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“Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy.”

SPECIALTY IMPACT MUNITIONS

Introduction

The purpose of this Training Bulletin is to provide members with guidelines on the use of Specialty Impact Munitions (SIM). This Training Bulletin does not supersede the training and qualification requirements members shall meet to use and deploy SIM.

This Training Bulletin is a supplemental to Department General Order K-3, USE OF FORCE, which is the master policy regarding the use of force. In addition to this policy, members shall have a complete and thorough understanding of DGO K-3, USE OF FORCE and TB III-H.2, HAND HELD IMPACT WEAPONS which outline, in part, when the use of an impact weapon is appropriate and objectively reasonable, criteria for consideration, definitions, force options and medical requirements.

Legal Considerations

“Reasonable force” is defined by law as that amount of force that is objectively reasonable to affect a lawful police purpose and protect the safety of officers or others based upon the totality of the circumstances.

The United States Supreme Court ruled in *Graham v. Connor* that force must be analyzed under the Fourth Amendment’s objectively reasonable test¹. The application of this test requires an analysis of the totality of circumstances, including these factors to determine if the seizure is reasonable:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of law enforcement officers or others;
and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

The determination of reasonableness is not based on the 20/20 vision of hindsight.

The use of an impact weapon is an intermediate use of force and shall only be used when analyzed, based on the totality of circumstances confronting the member, under the Fourth Amendment’s objectively reasonable test.²

Lethal vs. Less-lethal

The distinction between lethal force and less-lethal force is important.

¹ 490 U.S. 386 (1989)

² *Deorle v. Rutherford* 272 F.3d 1272,1279 (9th Cir. 2001)



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“Less-lethal” force is defined as:

Any use of force, other than lethal force, which by design and application is less likely to cause serious bodily injury or death. However, the possibility of an unintended lethal outcome, although very rare, exists. Less-lethal force options include, but are not limited to, SIM. Refer to DGO K-3 for additional less-lethal force options.

Specific Requirements for the Use of Specialty Impact Munitions (SIM)

1. Only trained and currently qualified members are authorized to use SIM.
2. Members shall only use the specific SIM for which they have been trained.
3. All training/qualification records and lesson plans shall be maintained by the Training Section. The records shall not be purged once training and qualification have been updated or renewed. The records shall represent the entire history of the member’s training, qualifications and the curriculum utilized for each training session.

Use of Direct Fired Specialty Impact Munitions (SIM)

1. Direct Fired SIM are less-lethal specialty impact weapons that are designed to be direct fired at a specific target including but not limited to Drag Stabilized Flexible Batons (DSFB), often referred to as a "bean bags".
2. Direct Fired SIM shall not be used indiscriminately against a person, a crowd, or group of people even if some members of the crowd or group are violent or disruptive.
3. A member and/or supervisor on the scene, absent exigent circumstances, shall take reasonable steps to have the subject submit to police authority and issue a verbal warning before the use of SIM
4. Direct Fired SIM shall not be used against a person who is under restraint.
5. Members shall not intentionally target and fire specialty impact munitions at a subject’s head, neck, spleen, liver, kidneys, throat, spine, left arm pit, or groin due to the increased likelihood of serious bodily injury or death. Members, absent exigent circumstances, shall avoid striking these areas.
6. Members shall, absent exigent circumstances, avoid intentionally targeting the upper chest. Impacts to center mass have the highest potential for immediate incapacitation, but also have the highest potential to cause serious internal injury or in some very rare instances, death.
7. Lethal force backup shall be in place prior to SIM usage, absent exigent circumstances. SIM are used when it is not safe for an officer to close on a physically violent subject and try to control him or her with physical strength and skill or when a safe, standoff distance is needed.
8. Any person struck by SIM shall be transported to a hospital for observation and any necessary treatment. Ambulance service, if required, shall be ordered per Department General Order I-4, AMBULANCE SERVICE. First aid, when necessary, shall be administered per Training Bulletin III-K, FIRST AID. Members shall, absent exigent circumstances summon medical personnel to stage near the scene when they reasonably believe the use of SIM is imminent.
9. Members shall not use SIM to dispatch injured animals; however SIM may be used to subdue, distract or chase away vicious animals.



10. Members may use approved Direct Fired SIM during demonstrations and other civil disorders; however only against a specific individual as specified in the additional restrictions and criteria in the *Crowd Control and Crowd Management Usage* section, below, DGO K-3 and TB III-G, OPD CROWD CONTROL AND CROWD MANAGEMENT POLICY.)

Crowd Control and Crowd Management Usage

1. Direct Fired SIM are less-lethal specialty impact weapons that are designed to be direct fired at a specific target, including but not limited to DSFB, and shall not be used for crowd management, crowd control or crowd dispersal during demonstrations or crowd events. Direct Fired SIM may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
 - a. Direct Fired SIM may be used against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to him or herself, officers, or the general public or who is engaging in substantial destruction of property which creates an immediate risk to the lives or safety of other persons.

In such instances, Direct Fired SIM shall be used only when other means of arrest are unsafe and when the individual can be targeted without endangering other crowd members or bystanders.
 - b. The use of Direct Fired SIM must cease when the violent or destructive actions cease. These weapons must not be used for the purpose of apprehension or to otherwise prevent escape unless escape would present a substantial risk of continued immediate threat to loss of life or serious bodily injury.
 - c. Members shall only deploy Direct Fired SIM during a demonstration or crowd event under the direction of a supervisor.
 - d. When circumstances permit, the supervisor on the scene shall make an attempt to accomplish the policing goal without the use of Direct Fired SIM as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.
 - e. Any person struck by a round shall be transported to a hospital for observation and any necessary treatment. Ambulance service, if required, shall be ordered per Department General Order I-4, AMBULANCE SERVICE. First aid, when necessary, shall be administered per Training Bulletin III-K, FIRST AID.
 - f. No member shall use Direct Fired SIM without formal training and certification.
 - g. Direct Fired SIM shall not be used against a person who is under restraint.
 - h. Members shall not intentionally discharge a Direct Fired SIM at a person's head, neck, spleen, liver, kidneys, throat, spine, left arm pit, or groin unless deadly force would be justified.
2. Indirect Fired/Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) are prohibited.
 - a. Any and all less-lethal specialty impact weapons designed to be skip fired or otherwise deployed in a non-directional non-target specific manner, including but not limited to the Multiple Wood Baton Shell (264W) manufactured by Armor Holdings, Inc. shall not be used at all by OPD during demonstrations or crowd events.



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- b. The use of the Stinger Grenade containing rubber pellets designed to be deployed in a non-directional non-target specific manner is also prohibited for all crowd control use.
3. The Remington, Model 870 shotgun with identifiable orange colored stock shall be the only designated shotgun from which the Drag Stabilized Flexible Baton is fired during Crowd Control Operations. Lethal shotgun ammunition shall never be fired from designated orange colored less-lethal Remington, Model 870 shotguns.

Deployment Considerations

1. Members shall, absent exigent circumstances, reasonably evaluate the intended subject for the following Special Conditions before using SIM:
 - a. Pregnant Women: Members shall not use SIM against a woman known, or should reasonably be known, by a member to be pregnant, unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and control techniques would pose a greater safety or injury risk to the subject, third parties or members.
 - b. Pre-Teen Children/Elderly people: Members shall not use SIM against a person known, or should reasonably be known, by the member to be the age of ten (10) or younger or over the age of seventy (70), unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and control techniques would pose a greater safety or injury risk to the subject, third parties or members.
 - c. Physically Disabled: Members shall not use SIM against a person known, or should reasonably be known, by the member to be physically disabled-unless the member believes it is objectively reasonable that his/her life, or life of another, is in immediate danger of death or serious bodily injury, and alternative arrest and control techniques would pose a greater safety or injury risk to the subject, third parties or members.
2. Members shall, absent exigent circumstances, consider, as applicable to the incident, the following factors which may have a direct effect on the subject, members or third parties which would influence the decision to use SIM. These factors include, but are not limited to:
 - Is the subject armed and, if so, with what type of weapon? If the subject is armed with a firearm, will the firing of “less-lethal” SIM cause the subject to fire his/her firearm?
 - Is the level of force by the officer appropriate for the level of resistance or aggression exhibited by the subject?
 - What is the type of situation? Is the subject holding a hostage or are there other bystanders in the immediate area?
 - Are the officers on the Dedicated Arrest Team (DAT), the inner perimeter, and other surrounding areas aware that less-lethal SIM may be deployed? Has notification been made or will it be made to the surrounding officers? Will the firing of less-lethal SIM cause other officers to initiate sympathetic fire?



Absent exigent circumstances, notification before and after the use of a SIM shall be made over the radio and/or in person when radio volume may be turned down for tactical reasons, radio communication problems are occurring or the incident involves outside agency personnel who may not have radio contact with the OPD.

Absent exigent circumstances, members shall ensure that personnel from other public safety agencies involved in the incident acknowledge receipt of the information prior to the use of SIM. This is to ensure the employment of SIM is not mistaken for lethal force.

- Are other tactics in place, (e.g., O.C., TASERS, K-9's, multiple less-lethal SIM shooters, and arrest teams) as an alternate or contingency plan should less-lethal SIM not create the desired results?
- What is the distance of the threat in relation to the less-lethal SIM shooter? The farther the threat, the less accurate the munitions and the less kinetic energy delivered. As the threat gets closer to the less-lethal SIM shooter, the shooter must lower the point of aim, (i.e., to the legs, buttocks, etc.)
- What is the distance of the threat in relation to the arrest team? The further away the arrest team, the longer the threat has to recover from the effects of the SIM.
- Follow up shots: because the first round may miss or not be effective, always be prepared to fire multiple rounds at the subject.
- What is the availability of spare less-lethal SIM?
- Are there any language or hearing barriers that affect the subject's ability to comprehend clear and articulate communication/directions from members?
- Is the subject under the influence of medication, illegal drugs, or an intoxicant?
- Are there any potential secondary injury possibilities to the subject (e.g. falling off of a building, running into traffic, etc.)?
- Does the subject have any mental or psychological impairment?
- What was the success or resilience to the use of previous SIM?
- What is the probability of success in achieving the intended results with the SIM and a subject's defenses (e.g. subject swinging a jacket, body protection, etc.)?
- Are alternative plans of action in place should the SIM not have the intended results?

Non-flexible vs. Flexible Projectiles

There are two categories of SIM projectiles: non-flexible and flexible.

Non-flexible projectiles are composed of rigid or semi-rigid materials such as hard rubber or wood. Non-flexible projectiles DO NOT conform to the contour of the surface they strike.

Flexible projectiles are generally composed of lead or silica filled cloth bags, or a softer substance such as foam. Flexible projectiles conform to the contour of the surface they strike.



Single Projectile vs. Multiple Projectiles

Generally, single projectile munitions (e.g. Drag stabilized flexible baton round, 40 mm sponge round) are rounds that launch one projectile with an expectation of point of aim – point of impact accuracy. Generally, these munitions are intended to be direct-fired munitions.

Multiple projectile munitions (e.g. Wooden dowels, 40mm foam baton round) are rounds launching more than one—or multiple—projectiles at the same time. Generally, these rounds are “skip-fired”.

Direct Fired vs. Indirect Fired/Skip Fired

There are two methods in which less-lethal SIM are deployed onto a target: direct fired and indirect or skipped fired.

Direct fired munitions are intended to be fired directly at a subject while reasonably attempting to avoid prohibited areas, as specified in parts 5 and 6 of the *Use of Direct Fire Specialty Impact Munitions (SIM)* section, above.

Indirect or skipped fired munitions are intended to be fired so that the projectile impacts the ground first and then “skips” into the intended target. Indirect or skip fire munitions are not authorized for use in any Crowd Control or Crowd Management Operation.

Indirect or skip fire munitions are not authorized for use against people (See exception under *Tactical Operations Deployment* section below); nor is the use of direct fired munitions in an indirect or skip fired manner authorized.

Psychological (Mental) Effects

Impact munitions have a tremendous mental effect on an individual. In many cases, the mental effects far outweigh the physical effects and may be the determining factor in the subject’s response to the munitions.

The desired mental effects that officers try to create in the subject are fear, anxiety, and panic:

Fear: Impact munitions may cause a powerful mental distraction. If the subject has prior knowledge of the effects of impact munitions and realizes that he/she is about to be targeted, this realization may be enough to cause the subject to comply or, at least, be distracted long enough for a plan of action to be implemented. The subject must also mentally cope with the physical pain that he/she feels after being struck with impact munitions.

Anxiety: The action of pointing a firearm directly at an individual and/or firing a projectile at him or her arouses fear in the individual of being shot with a firearm. The pain and, sometimes, the appearance of the injury may reinforce this belief.

Panic: Because it may create the “fight or flight” response, panic may not be the most desired effect. Members shall consider and prepare contingencies for a panic response. Should it induce a “fight” response, a reliable secondary plan for incapacitation is needed. Should it induce the “flight” response, a secure perimeter along with other available assets should overcome any eluding actions.



Physiological (Physical) Effects

There are two types of injuries caused by projectiles; penetrating and non-penetrating.

Penetrating injuries are caused from low mass, high velocity projectiles, such as bullets and some SIM if used at a close distance, or low velocity sharp objects such as knives.

Non-penetrating injuries are caused when blunt objects impact the surface of the body at moderate speeds causing blunt trauma but do not penetrate the body.

In simple terms, blunt trauma is the primary desired physical effect of less-lethal impact munitions.

The flexible baton inflicts enough pain to get most individuals to comply yet, when used properly, has a low probability of causing serious physical harm. Generally, the impact of the projectile along with the associated pain works to deter the individual from unwanted aggressive behavior.

The possibility of physical injury always exists whenever impact weapons are used. Inappropriate use of a SIM significantly increases the risk of injury or death to a suspect. Abrasions, lacerations, contusions, and fractures may result and need to be addressed by trained medical personnel (See DGO K-3, TB III-K, and DGO I-4 regarding first aid and emergency medical treatment.)

The human body can withstand high levels of force for very short durations of time if the force is distributed on the strong parts of the skeleton. The soft body tissues are responsible for absorbing and dissipating a great deal of force without producing a large amount of compression. However, if the amount and speed of blunt trauma is greater than can be absorbed, soft tissues can be damaged by tearing or rupturing, causing lacerations, cuts, and bruises.

Impacts to the abdomen can cause injury to the liver and spleen causing crushing deformation. Chest impacts can displace internal organs and possibly lacerate major vessels by crushing or stretching.

Although rare, penetration into the body has occurred and is always a possibility, especially when improperly used, as a result of a combination of kinetic energy (weight, size, shape, and velocity); target distance; the subject's weight, mass, clothing, or other material coverings; and the area of the body at which the subject is impacted. Members shall use SIM within training guidelines and Department policy.

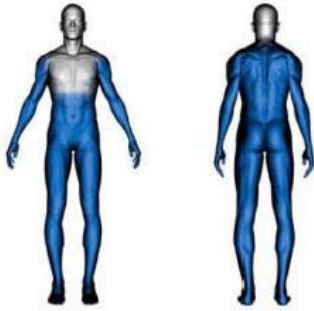
Viable Target Areas

Department policy dictates that the authorized target areas for SIM are the same as for hand held impact weapons.

The primary target areas are areas consisting of large muscle groups such as the buttocks and thighs. Other target areas are the shoulder, upper arms, elbows, lower arms, lower abdomen area, knees, and lower legs. Skeletal target areas include the wrists, hands, ankles, and feet. It should be noted that impacting skeletal target areas may result in fractures.



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Preferred Target Areas in Blue

Center mass shots provide for the highest probability of immediate incapacitation but also have the highest potential to cause serious injury or, in rare instances, death (See part 6 of *Use of Direct Fire Specialty Impact Munitions (SIM)* section above.)

Factors an officer shall consider when selecting a target area to strike are the following:

- Clothing – In colder climates, heavier clothing and jackets reduce the amount of blunt trauma the subject receives. Exposed target areas such as the legs should be considered. In hotter climates, where lighter clothing is worn, factors to consider are shot placement and engagement distance. Subjects may also wear “armor” to defeat/lessen the effects of impact munitions.
- Physical stature and condition – Is the subject heavy and muscular or is the subject thin and skeletal? How old is the subject? Most likely, a 250-pound person will be less physically affected than a 100-pound person when both are struck in the same target area. The blunt trauma effects and the potential for injury are much greater for the smaller stature subject.
- Immediate surroundings – Be aware of what or who is in the background. Are there any persons in the immediate area that might be struck from a deflected or missed shot?

Non-Target Areas

Department policy prohibits intentionally targeting and firing SIM at vulnerable body parts. Members shall avoid striking a subject’s head, neck, spleen, liver, kidneys, throat, spine, left arm pit, or groin with any type of specialty impact weapon. Unless your intent is to use LETHAL FORCE, all reasonable attempts shall be made to avoid striking these areas. It should be noted that, when a subject is moving or attempting to shield him/herself, avoiding these target areas may be difficult. Given the inherent risk of striking vulnerable body parts, members and supervisors should weigh the risk vs. benefit of using SIM against a moving subject.

Members shall, absent exigent circumstances, avoid intentionally targeting the upper chest.

12 Gauge Specialty Impact Munitions

Safariland Drag Stabilized Bean Bag rounds (both marking #3028 and non-marking #3027), and the CTS Super-Sock (both marking #2581G and non-marking #2581) are the only authorized 12 gauge SIMs. These rounds are hereafter referred to as Drag Stabilized Flexible Baton, or DSFB, rounds.

All authorized 12 gauge SIMs share a common design and function in the same manner. These SIM rounds employ a tail design to improve accuracy and a conforming projectile to deliver blunt-force-trauma.

The Safariland rounds are single, tear-shaped, heavy-cotton and ballistic material projectiles with four stabilizer tails. The CTS rounds are single, tear shaped, heavy-cotton and ballistic material projectiles with a single cone shaped stabilizer tail. All authorized DSFB rounds are filled with 40 grams (1.43 oz.) of #9 lead shot loaded into a translucent 12 gauge shell. The rounds use smokeless gunpowder as a propellant. When



fired, the projectile travels at about 280 feet per second. Because it is tear-shaped with a stabilizer tail(s), it is very aerodynamic and has a high degree of accuracy. The tear shape also creates a blunt impacting surface, which causes fewer injuries than the discontinued flat flexible baton round.



The 12 gauge DSFB round has an optimal energy range of 20-75 feet and is intended to be a direct fired munition. The user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain certification in its use.

Some encounters may require two or more shots subject to gain compliance and shall be justified as DGO K-3. Each application is a use of force. of action should be in place should the desired results



placed on a required by Alternate plans not be achieved.

Tango Teams use either the Safariland #3028 or the CTS #2581G DSFBs during Crowd Control and Crowd Management Operations which are designed to “mark” targets with a green colored die. DSFB rounds used by patrol and other field personnel may be either marking or non-marking.





The Remington 870 Pump Action Shotgun

The 12 gauge Drag Stabilized Flexible Baton Round shall be fired from a barrel with a choke rating of “Cylinder Bore.” A “Cylinder Bore” choke is required to ensure that the SIM exits the barrel of the weapon system completely and does not become lodged inside. The only shotgun deployed by the Department that has this choke rating is the Remington, Model 870, 12 gauge pump-action shotgun.

Other factors adversely impacting a flexible baton projectile’s ability to exit the barrel when fired are:

- A dirty/fouled barrel;
- A bent/damaged barrel; and/or
- Damaged munitions.



The Remington, Model 870 shotgun with identifiable orange colored stock shall be the only designated shotgun from which the drag stabilized flexible baton is fired during Crowd Control Operations (See *Crowd Control and Crowd Management Usage*, above.) Lethal shotgun ammunition shall never be fired from designated less-lethal Remington, Model 870 shotguns during Crowd Control Operations.

Safety Checks

Incidents have occurred when peace officers in other agencies shot subjects with lethal shotgun ammunition when those officers believed that less-lethal ammunition was loaded into their shotguns. In order to prevent a lethal firearms discharge, members shall strictly follow the deployment safety checks detailed in this section.

Prior to the deployment of **any** 12 gauge less-lethal SIM, members shall thoroughly complete the following safety checks:

1. Clear the weapon system of all lethal ammunition. Double check to ensure that the weapon system is indeed clear of any lethal ammunition.
2. Have a second officer double check that the weapon system is clear of any lethal ammunition. This step is incorporated to ensure that an officer has not overlooked any lethal ammunition due to fatigue, darkness, or stress.
3. Ensure that lethal ammunition for the weapon system is inaccessible to the less-lethal shooter. The best course of action to ensure that no lethal ammunition is accessible is to lock it in a secure location such as the glove box or the trunk. **THE LESS-LETHAL SHOOTER SHALL NEVER INTER-MINGLE LETHAL AMMUNITION FOR THE WEAPON SYSTEM ON HIS/HER PERSON OR SHOTGUN.**
4. Inspect each less-lethal round to ensure that the munitions are less-lethal. Visually inspect each and every less-lethal round that is deployed to ensure that it is indeed less-lethal. Never assume.
5. Have a second officer double check each less-lethal round to ensure that the munitions are in fact less-lethal. This step is incorporated to ensure that an officer has not overlooked any lethal ammunition due to fatigue, darkness, or stress.



Although there are designated orange colored less-lethal Remington, Model 870 shotguns for Crowd Control Operations, this does not preclude negligent lethal discharges. The only way to prevent negligent lethal discharges is to strictly follow the five safety checks listed above.

37mm Specialty Impact Munitions

Currently, the Oakland Police Department authorizes the following for use as 37mm SIM:

37mm Multiple Wood Baton – An Indirect Fired SIM manufactured by Defense Technologies/Federal Laboratories. It consists of a 1.5 inch diameter by 8 inch long casing that contains five (5) wood baton projectiles. This SIM uses black powder as a propellant. Each wood baton is a 1.35 inch cylindrical shaped baton made of birch hardwood. Each baton weighs .75 ounces. When fired, the batons travel at about 280 feet per second.

The 37mm Multiple Wood Baton Round is designed to be deployed in low trajectories or skip fired at ranges between 40 -75 feet at areas or non-specific targets. Only members of the Tactical Operations Team are authorized to use the round and the user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain authorization in its use.

37mm Multiple Rubber Baton –An Indirect Fired SIM manufactured by Defense Technologies/Federal Laboratories. It consists of a 1.5 inch diameter by 8 inch long casing that contains five (5) rubber baton projectiles. This SIM uses black powder as a propellant. Each rubber baton is a 1.35 inch cylindrical shaped baton made of soft rubber. Each baton weighs 1.3 ounces. When fired, the batons travel at about 250 feet per second.

The 37mm Multiple Rubber Baton Round is designed to be deployed in low trajectories or skip fired at ranges between 40 – 75 feet at areas or non-specific targets. Only members of the Tactical Operations Team are authorized to use the round and the user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain authorization in its use.

37mm Flexible Baton – A Direct Fired SIM manufactured by Defense Technologies/Federal Laboratories. It consists of a 1.5 inch diameter by 4.8 inch long casing that contains one flexible baton. The flexible baton itself is a 4.5” X 2” nylon web tube that is filled with 100 grams of silica sand and sewn closed at each end. When deployed, the projectile travels at about 220 feet per second and has an effective range of about 50 feet. These munitions are designed to be direct fired onto targets. Only members of the Tactical Operations Team are authorized to use the round and the user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain authorization in its use.

It is extremely effective against individuals who demonstrate violent or aggressive actions. Because it is a direct-fired munition, officers shall take into consideration minimum distances, level of threat and the subject’s physical stature and apparel.

These munitions may also be used as a distraction device by firing against objects, (e.g., buildings, walls, doors, windows) by the Tactical Operations Team.

37mm Super Sock – A Direct Fired SIM manufactured by Combined Tactical Systems. This flexible baton is the shape of a flexible sock filled with 60 grams of silica beads. When deployed, the projectile travels at about 250 feet per second. These munitions are designed to be direct fired onto targets and have a maximum effective range of 20 yards. Only members of the Tactical Operations Team are authorized to use the round and the user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain authorization in its use.



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These munitions may also be used as a distraction device by firing against objects, (e.g., buildings, walls, doors, windows) by the Tactical Operations Team.

37mm Launcher

37mm SIM shall be fired from a 37mm launcher. The launcher used by the Oakland Police Department is the Defense Technologies/Federal Laboratories 37mm shoulder fired, single shot launcher. This launcher has an overall length of 28 inches and a 14-inch long smooth bore barrel. The full stock model weighs 6.75 lbs. The short tactical stock model weighs 3 lbs 5 oz. The pistol type model has an overall length of 12 inches, an 8-inch long barrel, and weighs 3 lbs 5 oz.

The launcher can be fired either in the single action or double action mode. Each launcher has a fixed front sight blade and a rear leaf sight with 50 yard, 75 yard, and 100 yard increments.



All users shall be thoroughly trained and qualify annually to maintain their Department authorization in its use. The user shall visually inspect each round before placing it in the launcher to ensure he/she is using the intended round type.

40mm Single and Multi Shot Launchers

40mm SIM shall be fired from a 40mm launcher. The launcher used by the Oakland Police Department is the Penn Arms Single and Multi Shot shoulder fired launchers. This launcher has an overall length of 28 inches and a 14-inch long rifle bore barrel. The full stock model weighs 6.75 lbs. The launcher can be fired either in the single action or double action mode. Each launcher has a full length Picatinny rail adaptable for mounted electronic sight systems, and also a fixed front sight bead and rear ghost ring sight.

All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use. The user shall visually inspect each round before placing it in the launcher to ensure he/she is using the intended round type.

40mm Multiple Foam Baton - A Direct and Indirect Fired SIM manufactured by Defense Technologies. It consists of a 1.60 inch diameter by 4.89 inch long casing that contains (3) foam rubber projectiles. This SIM uses smokeless powder as a propellant. Each foam rubber is a 1.40 inch cylindrical shaped baton made of foam. Each baton weighs .40 ounces. When fired, the batons travel at about 325 feet per second.

The 40 mm Foam Baton Round is intended to be direct fired. The operator shall be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size, and clothing.

The 40 mm Foam Baton Round is most suitable in close to medium ranges of fire, approximately 15 to 30 feet. Beyond 30 feet, the lightweight foam batons may move off target and lose most of their energy. Engagement distances may be limited by walls or barriers. It may also prove valuable in urban riot situations where police lines and protestors are in close proximity. As a dynamic energy round for the incapacitation or distraction of single non-complaint or aggressive subjects, it is best suited at close to moderate distances, approximately 10 to 20 feet. All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use.

40mm Direct Impact Round – A Direct Fired SIM manufactured by Defense Technologies. It consists of a 1.60 inch diameter by 4.40 inch long casing that contains (1) crushable foam nose, powder payload and plastic body projectile. This SIM uses smokeless powder as a propellant. Each foam is a 2.92 inch



cylindrical shaped projectile made of foam. Each foam weighs 1.45 ounces. When fired, the batons travel at about 295 feet per second.

The 40 mm Direct Impact Round is a “point-of-aim, point-of-impact” direct fire round that is most commonly used by tactical teams in situations where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-compliant subject at longer distances. The 40mm sponge round is the primary SIM for Crowd Management and Control.

The 40 mm Direct Impact Round is intended for direct fire deployment. The operator shall be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The 40 mm Direct Impact Round will prove most successful for incapacitation when used within their optimal energy range of 5 – 36 meters, although it may be used in situations from 2 – 50 meters.

All users shall be thoroughly trained and qualify annually to maintain their Department certification in its use. The user shall visually inspect each round before placing it in the launcher to ensure he/she is using the intended round type.

Hand Deployed Specialty Impact Munitions

The Oakland Police Department deploys the following hand deployed SIM.

#15 Stinger Grenade – The Stinger Grenade is a combination specialty impact munition and diversion device that may incorporate optional CS or OC laden powder. The Stinger Grenade is a maximum effect device because it delivers up to four stimuli for psychological and physiological effect: rubber pellets, bright light, sound, and optional chemical agent powder.

These munitions are 3.1 inches in diameter and 5.2 inches long. These munitions contain 8 ounces of flash powder and 150 .32 caliber soft rubber balls. The munitions that contain powder chemical agent can contain up to 2.0 grams of CS or .30 grams of OC. Other variations that may be deployed are the same munitions without the rubber pellets.

The Stinger Grenade has an initial 1.5 second delay that initiates fuse assembly separation, followed by another .5 second delay before the device functions. The blast is sufficient to project the rubber balls and optional chemical agent powder in a 50 foot radius.

Only members of the Tactical Operations Team are authorized to use the Stinger Grenade and the user shall be thoroughly trained, qualified and maintain the Department standard of annual qualification to maintain authorization in its use. The Stinger Grenade is not authorized for use in any Crowd Control or Crowd Management Operation or against people (See exception under *Tactical Operations Deployment* section below).

Tactical Operations Deployment

All SIM specified in this policy may be used by the Tactical Operations Team in Non-Crowd Control or Crowd Management Operations as distraction devices by firing against objects, (e.g., buildings, walls, doors, windows). Verbal notice to members and outside law enforcement agency personnel shall be made before their use as a distraction device.

The Stinger Grenade may only be deployed against a person by the Tactical Operations Team, during a Non-Crowd Control or Crowd Management Operation, when a member objectively and reasonably believes that his/her life, or life of another, is in immediate danger of death or serious bodily injury based upon the totality of the facts known at the time.



Post Deployment Considerations

After a subject has been taken into custody using a SIM, specific tasks shall be completed.

First Aid or Medical Treatment – Members shall provide, as necessary, and summon professional medical assistance, as soon as practical, whenever a subject is struck by a SIM and taken into custody (See DGO K-3, USE OF FORCE, TB III-K, FIRST AID, and DGO I-4, AMBULANCE SERVICE, regarding first aid and emergency medical treatment.)

Evidence – Personnel shall recover all expended casings and projectiles for documentation purposes and make inventory of all remaining live munitions for accountability. If the situation or exigency does not allow the recovery of the evidence (e.g. crowd control situation), officers shall document in their respective reports the number of munitions deployed and the circumstances disallowing the recovery of the evidence. Additionally members shall, when notifying their supervisor of the use of force, notify their supervisor regarding the non- recovery of evidence.

Documentation – As required by Department General Order K-4, REPORTING AND INVESTIGATING THE USE OF FORCE, a supervisor shall be summoned to the scene to conduct a Level 2 force investigation.

At a minimum, members shall consider the following factors, as applicable, for detailed inclusion in their Offense, Supplemental or Investigation Report:

- The subject’s behavioral signals at the onset of the incident.
- The subject’s tone of voice or language (Was the subject yelling or using profanity or verbal threats, etc.?)
- The subject’s body language/physical gestures (shirt off, violent combative gestures/movements, hands clenched into fists, rapid pacing).
- Any signals of submission by the subject (compliance, agreement to comply, etc.)
- Any indications the subject made to comply with verbal instructions (submission, going to a specific location, relinquishing/dropping objects/weapons).
- The conditions that dictated shot placement (lighting, obstacles, distance, etc.)
- Environmental conditions (darkness, rain, sunlight).
- The subject’s approximate age, height, weight, clothing.
- Whether a physical confrontation would have resulted if less-lethal SIM had not been used.
- Whether PDRD was viewed prior to writing the final version of the report.
- Identification of other Department members and public safety personnel, who were present, and their activities and/or role in the incident.
- What safety checks were done prior to deployment of SIM and who conducted the checks.
- When and type of first aid or emergency medical treatment that was provided, and by whom.



- Attach a copy of the paramedic and/or hospital medical report, if available.
- Evidence collected.
- Names, contact information, and thorough recorded statements of witnesses.
- Time when supervisor was advised of the use of SIM.
- Availability of photographs, sketches, diagrams, video, etc. of the scene.
- Photos of the suspect and clothing.
- Other articulable factors which led the member to believe it was objectively reasonable to utilize force and the type of force used.