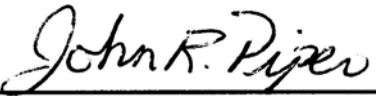




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 2-4E		Effective Date October 1, 2018	Review Date	Reviewing Division Administration
Subject KINETIC ENERGY IMPACT SYSTEMS	References VLEPSC CALEA	<input type="checkbox"/> New Policy <input type="checkbox"/> Amends <input checked="" type="checkbox"/> Replaces WPD GO 2-66	This policy shall apply to personnel assigned to the following divisions:	
			<input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigation Division	
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <hr style="width: 100%;"/> Chief of Police or Designee </div> <div style="text-align: center;"> February 21, 2019 <hr style="width: 100%;"/> Date </div> </div>				

I. PURPOSE

This policy is intended to provide general guidelines and requirements for officers trained and authorized to use Kinetic Energy Impact Systems and to insure the deployment of these devices are completed in a uniform and professional manner. The Kinetic Energy Impact Systems will be used as an additional police tool and are not intended to replace firearms, batons, chemical spray, or other self-defense techniques.

II. POLICY

It is the policy of the Winchester Police Department to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. The employment and use of Kinetic Energy Impact Systems are decisive actions that can assist in achieving the goal of protection of life and property and/or the restoration of order. Kinetic Energy Impact Systems should be considered whenever the use of less lethal options would assist in enabling an arrest, restoring order, and/or reducing the risk of more serious injury.

III. DEFINITIONS

A. Kinetic Energy Impact Systems

Any device designated to fire, launch, or otherwise propel a less lethal impact projectile for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential of causing death.

B. Kinetic Energy Impact Systems Projectiles

Those munitions that can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential of causing death.

IV. PROCEDURES

A. Authorized Less Lethal Weapons

1. Kinetic Energy Impact Systems include:
 - a. 12 gauge Remington 870 Pump Shot gun designed to deploy bean-bag rounds. The shot gun will have an orange stock that clearly identifies it as a less-lethal weapon
 - b. 40 mm Launcher, capable of launching the following:
 - Foam baton
 - Oleoresin Capsicum (OC) impact rounds
 - Chlorobenzalmalononitrile (CS) Impact rounds
2. Only personnel who have successfully completed a Department approved training course in the proper use and deployment of Kinetic Energy Impact Systems and Kinetic Energy Impact Systems projectiles shall be authorized to use those impact devices and impact projectiles during actual operations.
3. Only those Kinetic Energy Impact Systems and Kinetic Energy Impact Systems projectiles issued and authorized by the Department and inspected by a Kinetic Energy Impact Systems instructor shall be used by Department personnel.
4. Upon receiving any Kinetic Energy Impact Systems or Kinetic Energy Impact Systems projectiles, the person deploying the Kinetic Energy Impact Systems projectile is ultimately responsible for ensuring that the projectiles are less lethal and used in accordance with Department policies. Whenever practical, a second officer will inspect the system to ensure only the appropriate projectiles are used for deployment.
5. Intentional Kinetic Energy Impact Systems projectile impacts to the head and neck area of a person shall be avoided unless the use of deadly force is justified, necessary, and appropriate. Officers should aim for large muscle groups below the waste or the abdomen section below the sternum.
6. Officers using the Kinetic Energy Impact Systems should attempt to use behind cover or at a safe distance from the person. A cover officer should be in position to engage and deploy deadly force if necessary and appropriate.

7. If applicable all perimeter units shall be advised, via radio, that a Kinetic Energy Impact Systems is present on scene. The advisement should verbally be announced whenever possible by the operator to alert other officers in the vicinity to a Kinetic Energy Impact Systems deployment.
8. Circumstances justifying the use of Kinetic Energy Impact Systems include, but may not be limited to:
 - a. When the person's actions constitute active resistance and the officer's perception of the threat is volatile;
 - b. Whenever a situation arises where other use of force techniques expose the officer, the person, or the public to unnecessary danger, and/or when other force techniques have been or may be ineffective;
 - c. There is reason to believe it is unsafe for officers to approach a person who is committing criminal acts, and or
 - d. The person is believed to have the ability to utilize force that is likely to cause death or serious injury to themselves or others, and this level of force can de-escalate the event safely.
 - e. Restoration or maintenance of order during civil disturbances;
 - f. Controlling a dangerous or vicious animal; and
 - g. Situations wherein the authorizing supervisor deems their use necessary to safely resolve an incident.

B. Medical

1. Persons who are struck by a Kinetic Energy Impact Systems projectile shall be evaluate by medical personnel and given the appropriate level of medical treatment.
2. Officers shall notify the medical personnel providing medical treatment that the person has been struck with a Kinetic Energy Impact Systems.

C. Training

1. Authorized sworn officers shall successfully complete an approved Kinetic Energy Impact Systems basic course of instruction. The course of instruction shall include classroom and practical application training under the direction of a certified Kinetic Energy Impact Systems instructor.
2. Authorized sworn personnel shall qualify every two years with Department issued Kinetic Energy Impact Systems on an approved

firearms range and under the supervision of a Department approved and certified Kinetic Energy Impact Systems instructor.

3. Officers authorized to use Kinetic Energy Impact Systems must qualify with the minimum Department qualification score. Any officer who fails to qualify with a minimum score on a third consecutive qualifying attempt on the same date, shall be placed in remedial training as soon as practicable. Officers who fail to qualify shall have their authorization to use Kinetic Energy Impact Systems revoked at the discretion of the Chief of Police, until the standards expressed in this policy are met.

D. Storage, Transportation, and Handling

1. Storage of Kinetic Energy Impact Systems projectiles shall conform to manufacturer's recommendations. Generally they should be stored in their original container in a cool, dry area.
2. Kinetic Energy Impact Systems projectiles that have been removed from their original container shall be clearly and conspicuously identified as "Less Lethal" to prevent confusion with lethal munitions. Under no circumstances shall Kinetic Energy Impact Systems projectiles be kept in a manner which might lead to confusing them with lethal munitions. Generally, Kinetic Energy Impact Systems impact projectiles shall be stored in a separate clearly marked container and in a separate area from lethal munitions.
3. Kinetic Energy Impact Systems projectiles shall be transported in accordance with established Department policy or practice for small arms munitions.
4. Under no circumstances shall any person tamper with or alter in any manner any Kinetic Energy Impact Systems impact projectiles.
5. Kinetic Energy Impact Systems impact projectiles or devices which have misfired, malfunctioned, are duds, or are damaged shall be recovered, rendered safe, and removed from service in the appropriate manner. The impact projectile shall be forwarded to the Kinetic Energy Impact Systems instructor for examination.

E. Responsibilities of Designated Kinetic Energy Impact Systems Instructor

The designated Kinetic Energy Impact Systems instructor(s) will:

1. Receive, inspect, and ensure the maintenance and replacement of the Department's Kinetic Energy Impact Systems, Kinetic Energy Impact Systems projectiles, and related equipment;
2. Maintain and complete records of issuance of equipment in accordance with Department policy;

3. Obtain service and/or replacement for defective or damaged Kinetic Energy Impact Systems projectiles, Kinetic Energy Impact Systems, and device components;
4. Review reported uses of Kinetic Energy Impact Systems by Department personnel to identify training and procedure issues;
5. Annually ensure basic certification and re-certification of designated Department personnel on Kinetic Energy Impact Systems, as well as maintaining a record of the training;
6. Maintain certification as a Kinetic Energy Impact Systems instructor; and
7. All other duties as may become necessary for the deployment, maintenance, and enhancement of the Department's Kinetic Energy Impact Systems program.