

FRAMINGHAM POLICE DEPARTMENT		Next Review Date: July 13, 2021
Subject: Kinetic Energy Impact Weapon System		Effective Date: July 13, 2020
Category: 100 - Operations		Expiration Date: Indefinite
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:		POLICY 100-33
Distribution: Police Department	Issuing Authority <i>Ronald S. Brandolini</i> Ronald S. Brandolini Acting Chief of Police	

Policy Statement

The Framingham Police Department recognizes that combative, noncompliant, armed and/or violent subjects present handling and control problems that require special training and equipment. Thus, the Framingham Police Department has adopted the *less lethal* force philosophy to assist in the de-escalation of these potentially violent confrontations. Less lethal impact weapons will be stored in the supervisors patrol vehicles trunks when available for deployment and stored within armory when out of use.

Kinetic energy impact projectiles are justified and may be used to compel an individual to cease his or her actions when such projectiles present a reasonable option for resolving the situation at hand.

Officers are not required or compelled to use kinetic energy projectiles in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent third party citizens, and officers, takes priority over the safety of subjects engaged in criminal or suicidal behavior.

It is recognized that due to the unpredictable nature of a person's movements and/or actions, Kinetic energy impact projectiles may unintentionally (on the part of the officer) impact a bodily area, or produce an outcome which does not parallel Department training. In evaluating the appropriateness of an officer's actions in these circumstances, the Department will examine each instance on a case-by-case basis in light of the foregoing to determine whether or not the force used was reasonable, and thus, authorized by policy.

References

Kinetic Energy Impact Projectiles: Flexible or non-flexible projectiles, which are intended to gain compliance or incapacitate a subject through pain compliance, with a reduced potential for causing death or serious injury when properly used, as compared to conventional weapons or projectiles. The only authorized projectile is the CTS "Super-Sock" commonly referred to as "Bean Bag" 12 gauge round. Flat square beanbag projectiles will NOT be used.

Kinetic Energy Impact Weapon: The Remington Model 870, 12 gauge shotgun with modified orange colored stock and fore grip.

Less Lethal Target Zone Chart: Chart describing the human body target areas

Special Terms

Less Lethal Force – Application of force with less potential for causing death or serious physical injury than lethal methods.

Kinetic Energy Impact Weapon Projectiles – Projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or serious physical injury.

Policy

- I. PROCEDURE
 1. Only trained officers with current certifications will utilize the Kinetic Energy Impact Weapon System. Instructors must keep up their certifications to standards.
 2. The trained and qualified operator has the right and obligation to decline orders to deploy the system in an improper, illegal or in an excessively dangerous manner.

3. The Kinetic Energy Impact Projectile is designed to cause incapacitation and reduce the subject's ability to continue his or her actions. The level of energy necessary to cause incapacitation creates the potential for injury, but generally presents a relatively low probability of causing serious physical injury or death.

II. EVALUATION

A. Evaluation of Projectiles

Kinetic energy impact projectiles will be evaluated on the following criteria:

- i. **Accuracy:** This is the primary consideration, since proper shot placement greatly assists in controlling the other two evaluation criteria. This will be evaluated based on the anticipated ranges of deployment. A minimal standard of accuracy for such rounds is a 12-inch group at 15 yards in a secure rest.
- ii. **Effectiveness:** This is the potential of the round to cause incapacitation and reduce the subject's ability to continue their inappropriate behavior. The level of energy to cause incapacitation creates the potential for injury, but when properly deployed, with low probability for causing serious physical injury or death.
- iii. **Potential for Causing Death or Serious Physical Injury:** The potential for causing death or serious physical injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back and abdominal cavities and the groin.
- iv. **Deployment Areas:** The less-lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

B. Deployment

- i. Kinetic energy impact projectiles may be used by an officer to defend himself/herself or others from the threat of serious bodily injury. Examples of circumstances appropriate for deployment include but are not limited to the following situations where the subject:
 - a. Is armed with a weapon and the tactical circumstances allow for the safe application of less lethal munitions,
 - b. Has made credible threats to harm himself or others,

- c. Is throwing rocks, bottles, or other dangerous projectiles at citizens and/or officers.
- ii. Kinetic energy impact projectiles may be used when the officer makes the reasonable assessment that such actions by the subject would not result in the officers' or others' death or serious bodily harm.
- iii. Back-up officers armed with lethal weapons should provide cover in cases involving any armed and/or dangerous subjects, even if no firearms are involved.
- iv. Before discharging kinetic energy projectiles, officers should consider the following factors:
 - a. Severity of the crime or incident.
 - b. Subject's capability to pose an immediate threat to the safety of officers or others.
 - c. If the subject is actively resisting arrest or attempting to evade arrest by flight.
 - d. The credibility of the subject's threat as evaluated by the officer's present, & physical capacity/capability.
 - e. The proximity of weapons available to the subject
 - f. The officer's versus the subject's physical factors (i.e., age, size relative strength, skill level, injury/exhaustion, the number of officers versus subject(s)).
 - g. The availability of other force options and their possible effectiveness.
 - h. Distance and angle to target.
 - i. Type and thickness of subject's clothing.
 - j. The subject's actions dictate the need for an immediate response and the use of less lethal munitions appears appropriate.
 - k. The availability of a cover officer to provide lethal force if necessary.
- v. Prior to discharging Kinetic Energy Impact Weapons officers shall issue a verbal warning and allow a reasonable amount of time for compliance whenever it is feasible to do so and the warning would not endanger the officer or others.
- vi. Random or indiscriminate firing into crowds, firing from the hip, and other deployments which do not involve a properly aimed shot are prohibited.

- vii. The potential for causing death or serious physical injury with such projectiles is a reality. However, this potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the head, chest, back, thoracic and abdominal cavities and the groin.

- viii. The issued kinetic energy impact weapon will be dedicated solely to kinetic energy impact projectiles, and marked with ORANGE tape on the butt and barrel of the weapon. At NO TIME will lethal ammunition be stored with these weapons. Officers assigned will visually/physically inspect the chamber and magazine, each time the weapon comes under their control (i.e., beginning of the shift, and/or any time the weapon was out of their direct control), to ensure the total absence of lethal ammunition.

- ix. The use of the kinetic energy impact projectile weapon SHALL only be used when authorized by an individual of the rank of Sergeant or above.

- x. The kinetic energy impact projectile weapon shall be secured in hard rifle or gun cases which are then secured in the assigned officer's cruiser.

- xi. When engaging a target, the officer should evaluate the effectiveness of each round. Compliance and/or incapacitation are the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target and/or response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

Kinetic energy impact projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

The impact weapon-training chart is the recognized model for determining contact areas for impact projectile weapons, based on potential for injury.

- i. Green Areas – These areas will be considered when incapacitation is necessary and a minimal potential for injury is the appropriate response.

- ii. Yellow/Red Areas – These areas will be considered when an escalation of force above green (areas) is necessary and

appropriate, acknowledging an increase in the potential for serious physical injury death.

- iii. Head/Neck – Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary and appropriate.

The use of Kinetic Energy Impact Projectiles is considered a level of force that *when deployed to designated areas (see impact weapon training chart) of the suspect(s) body are considered “less lethal” or unlikely to cause death or serious physical injury.* The use of kinetic energy impact projectiles is considered deadly force, if **intentionally** deployed at the head or neck.

III. POST-DEPLOYMENT ACTIONS

1. Once a person has been struck with a kinetic energy impact projectile the person shall be provided first aid, if necessary, and then transported to the hospital for medical clearance.
2. Photographs shall be taken of the person who was struck by the kinetic energy impact projectile. The photographs shall include the area struck by the projectile and any area alleged by the person to be injured. The photographs shall be submitted into evidence and documented in the deploying officer’s report.
3. All visible injuries will be photographed and documented in the officer’s report.
4. Except in training situations, any projectile delivered through a kinetic energy impact weapon shall be collected and booked into evidence. If the projectile cannot be located, the deploying officer will document the efforts taken to locate the projectile.
5. Except in training situations, every officer who discharges a Kinetic Energy Impact Weapon or points such a weapon at a person shall submit both an incident and use of force report in a timely manner. See Framingham Police Use of Force Policy 100-4.
6. Officers shall note all facts and circumstances involving any weapon discharge in the relevant incident report. This Report shall also contain:

- a. The names and addresses of victims and witnesses;
- b. The extent of treatment of injuries, if any;
- c. The name of the treatment facility and physician administering treatment.

IV. MAINTENANCE

1. Extended range impact weapons shall be inspected and documented when the weapon is initially obtained and/ or issued and at least annually to ensure mission readiness by the armorer. Any weapon found to be not working properly will be taken out of service for repairs by armorer any documented within weapons management system.
2. The armorer or firearm instructor will notify all affected personnel regarding any weapon that has been taken off line for repairs.



