

PORTABLE LESS-LETHAL ALTERNATIVES FOR POLICING

Article

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How many times have the police arrived to a situation to find a subject armed with a rock, stick, baseball bat, hammer, frying pan, knife, or any number of objects that can be used as a weapon? What options do the responding officers have to gain control of the armed subject? Most officers will verbalize directions to the subject in an effort to gain compliance. The deployment of chemical agents is a portable less lethal option. The chemical agent is normally a holstered cannister located on a utility belt of the officer. However the deployment of the chemical agent is limited because of distance. The stand off is usually too far for the chemical agent to be effective. If verbalization fails to gain the desired results, the officer is faced with a deadly force situation unless the responding law enforcement agency has adopted other less-lethal alternative.

Star Trek Phaser

From a historical point of view, the concept of the less-lethal alternative for law enforcement was to use a device that was capable of discriminating a suspect from the innocent, to have instantaneous effects to incapacitate the suspect without lingering effects, and to be environmentally benign. The only device that remotely resembles these requirements is the Star Trek Phaser. The Phaser would allow officers to immediately incapacitate the suspect without any side effects or polluting the environment.

The problem with the Phaser is it does not exist. If there was such a device, it would be equivalent to the Holy Grail. It would be all things to all people. Law enforcement would be able to detain, control, or arrest suspects without ever experiencing violent physical altercations or using deadly force. It would be ideal if the law enforcement officer could set their Phaser on

stun instead of deploying their service weapons which often results in the use of deadly force. It is unfortunate that no such device is presently available to law enforcement.

Terminology: Less-Lethal versus Non-Lethal

For the purposes of consistency, a brief explanation of terms is appropriate. Some agencies that deploy less-lethal weapons refer to them as non-lethal or less-than-lethal. The problem with calling any weapon non-lethal is it gives the impression that such a device will never have deadly results. Therefore, if death results from the use of a device which is called a non-lethal weapon, it could have severe consequences during litigation proceedings. The term less-than-lethal has similar implications. Less-than-lethal implies that the weapon is not quite lethal. The term less-lethal represents a device that is designed to temporarily debilitate a suspect while minimizing deadly results. Less-lethal weapons are not intended nor designed to replace the firearm. The weapons that fall within the category of less-lethal devices are very forceful weapons that have been carefully designed to provide an effect that when used in an ideal situation, at ideal distances, under ideal conditions, will neither kill nor greatly injure the suspect.¹

Kinetic Devices

Presently, less-lethal weapons are tactical in nature. They are deployed in response to a police situation. Until the Phaser is developed, law enforcement has a bias for kinetic munitions because the officers that deploy such munitions can actually see the effects of the munitions striking the intended target. The philosophy is that pain and trauma is better than death.

The most popular kinetic munition is called a bean bag round. There are several different manufacturers. The bean bag munition is a fabric bag, filled with lead shot. The bean bag round

¹ www.vpd.ci.visalia.ca.us/swat.html

is typically housed in the hull of a shotgun round and the propellant is the powder in the base of the shell. The theory behind the design of all kinetic munitions is to be non-penetrating. The intent is to deliver its kinetic energy over a broad surface area. Once the bag is launched from its delivery system, the bag is designed to unfold and impact with a wide surface. The lead shot acts like a fluid medium that distributes its kinetic energy over the surface contact area. The bag collapses and delivers a solid blow. The impact is comparable to being struck with a baseball traveling at 95 miles per hour or punched by a professional boxer. Other kinetic munitions include plastic spheres, encapsulating oleoresin capsicum (OC), also known PepperBall, manufactured by Jaycor Tactical Systems.

Even though the intent of the less-lethal munition is to reduce resistance and gain compliance by reducing the probability of death, there is a possibility deadly results will occur. Depending upon the health of the person or where the less-lethal munitions strike the body, the use of the less-lethal munitions may still ultimately result in death.

Minimizing Injuries

Without less-lethal delivery devices for officers as an option, the officers are relegated to traditional methods of gaining compliance with suspects that resist. Some of these methods are, but not limited to, control holds, chemical agents, strikes, punches, kicks, impact devices such as the baton or using deadly force through the use of the service weapon. Notwithstanding chemical agents and the service weapons, all the other described methods require the officer to be in close proximity to the suspect. Many close quarter physical altercations with suspects result in injuries to the officer. These injuries to the officers are costly to the law enforcement agencies.

The injuries result in lower morale and lower operating personnel because of time off for medical treatment and recuperation. The injuries experienced by the involved officers also cause collateral economical concerns regarding workers' compensation claims. The use of chemical agents against the suspect by officers in close proximity invariably ends up contaminating themselves during the altercation. There are many draw backs to using the traditional enforcement methods. According to Lieutenant Sid Heal, Every situation is not a nail. Law enforcement cannot treat every situation like it is a nail just because law enforcement only has a hammer.²

The law enforcement hammer is the service weapon. If that is the only tool the officer has, then every situation potentially results in a use of deadly force. The less-lethal weapon or delivery system was specifically developed to minimize the use of deadly force in police situations. Anytime a police officer uses the service weapon, it is automatically equated to the use of deadly force on the use of force continuum. Less-lethal weapons provide an alternative to officers in stopping suspects other than the use of deadly force.

Current Less-lethal Devices

Currently, law enforcement agencies that deploy less-lethal weapons as an alternative to impact devices or chemical agents on the use of force continuum, use the shotgun as the delivery system. The shotgun is very accurate as a launching platform for these kinetic munitions. The problem with using the shotgun is the possibility of accidentally mixing regular 00 buckshot shotgun rounds with less-lethal munitions. Many law enforcement agencies have minimized this possible deadly scenario by having two separate and distinct shotguns. The regular duty shotgun

² Lieutenant Sid Heal, Special Projects, Technology Exploration, Los Angeles County Sheriff's Department.

is secured in the passenger compartment of the police vehicle while the less-lethal shotgun is secured in the trunk of the vehicle. In addition to securing the less-lethal shotgun in the trunk, some agencies paint the barrel of the less-lethal shotgun with a bright or distinctive color. Other agencies stencil the words 'Bean Bag', on the stock of the less-lethal shotgun. According to Officer Stacy Kim, many law enforcement agencies keep the less-lethal shotgun in a case prominently marked Bean Bag Shotgun.³ Still, other agencies only allow the supervisors to possess the less-lethal shotgun in their vehicle to minimize an accident.

Limitations of the Bean Bag Shotgun

It is a step in the right direction for law enforcement to embrace less-lethal weapons. However, the shotgun as a delivery system for less-lethal munitions is only a small but a significant step toward the Phaser. The shotgun is a shoulder weapon. Shoulder weapons are not portable. With the shotgun as the only less-lethal kinetic delivery system available to the field officer, there are only two options. The officers could leave their partner and the situation to retrieve the bean bag shotgun from the trunk of the police vehicle. However, due to officer safety issues, it is very unlikely that an officer would separate from their partner. The other option is to contact police dispatch, via the portable police radio, to deploy another officer to the scene with a bean bag shotgun.

When officers respond to a situation where the superior tactic is to deploy less-lethal munitions to gain control of a suspect, the officers do not have the less-lethal weapon at their immediate disposal. This becomes an issue because tactical situations are not static; they are always evolving. The situation may only require verbalization from the officers. However, in a

³ Stacy Kim, Interviewed by Randal Quan, 21 June 1999, Los Angeles Police

split fraction of a second, the situation may require the use of deadly force. The options of the responding officers are limited by not having a less-lethal weapon at their immediate disposal.

Future Less-lethal Alternative Devices

There are several less-lethal delivery systems that are currently available for consideration by law enforcement. One of the less-lethal weapons is a combination system for delivering both kinetic munition and oleoresin capsicum. The other less-lethal weapons are kinetic munitions delivery systems.

Thunder Five

The Thunder Five is a revolver capable of deploying .410 caliber shotgun rounds. The intent of the weapon is to provide its user with the ability to fire multiple long .45 caliber rounds and .410 shotgun rounds from a handgun. A .410-bean bag round was designed and manufactured specifically for use with the Thunder Five.

There are several positive attributes that support adopting the Thunder Five for law enforcement. The Thunder Five is a handgun which is capable of being holstered on the support hand side of the utility belt of the law enforcement officer. This translates into a portable less-lethal delivery system that is immediately available to the officer. Since the Thunder Five is a five-shot revolver, it allows the officer the ability to deploy multiple less-lethal projectiles without reloading. Most patrol officers use a semi-auto pistol as the primary duty weapon. The Thunder Five provides a distinct and separate delivery platform from the primary duty weapon because it is a revolver. The two separate and distinct weapon platforms minimize the chance of the officer confusing one weapon system for the other. The Thunder Five is double action and uses the same sighting system as the regular service weapon.

If law enforcement opted to use the Thunder Five as a compact less-lethal delivery

system, very little training, if any at all, would be required. The reason the transition would be relatively easy is because most officers are already familiar with the operation of a revolver.

A foreseeable limitation to this system is the possession of two sidearms exposed to the public, may be politically undesirable. It may give the impression that the police are two gun cowboys with a gun for each hand. However, being portable and capable of delivering multiple less-lethal munitions may outweigh the sight of two guns on an officer's utility belt.

Another limitation in launching a bean bag round or rubber balls may require a specific stand off distance to be safe. The manufacturers of kinetic munitions recommend a minimum distance between the officers and the suspects. If the distance is less than what is recommended, the results may be lethal.

The Thunder Five weighs approximately 35 ounces. The same weight as a Model 19, four inch barrel Smith & Wesson revolver. The Thunder Five would require the officer to have an additional retention device (holster) on the utility belt. Since there are many officers of smaller stature, the smaller waist size does not provide additional area to add equipment to the belt. The belt is already limited due to additional hand cuff cases, ammunition pouches, flashlight holders, and chemical agent holders.

PepperBall Pistol Launcher

The PepperBall Pistol Launcher is a compressed gas-operated pistol that deploys plastic spheres that are similar in size and appearance of paint balls. A positive attribute of this less-lethal weapon is the capacity of less-lethal munitions that it possesses. This pistol launcher has an eight round capacity. It is portable and relatively light. In addition to the pain of the impact, the PepperBall disperses either oleoresin capsicum powder or liquid. The manufacture claims that this weapon is muzzle safe unlike the other kinetic munitions. The PepperBalls allegedly do not

require a stand off distance. The foreseeable limitations include the inability to determine the level of compressed gas available in the weapon. The manufacturer represents that a gauge can be added to future models. The limitation of this system is the same as the Thunder Five in that there are two exposed guns and limited space on the utility belt.

Bean Bag Baton

The Bean Bag Baton is designed to appear and function like a side handle police baton. This less-lethal weapon is designed as a single device but, it is a dual platform system. One platform allows this weapon to be used like a side handle baton in close combat and crowd control situations. The other platform is to deploy a single less-lethal 12 gauge round. A positive attribute about this weapon is there is no need to add an additional device to the utility belt of the officer. The device is breach loaded. Another positive attribute about the Bean Bag Baton is in a stressful situation. It is unlikely the officer will confuse the baton for a service weapon. The fact that it looks and feels like a baton will eliminate such confusion. The Bean Bag Baton is a distinct and separate less-lethal delivery system than the service weapon which is the lethal force delivery system. The two separate and distinct weapon platforms minimize the chance of the officer confusing one weapon system for the other.

The one foreseeable limitation is the single round capacity. However, that limitation may be an asset. When a suspect observes an officer breach loading the Bean Bag Baton, there is a definite major psychological advantage gained by the officer. The sight of that act alone could be a deterrent, notwithstanding the impact of the less-lethal munition.

Conclusion

The use of less-lethal weapons minimizes liability to involved police officers, the police agency, and the jurisdiction which employ the officer. The ability for field officers to have

immediate access to a less-lethal weapon at their immediate disposal is the next logical step in law enforcement. By having portable less-lethal weapons in the immediate possession of the first responding officers, a two-person unit will be able to cover the suspect with both the less-lethal weapon system and the regular service weapon that employs lethal force. This scenario will allow the officers an extra alternative which can minimize serious bodily injuries or even a fatality. The alternative less-lethal portable device minimizes civil suits because there is a clear demonstration of the officer's attempt to exhaust different levels of force on the continuum before using deadly force. Until the Phaser is developed, the Thunder Five, PepperBall Launcher, and the Bean Bag Baton are the best available portable less-lethal alternatives.

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