

RECOMMENDATION 111215-4

Revise Directive 1050.00, Less Lethal Weapons and Munitions, to Clarify When the Use of Beanbag Shotguns Is Authorized.

FULL TEXT:

Revise Directive 1050.00, Less Lethal Weapons and Munitions, to Clarify When the Use of Beanbag Shotguns Is Authorized):

A beanbag shotgun is a weapon. Directive 1050.00 should be revised to clarify when the use of the beanbag shotgun is authorized and include at least the following:

The optimal distance for a beanbag shotgun is between 21-50 feet. Accuracy drops off rapidly after approximately 45 feet and their flight becomes erratic, striking objects to the right, left, or below the target, increasing the risk to innocent bystanders.

Officers are cautioned that beanbag rounds present a significant risk of death or physical injury when fired at less than 21-30 feet at the chest, head, neck, or groin. Officers should be aware that targeting the chest, head, neck, or groin has on occasion proven deadly when a beanbag round is fired at a close range of 21-30 feet.

Officers are further cautioned that the target area for a beanbag round substantially differs from a deadly force target area. Instead of aiming for the center mass of the body, beanbag shotguns must be aimed at the lower abdomen (below the belt level), thighs, legs below the knee, or arms below the elbow (forearms). The chest, head, neck and groin should not be targeted.

Officers shall consider the risk of the beanbag round causing serious harm when determining whether to fire the beanbag shotgun.

Before resorting to the use of a beanbag shotgun, officers shall use all reasonable de-escalation techniques and tools which are available to them to avoid the use of such force.

Beanbag rounds are only authorized when used on an individual engaged in aggressive resistance or aggravated resistance, as defined in Directive 1010.00, Use of Force, and only to prevent immediate physical harm to the officer or another person. In addition, each firing of a beanbag shotgun must be objectively reasonable, necessary, and proportionate to the threat or resistance encountered, as required by Directive 1010.00.

Use of beanbag rounds in the following circumstances is only authorized in situations where there is a risk of death or serious physical injury to the officer or third parties:

a. When the suspect is in an elevated position where a fall is likely to cause substantial injury or death.

b. When the suspect is in a location where the suspect could drown.

c. When the suspect is operating a motor vehicle or motorcycle and the engine is running or is on a bicycle or scooter in motion.

d. When an individual is handcuffed or otherwise restrained.

e. When an individual is fully contained in a police vehicle.

Unless it would present a danger to the officer or others, officers shall issue a verbal warning, or attempt to utilize hand signals where there is a language barrier or the subject is **hearing impaired**, prior to firing a beanbag shot gun. Officers shall give the subject sufficient time to comply with the warning before deploying the taser. A warning shall be given prior to each bean bag round that is fired.

Officers shall not target the chest, head, neck or groin unless deadly force is justified.

Beanbag rounds should not be shot through glass or a chain link fence due to the likelihood of rupturing the beanbags and having the contents injure others.

Officers are prohibited from using beanbag rounds against an individual in a crowd unless the officer has the approval of a supervision and can:

* Target a specific individual who poses an immediate threat of causing physical harm;
and

* Reasonably assure that other individuals in the crowd who pose no threat of violence will not be struck by the weapon.

Officers shall summon emergency medical services for all subjects who have been struck by a beanbag round.

The PPB shall enact a policy which ensures that only less lethal beanbag rounds, as opposed to lethal live rounds, can be fired from a beanbag shotgun.

The PPB shall enact a policy which ensures all shotguns, including beanbag shotguns, are included in a secure manner.

Officers shall be certified on the use of beanbag shotguns. Officers shall receive annual beanbag shotgun in-service training, including proficiency and policy changes, if any.

In addition to these policy provisions, the Subcommittee is concerned about the current use of a shotgun for beanbag rounds that can also be loaded with live rounds. Despite precautions being taken by the PPB to ensure that live rounds are not mistakenly loaded into a shotgun intended for beanbag rounds that is not enough. The PPB should replace its current beanbag shotguns with shotguns that can only fire beanbag rounds.