

**MARIN COUNTY SHERIFF'S OFFICE
CUSTODY DIVISION POLICY AND PROCEDURE MANUAL**

CHAPTER 9 – EMERGENCIES
CUS - 9-10
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DATE
11-22-07

**LESS LETHAL
(EXTENDED RANGE IMPACT MUNITIONS)**

POLICY

The intent of this custody policy is to supplement General Order 04-07 and to establish a systematic procedure for the storage and use of Less Lethal Extended Range Impact Munitions within the secure jail facility to insure the safety of persons working or housed in the facility.

DEFINITION

LESS LETHAL WEAPONS

The following items are classified as, "Less Lethal weapons" and are approved for use by the Sheriff of Marin County:

- Remington model 870 12 gauge Shotgun, equipped with a green stock and green fore stock and labeled "Less Lethal".
- Penn Arms L6-37 MM Launcher and its munitions.
- Def Tech 1315, 37 MM, Gas Gun and its munitions.
- Def Tech #15 Stinger Grenades

Less Lethal Extended Range Impact Munitions include, but are not limited to, 12 gauge Less Lethal "sock" rounds, 37 MM Less Lethal rounds, and Stinger Grenades.

37 MM "non-flexible" extended range impact munitions and 37 MM "sting ball" munitions should only be "skip fired" at a target(s).

PROCEDURE FOR STORAGE

Currently there are 2 Remington model 870 12-gauge Shotgun equipped for "Less Lethal" issued to the jail facility. Additionally, there is a Less Lethal shotgun assigned to the Transportation Unit. Deployment of the Less Lethal by the Transportation Unit shall be governed by the General Order 04-07 unless deployed within the facility.

The Facility Less Lethal weapons are to be stored in the locked Special Response Team (SRT) armory located in the Housing Sergeant's office. Further, they are to be kept inside the weapons cabinet with the appropriate, department approved Less Lethal ammunition. No other 12-gauge ammunition shall be kept in this cabinet or in the SRT armory room. The 12 gauge Less Lethal launcher will be stored with the weapon's magazine unloaded and the side saddle stocked with 6 Less Lethal "sock" rounds.

Unless taken out of service, a safety inspection of the Less Lethal launchers will be conducted on each shift by a Sergeant, the Officer in Charge or Jail Administrator. The inspector will verify the

weapon does not contain any lethal rounds. The inspector will document the inspection on the "Less Lethal Inspection Log".

AUTHORIZED USES

The Less Lethal launcher shall be considered to be the same level of force as pepper-spray, a baton or other impact weapon or non-lethal alternative to lethal force. Although the Less Lethal launcher is intended to be a non-lethal weapon it should always be considered to have the potential to be lethal whether intentional or otherwise.

The Less Lethal launcher can be used at a department approved range and / or during department approved training exercises.

AUTHORIZED DEPLOYMENT WITHIN THE FACILITY

A supervisor may authorize or order the use of Less Lethal Extended Range Impact Munitions on armed or unarmed subjects when necessary. The decision to order the use of Less Lethal should be based on an evaluation of the totality of circumstances surrounding the event. When possible, consideration should be given, but not limited to, the following factors or combination of factors:

- The safety of personnel on scene.
- The safety of the inmate.
- The safety of other inmates.
- Prevention of escalation of overall hostility by other inmates, whether towards staff or each other.
- The presence of any weapons, whether visible or reported to be in possession of the subject.
- The containment and safety of the inmate in a cell.
- His or her realistic ability to harm himself or herself or others.
- The subject's stated or exhibited intent to resist deputies or refuse to obey lawful orders.
- The credibility of a threat as evaluated by the personnel present.
- Availability of other force options and their possible effectiveness/appropriateness.
- Additional information immediately available to personnel; such as knowledge of the subject's expertise in martial arts or other unarmed defensive tactics.
- Indications of alcohol intoxication or being under the influence of drugs that may cause the inmate to be or become violent.
- Actions by the subject that dictate the need and the appropriateness of the use of Less Lethal.

The secure portion of the Marin County Jail presents additional deployment factors that may be considered, including, but not limited to:

Booking Level

- Safety cells are approximately 9' deep x 5'9" wide with a food port attached to the door.
- Sobering cells are approximately 17' deep and 9'8" wide with no food port.
- Holding cells are approximately 12' deep x 9'3" wide with no food port.

Housing Level

- Pod housing cells are approximately 12' deep x 6' wide.
- A, B, and C pod housing cell doors do not have food ports.
- Only 4 cell doors in F pod have food ports.
- All cell doors in Special Housing and Lockdown have food ports.

During jail unrest and/or riotous situations, a specific subject(s) may be targeted with extended range impact munitions when any of the following conditions are present:

- The subject(s) is identified as inciting a violent or potentially violent crowd.
- The subject(s) is identified as a threat to a deputy, jail personnel, or the inmate population by throwing potentially dangerous items.
- The subject(s) exhibits such actions that are identified as a potential threat to cause human injury and/or property damage.
- The subject(s) behavior indicates that he/she is actively resisting a lawful dispersal order. This may include, but limited to, an inmate(s) who is within or outside a specific crowd.

Only personnel who have successfully completed a departmental approved training course in the proper use and deployment of "Less Lethal Extended Range Impact Munitions" shall be authorized to deploy them during actual operations. However, any deputy may make a request for the deployment of extended range impact munitions.

Deputies will ensure that the use of Less Lethal munitions is appropriate to the circumstances at hand. When preparing to deploy Less Lethal munitions, deputies shall observe manufacturers' recommendations. An exception to these recommendations may, however, arise when officers are dealing with a subject who is involved in behavior so dangerous and potentially lethal that the only other force option reasonably available to personnel appears to be the use of lethal force.

Deploying against specific body areas will be based on the capabilities of the extended range impact munitions being used as well as the need to gain compliance from the inmate as dictated by his or her behavior. An additional related factor is the inmate's actions. A stationary target is preferable. Deputies should keep in mind that a moving inmate is a more difficult target to accurately hit. Extended range impact munitions should not be deployed at the head, neck, and throat, unless against a potentially lethal threat.

Depending upon the extended range impact munitions being used, deputies are cautioned to avoid firing multiple rounds at the same target area. Shifting the point of aim from one area to another should be considered when multiple rounds appear necessary to resolve the situation. In addition, personnel deploying extended range impact munitions must be alert to the potential that they may not always generate compliance. In such cases, alternate use of force options should be considered as appropriate.

When an extended range impact weapon is requested for deployment, a sergeant or watch commander shall be immediately notified. The sergeant or watch commander shall respond to the incident immediately. Only a sworn deputy with the rank of sergeant or above can authorize the deployment and use of extended range impact weapons within the secure facility of the Marin County Jail.

Whenever practical, a team of officers will be involved in the use of the Less Lethal extended range impact munitions. This may include but is not limited to:

Jail Sergeant

The Jail Sergeant supervises the incident. The sergeant shall designate a deputy to be the Less Lethal operator for the incident and can authorize deployment of Less Lethal Extended Range Impact Munitions within the secure jail facility. The sergeant's primary job is to supervise personnel on the scene and to oversee the operation. Therefore, the sergeant should order the Less Lethal be deployed by a deputy on scene and only in emergency situations deploy the weapon themselves.

Less Lethal Operator

The operator of the Less Lethal launcher shall be responsible for obtaining the weapon from the SRT armory and inspecting. The operator will ensure that Less Lethal rounds are loaded in it and

the weapon complies with department policy prior to its use. The deputy is the weapon's operator for the duration of the incident and is accountable for weapon at all times unless supervisory staff authorize new operator.

Arrest Team

Preferably the arrest team shall consist of at least two deputies.

Negotiator/Distracted Deputy

If available, attempt to negotiate with the inmate and/or distract the inmate's attention just prior to the deployment of extended range impact munitions.

Whenever possible, the Less Lethal Operator, (or other personnel on scene) should make an announcement that Less Lethal is about to be deployed if appropriate. It may be advantageous to make a similar announcement over the radio. Use of force warnings to inmates shall be given, if possible, prior to deployment.

Medical Treatment

If extended range impact weapons are deployed in the secure jail facility and the inmate is struck by extended range munitions, the inmate(s) will be transported to the hospital to be medically cleared. The subject shall be medically cleared by a physician prior to being re-housed in the jail.

Reporting Procedure

In instances where extended range impact munitions are deployed, except in training situations, the following documentation and notifications shall be required:

The deploying deputy's report shall include all details of the circumstances justifying the use of "Less Lethal" munitions. When applicable, the report should include any and all efforts or means attempted to resolve the situation prior to the use of Less Lethal. When Less Lethal is used the report shall include the locations deployed, the deploying deputy and any injury as a result of its use. The report shall also include how many extended range impact munitions were deployed, from what distance, and how many made contact with the subject. The report shall describe the area of the body hit with munitions.

Photographs of the person who was struck by extended range impact munitions will be taken. The photographs will include the areas struck and the area alleged by the person to be injured. The photographs will be submitted as evidence along with the report. Any extended range impact munitions used against a subject will be collected and booked into evidence. If it cannot be located, the deploying deputy will document the efforts taken to locate the munitions.

Should there be any indication of a potentially life threatening injury or death to the subject resulting from the use of extended range impact munitions; the supervisor on scene will treat the incident as an Officer Involved Shooting.

In all cases the supervisor shall notify the Lieutenant in charge of Operations and the Watch Commander as soon as practical of the deployment of the Less Lethal and of the circumstances surrounding it. If the Operations Lieutenant is not available, the notification shall be made to the Administration Lieutenant and if neither Lieutenant is available, notification to the Bureau Commander shall be made.

RELATED STANDARDS:

Title 15, Article 3, Section 1029
General Order 04-06
General Order 04-07

DATE REVISED:
8/4/08

By order of:

David Augustus
BUREAU COMMANDER