trainer.
3. SWAT Officers will receive training in the use of kinetic energy impact munitions and their deployment.
4. Officers will be required to demonstrate proficiency with impact weapons as well as knowledge of the laws and this Department's policies concerning the use of force.

### C. Deployment

1. Deployment Authorization:

- a. Any supervisor may authorize the use of kinetic energy impact weapons.
- b. The decision to deploy kinetic energy impact weapons is based on Ithaca Police Department's *Use of Force* policy.
- c. Kinetic energy impact weapons are considered a level of force equivalent to impact weapons and subject to the same procedural requirements.

2. Deployment Considerations:

- a. Kinetic energy impact weapons are primarily designed for use against subjects who appear to pose a threat of death or serious bodily harm to themselves or others.
- b. Use of kinetic energy impact weapons may be considered when the supervisor reasonably believes that such weapons are a safe alternative to the use of deadly force.

3. Loading:

- a. Precautions must be taken to ensure that lethal rounds are not inadvertently loaded into the weapon. For this reason, officers must load and verify the load of the weapon.
- b. The following procedures are to be followed when loading the weapon:
  - 1) The deployment officer will verify each round is the correct kinetic energy impact round type and then load each round into the weapon.
  - 2) Once the weapon is loaded, the deployment officer is to keep the weapon in his/her immediate possession until the weapon is either deployed or unloaded and given to another officer.
  - 3) If the deployment officer gives the weapon to another officer, it must be unloaded and reloaded following the above guidelines. An exception is made for exigent circumstances if the deployment officer must pass the weapon to another officer for tactical considerations during an incident.

4. Deployment Tactics:

- a. A verbal warning, and time to allow the subject to comply, must be given prior to the use of an impact weapon, unless such warning would present a

danger to the officer or others. Verbal commands before, during, and after the use of an impact weapon are important in order to de-escalate any situation and gain compliance and control of an actively resisting subject.

- b. The potential for causing death or serious physical injury with kinetic energy impact munitions is a reality. This potential is greatly reduced when impacts to the head and neck are avoided. Deliberate impact to the head and neck are considered a use of deadly force and governed by General Order 3.01, "*Use of Force - General.*" Officers should aim at center body mass or at an extremity depending upon the circumstances of the incident.
- c. Prior to firing the less-lethal weapon the deploying officer will, where possible, warn other officers in the immediate vicinity that impact rounds will be deployed in order that the shot does not precipitate the use of firearms by other officers.
- d. When engaging a target, the deploying officer should evaluate the effectiveness of each round. Compliance and/or incapacitation are the desired goal. Alternative target areas and/or responses should be considered when rounds are not effective.
- e. The deploying officer should utilize cover whenever possible when deploying a less-lethal weapon. Ballistic shields deployed by trained SWAT officers should be considered when deploying less-lethal weapons.
- f. At least one officer will provide cover with a lethal weapon for the officer deploying a less-lethal weapon.

#### D. Post Deployment Actions

1. Any subject shot with a less-lethal weapon will be restrained, as necessary, and transported to a medical facility for examination and/or treatment.
2. EMS may be requested if the subject displays any adverse reactions, or if impact is made in the face, neck or groin area.
3. Any subject shot with a less-lethal weapon will be photographed to document the extent of any injuries from the weapon.
4. Any officer deploying a less-lethal weapon must complete a Use of Force Report as required by General Order 3.05, *Reporting and Investigating Force.*

#### E. Supervisor Responsibilities

1. A supervisor must respond to the scene of the incident in which a kinetic energy weapon has been deployed.

2. In accordance with General Order 3.05, *Reporting and Investigating Force*, the Supervisor shall:
  - a. Conduct a preliminary investigation into the use of force incident.
  - b. Ensure medical treatment has been provided to the injured party.
  - c. Photograph any injuries sustained by officers and/or any damage to equipment, uniforms, or property.
  - d. Photograph the arrested subject to document any injury, or lack of injury.
  - e. Obtain witness information for investigation.
  - f. Review the Use of Force Report prior to the end of duty and forward through the appropriate chain of command.