

San Jose Police Department Training Unit Projectile Impact Weapons/Less Lethal

Expanded Course Outline

(Four Hour Course)

Rev. 12/22/2020

Course Goal:

To provide students with the information and hands-on experience needed to effectively use the Projectile Impact Weapons (Less Lethal). Peace officers are met with circumstances where they must use force to subdue combative or resistive persons. This course will cover options available in such situations to include Projectile Impact Weapons as a less lethal option.

Course Objectives:

The student will understand:

1. Safety while utilizing the weapon systems
2. Manipulation of weapon systems
3. Nomenclature associated to each weapon system utilized
4. Deployments
5. Case law
6. 835a – AB392/SB230
7. Department Policy
8. Officer Safety
9. Use of Force and Force Options
10. Documentation and required First Aid
11. Proficiency with weapon systems

I. Introduction

- A. Welcome
- B. Registration
- C. Overview

II. Use of Force

- A. Force Options
 - A. Professional Presence
 - B. Words/Voice
 - C. Physical Control

- D. Electronic Devices
- E. Impact
- F. Less Than Lethal
- G. Deadly Force
- H. Non-lethal not avail or appropriate based on circumstance
- I. Duty Manual

III. Law

A. Federal Law

- A. Title 18, USC Sec 242 and 1983 (Civil Rights)

B. State

- A. PC 835, Method of making arrests, amount of restraint
- B. PC 835a, Use of reasonable force to effect arrest, prevent escape or overcome resistance
 - a. 835a(a)(2) – “Shall use other available resources and techniques if reasonably safe and feasible...”
 - b. Discuss how agency policy has changed relative to AB 392.
 - c. Discuss how agency policy has changed relative to SB 230.
 - d. Discuss Department’s tactical conduct or de-escalation policy
- C. PC 843, Arrest under warrant; force permissible, what force may be used

C. Case law

- A. Deorle v. Rutherford – Officers duty to warn, if possible, prior to force application
- B. Quezada v. County of Bernalillo 944F.2d710 (10th Cir. 1991) – Officer may be held liable for putting him or herself in a situation which required deadly force against an armed suicidal citizen
- C. O’Kneal v. De Kalk County, Georgia (850 F.2nd 653 11th Cir. 1998) – Failing to pursue less lethal options and failing to train and equip officers in the use of “alternative, less drastic measures”
- D. Plakas v. Drinkski 19F .ed 1143 (7th Cir. 1994) – “There is no constitutional duty to use non-deadly alternatives first”
- E. Langford v. Gates – Documented training
- F. Whitley v. Warden – Use of force documentation
- G. Graham v. Conner – Reasonable force
- H. Forrester v. San Diego – Level of force used

D. Agency Policy

- A. Overview of SJPd Less Lethal policy
 - a. Less Lethal Policy defined
 - b. Definition of less lethal munitions

- c. Less lethal vs. Less than lethal
- d. Prioritization of human life
- e. Application
- f. Documentation
- g. Notifications

- B. Force Options**
 - a. Uniform presence
 - b. Verbal
 - c. Chemical agents
 - d. Hands/Control holds
 - e. Impact weapons
 - f. Electronic disruption weapons
 - g. Less lethal
 - h. Lethal

IV. Tactical Overview

A. Students will understand:

- A.** Awareness
- B.** Familiarization with equipment
 - a. Less lethal weapon launchers
 - a) 12 gauge bean bag rounds
 - b) 40mm launcher
- C.** Accuracy (target acquisition)
- D.** Approved target areas
- E.** Avenue of escape/surroundings
- F.** Movement
- G.** Cover
- H.** Concealment
- I.** Distance (tactical advantage and weapon capabilities)
- J.** Communications
 - a. With subject
 - b. With fellow officers
 - c. With dispatch
- K.** Kinetic energy
- L.** Blunt force trauma
- M.** Deployment statistics
- N.** Fatality statistics
- O.** Medical treatment and First Aid following use of force

V. Range Safety

A. Four Range Safety Rules:

- A.** Treat all weapons as if they are loaded
- B.** Never point a weapon at anything you do not intend to shoot
- C.** Keep you finger off the trigger until up on target and ready to shoot

- D. Always be aware of your target and backstop

VI. **Learning Activities** (at a SJPD approved range)

A. Instructors will demonstrate and students will manipulate:

- A. 12 gauge bean bag shotgun
 - a. Familiarization with the 12 gauge bean bag round
 - b. Knowledge of authorized target areas
 - c. Discriminatory fire
- B. 40 MM launcher
 - a. Familiarization with the 40 MM sponge round
 - b. Knowledge of authorized target areas
 - c. Discriminatory fire

VII. **Weapon System Qualification** (at a SJPD approved range)

- A. 12 gauge bean bag round
 - a. Each student will fire 5 bean bag rounds from a 12 gauge Bean Bag shotgun at 20 yards. The students will be required to strike only authorized target zones on the individual targets.
- B. 40 MM sponge round
 - a. Each student will fire 5 40 MM sponge rounds from a 40 MM launcher at 20 yards. The students will be required to strike only authorized target zones on the individual targets.

VIII. **Conclusion**

- A. Students will be given Certificates of Completion
- B. Students will have an opportunity to provide school feedback and instructor evaluations
- C. POST rosters completed