



USE OF LESS-LETHAL MUNITIONS  
**GENERAL ORDER #12.04**

**Adopted:** 7/19/21

**Pages:** 7

**Persons Affected:** All sworn personnel

**Authority:** Laura Wilson, Director

**IACLEA Standards:** 7.1.4, 7.1.5, 7.1.6, 7.2.1, 7.2.2, 7.2.3, 7.2.4

**Revision History**

Replaces SUDPS General Order #12.04 (04/18/2018)

**PURPOSE**

*The purpose of this Order is to define when less-lethal munitions may be used, who may authorize their use, the type of munitions authorized for use by Stanford Department of Public Safety deputies, and the requirements that must be met after use.*

**POLICY**

The Sheriff's Office (*SCCSO*) and *the Stanford University Department of Public Safety (SUDPS)* permit the use of less-lethal munitions when reasonable and appropriate to assist with the de-escalation of potentially violent confrontations. The use of less-lethal munitions shall be governed by this General Order and all applicable Use of Force policies, including General Order 12.00 – Use of Force.

This policy applies to all sworn staff of the *Stanford University Department of Public Safety*, and reference to “*officer*,” “*deputy*” or “*deputies*” throughout this policy refers to all sworn staff.



## PROCEDURE

### A. DEFINITIONS

TERM	DEFINITION
<b>Less-Lethal Weapon</b>	Any device that is designed to or that has been converted to expel or propel less-lethal ammunition by any action, mechanism or process for the purpose of incapacitating, immobilizing or stunning a human being or animal through the infliction of any less than lethal impairment or physical condition, function or senses including physical pain, or discomfort. It is not necessary that a weapon leave any lasting or permanent incapacitation, discomfort, pain or other to qualify as a less-lethal weapon.
<b>Less-Lethal Munition</b>	Any ammunition that is designed to be used in any less-lethal weapon which can be fired, launched or otherwise propelled through a weapon that utilizes compressed air for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential for causing death when used correctly. When used in the less-lethal weapon, the ammunition is designed to immobilize, incapacitate or stun a human being or animal through infliction of any less -lethal impairment of physical condition, function or senses, including physical pain or discomfort. These munitions may cause similar injuries to those caused by the 42” wooden baton, 26”/29” wooden baton, or collapsible baton and may be referred to as “extended range impact weapons.” Examples of less-lethal munitions include launchable foam or plastic projectiles.



**B. APPROVED LESS-LETHAL MUNITIONS (IACLEA 7.2.1, 7.2.2)**

Only less-lethal weapons and less-lethal munitions approved by the *SCCSO* Training and Compliance Division *and the Director of Public Safety* shall be used by *SUDPS* deputies. Deputies should keep in mind the manufacturer's recommendations, and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations and each situation must be evaluated on the totality of circumstances at the time of deployment.

Authorized less-lethal weapons include the 40 MM launcher and the FN-303 launcher. The FN-303 launcher is authorized for use by the *SCCSO* Emergency Response Team (SERT) and Crowd Control Unit (CCU).

C.S., or O.C. Gas munitions deployed through less-lethal weapons are authorized for use only by the *SCCSO SERT* and *CCU Team/Unit*. They may only be used by those individuals who have completed a *Peace Officer Standard and Training* (POST) approved training course (Penal Code § 13514) and who have *been* approved by their unit commander to use those agents.

**C. WEAPONS CONTROL AND STORAGE OF SUDPS LESS-LETHAL MUNITIONS (IACLEA 7.2.3)**

*Less-lethal munitions will be stored in accordance with this Order when not in use. When not in use, equipment shall be stored in the designated cabinets located in the SUDPS weapons storage room. Less-lethal weapons will be stored as follows:*

1. *Unloaded. No projectiles in the chamber*
2. *All munitions will be kept inside the designated locker in the SUDPS weapons storage room*
3. *Safety on (if applicable)*
4. *Action closed for 40mm launcher*
5. *40mm launcher de-cocked.*

**D. CHECK-OUT PROCEDURE FOR SUDPS MUNITIONS (IACLEA 7.2.3)**

*When going on shift, authorized deputies will check out a less-lethal weapon. An exception would be when there are more authorized deputies on duty than available 40mm launchers. Less-lethal weapons inspection procedure will be as follows:*



1. *Less-lethal weapons will be loaded and unloaded at a clearing station. Should a deployed less-lethal weapon need to be unloaded in the field, it may be unloaded by pointing it in a safe direction with the safety "on" as the round in the chamber is removed.*
2. *The weapon will be inspected at the start of the deputy's shift to confirm it is capable of functioning and at the end of the shift to confirm it is unloaded. Any weapon determined to be unsafe will be taken out of service and reported to the SUDPS Range Master.*
3. *The 40mm launcher will be carried unloaded with three rounds in the munitions holder on the stock.*
4. *Each round of ammunition to be carried will be inspected prior to going into service.*

#### **E. LEVELS OF FORCE**

When deployed to the areas of the subject's body unlikely to cause death or serious physical injury, less-lethal munitions constitute greater force than the use of a baton but lesser force than use of deadly force. The less-lethal impact projectile is considered a lethal use of force if intentionally deployed to the subject's head or neck. Deputies may only use less-lethal munitions, when the use of force is reasonable, to prevent the commission of a public offense; to prevent a person from injuring himself/herself; to effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention; or in self-defense or in the defense of another person. Deputies shall comply with the provisions of General Order 12.00 – Use of Force regarding the use of force in determining the level of force that is necessary and proportional.

Deputies may **only** use less-lethal munitions, when permitted as described above, under the following circumstances:

1. When deadly force would be justified and the use of less-lethal options would assist in effecting an arrest, restoring order and/or reducing the risk of more serious injury.
2. When use of that level of force is necessary for restoration or maintenance of order during jail disturbances, cell extractions, or civil insurrections, and where the use of deadly force is not justified.
  - a. Under no circumstances shall the use of less-lethal munitions be permitted against peaceful protestors or against individuals peacefully exercising their First Amendment right to free speech and to peacefully assemble.
  - b. Individuals participating in an Unlawful Assembly, Riot, or Rout per California Penal Code sections 404-409 are not considered peaceful protestors, nor considered to be peacefully assembling or exercising their First Amendment rights.



3. When necessary to use that level of force to take into custody persons who are armed with deadly weapons, either conventional or non-traditional, and where the use of deadly force is not justified.
4. When necessary to use that level of force to subdue armed individuals threatening suicide and where the use of deadly force is not justified.
5. When necessary to use that level of force to subdue vicious animals.
6. When lesser degrees of force (as described in the *SUDPS* Use of Force Continuum (General Order #12.00) have failed or cannot reasonably be used and the use of less-lethal munitions is reasonable and necessary to prevent serious bodily injury or death to the deputies or to others.
7. As a member of the SCCSO SERT team and when directed to breach a window or deploy chemical munitions into a vehicle or structure by the commander in charge of the team, based on the totality of circumstances known to the commander and consistent with this General Order and General Order 12.00 – Use of Force.

**F. TRAINING REQUIREMENTS/AUTHORIZATION TO USE (IACLEA 7.2.4)**

Only *SUDPS* personnel who have successfully completed a *training course approved by the SCCSO* Training and Compliance Division in the proper use and deployment of less-lethal munitions shall be authorized to use them during actual operations. Personnel authorized to use less-lethal munitions shall participate in periodic training and/or qualification courses as determined by the *SCCSO Range Master*. Individuals shall qualify at least annually.

**G. PRECAUTIONS WHEN USING LESS-LETHAL MUNITIONS**

1. Safety of civilians and officers is paramount.
2. Only approved, factory -loaded ammunition may be used.
3. Less-lethal munitions should not be used when the subject is in danger of falling from a significant height unless the circumstances justify the use of deadly force.
4. Each round of ammunition will be inspected prior to being loaded into the delivery weapon.
5. Special consideration will be given when information indicates that the subject has a physical condition which could increase the effect of less-lethal munitions.

**H. EVALUATION**



The deploying deputy should evaluate the potential effectiveness of each round fired into the subject. Ineffective rounds should be followed by the most appropriate action such as choosing additional or alternative target areas, use of an alternative weapon, or the need to deploy an alternate level of force.

**I. OFFICER SAFETY**

Deployment of less-lethal munitions should include the use of at least one cover (backup) deputy to ensure the safety of the deploying deputy and to assist with proper tactical considerations.

**J. POST DEPLOYMENT EVALUATION OF SUBJECT (IACLEA 7.1.4)**

Subjects who are struck by less-lethal impact projectiles shall be evaluated and provided with emergency medical attention as soon as feasible. They shall be transported to a medical facility for evaluation as soon as practical. A medical clearance will be obtained for any subject who will be booked into a jail facility.

**K. INVESTIGATION (IACLEA 7.1.5)**

Whenever a deputy discharges a less-lethal munition, except when firing on an authorized range, the deputy shall, as soon as practical, notify the on-duty *Watch Commander/Shift Supervisor* stating the circumstances surrounding the incident and shall document that use of less-lethal munitions. Additionally, the projectile and any debris from the munitions shall be collected and submitted as evidence. Photographs of the subject, any wounds or injuries, and the area of the munition impact should be taken and forwarded with the investigation report (IR). The less-lethal weapon will be inspected by the *SCCSO* Range Master prior to being placed back into service.

**L. REPORTING REQUIREMENTS (IACLEA 7.1.5)**

The use of less-lethal impact munitions constitutes a reportable use of force and, as such, must be reported in compliance with General Order 12.00 – Use of Force.

Deputies using less-lethal impact munitions shall prepare a Firearms Use Report in addition to an investigation report (IR). Deputies observing the use of less-lethal impact munitions shall prepare a supplemental investigation report (IR) and a *Firearms Use Report* documenting their observations. The *Watch Commander/Shift Supervisor shall notify the Director of Public Safety and forward the completed reports to the SUDPS Captain. The SUDPS Captain will provide copies to the Director of Public Safety and the Sheriff's Office-Stanford Liaison Captain. The Sheriff's Office-Stanford Liaison Captain will forward the completed reports to the Undersheriff and the Assistant Sheriff in the*



chain of command for review. The Undersheriff shall then forward the reports to the Sheriff, who will designate the Undersheriff or Assistant Sheriff to convene the Shooting Review Board.

1. *The 40mm less-lethal launcher is considered, by definition, a firearm. Per SUDPS General Order - 12.00 Use of Force, if a deputy finds it necessary to deploy and point a less-lethal weapon at a subject to gain compliance or to protect themselves or others, this action shall be documented in an IR report. Additionally, the act of pointing a firearm shall be orally reported directly to the on-duty Watch Commander/Shift Supervisor. As soon as feasible, the supervisor shall notify the SUDPS Captain and the Director of Public Safety of the details of the incident via email.*

**M. SHOOTING REVIEW BOARD (IACLEA 7.1.6)**

The Chairperson of the Shooting Review Board shall convene the board to examine all incidents involving the use of less-lethal munitions where death or serious bodily injury results. The Chairperson of the Shooting Review Board has the discretion to convene the Shooting Review Board to examine incidents in which less-lethal munitions were used other than for training purposes and death or serious bodily injury did not result.