



**WATERLIET NEW YORK
POLICE DEPARTMENT**
2-15TH STREET
WATERLIET, NY 12189



1788

**LESS LETHAL IMPACT MUNITIONS
GENERAL ORDER NO: 1.3.10**

Issue Date: 3/1/2021	Revision Date: 3/1/2021
Volume 1: Organizational Structure	Chapter 2: Use of Force
Distribution: Sworn Personnel	NYSLEAP: N/A
Issuing Authority: Acting Police Chief Brian J. Strock	Page: 1 of 4

I. PURPOSE:

The purpose of this policy is to establish procedures for the storage, training, deployment, and usage of the less lethal impact munitions.

II. POLICY:

The Watervliet Police Department recognizes the sanctity of life and there are situations in which less-lethal impact munitions are an alternative to lethal force. Additionally, the Watervliet Police Department has identified that less lethal munitions are able to assist with the de-escalation of potentially violent confrontations and can greatly reduce the risk of serious injury to all involved in the situation when properly applied. It is the policy of the department that personnel may use less lethal munitions when warranted, but only in accordance with the guidelines and procedures set forth in this General Order and within the department’s use-of-force policy. Members must remember that less lethal munitions usage require planning and proper application in order to maximum the benefits of the weapon(s) and minimize the potential of death or serious physical injury.

III. DEFINITIONS:

- A. Special Impact Munitions (SIMS)**– SIMS are defined as those munitions which 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. SIMS are generally used when dealing with combative, non-compliant armed, and/or violent subjects.
- B. Less Lethal Shotgun** – A department issued Remington 870 12-gauge shotgun designated for SIMS use only. The less lethal shotgun is readily identified with an orange stock and foregrip.
- C. Objectively Reasonable¹** – An objective standard used to judge an officer’s actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the

¹ Graham v Connor, 490 U.S. 396 (1989)

benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

- D. **Physical Injury** – Physical injury means the impairment of physical condition or substantial pain, as defined in [Article 10 of the New York State Penal Law](#).
- E. **Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ, as defined in [Article 10 of the New York State Penal Law](#).
- F. **Sanctity of Life** – No person’s life is intrinsically more valuable than another; the Watervliet Police Department holds all life in the highest regard.

IV. AUTHORIZED EQUIPMENT

- A. Department approved SIMS
 - 1. *Safariland/Defense Tactics part #3027* - 2.5-inch projectile comprised of a translucent 12-Gauge shell loaded with a 40 gram, tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. The recommended minimum safety range is 20' with a maximum effective range of 75'. The bean bag travels with a muzzle velocity at 270 fps.
 - 2. *Safariland/Defense Tactics part #3021* - 2.34-inch projectile comprised of a translucent 12-Gauge shotgun shell loaded with a 5.8-gram finned rubber projectile. The recommended minimum safety range is 15' with a maximum effective range of 35'. The fin stabilized projectile travels with a muzzle velocity at 500 fps.
- B. Less Lethal Shotgun- Remington 870 pump action shotgun with orange stock & foregrip
- C. No other Less Lethal Impact Munitions are authorized

V. LESS LETHAL IMPACT MUNITIONS PROCEDURES

- A. Only personnel who have successfully completed an agency approved training course in the proper use and deployment of SIMS shall be authorized to utilize them.
- B. Members shall not subject themselves or others to undue risk while waiting for the arrival of personnel equipped with impact munitions. The situation must be continually assessed, and other appropriate action must be taken if the risk to self or others demands immediate attention. Officers shall not interpret this General Order to mean that SIMS replaces the use of higher levels of force, so long as it is justified and necessary.
- C. To protect others from the harm of a SIMS round, members shall use the equivalent standard precautions as used with all firearms.
- D. The on-duty supervisor shall dictate if deployment of SIMS is appropriate.
 - 1. The use of SIMS for crowd control/civil unrest must be approved by the Chief of Police or their designee.
- E. A second officer shall be present to provide lethal cover when deploying SIMS.
- F. Members shall only deploy SIMS when it is objectively reasonable and necessary based on the totality of the circumstances to accomplish lawful objectives, as

established by Article 35 of the NYS Penal Law and the policies and procedures set forth by the department.

- G.** Prior to deploying, the officer should alert dispatch and other units via radio that a less-lethal munition is deployed in the field.
- H.** Prior to discharging SIMS rounds, the deploying officer shall alert other police officers by stating in a loud, audible voice, “less-lethal, less-lethal”.
- I.** Members may fire SIMS rounds as necessary. However, after each impact munition round deployment, an assessment will be made. In the event the impact munition rounds prove to be ineffective, members shall exercise other options.
- J.** Accuracy is a priority when deploying SIMS due to the level of serious physical injury and/or death that can occur. Proper shot placement will greatly impact and assist in controlling the suspect.
 - 1. Members deploying SIMS should aim for large muscle groups (i.e. abdomen, buttocks, thigh, or calf). While shoulders and arms are a viable target zone, careful consideration should be given before aiming for the shoulders or arms. Due to the mobility of the shoulders and arms there is greater potential to miss and unintentionally strike another zone. The body’s upper center mass, head, neck, spine, and groin should be avoided, unless lethal force is the intent.
- K.** Deployment of Less Lethal Shotgun
 - 1. Less Lethal Shotguns shall be carried empty and clear from any lethal ammunition.
 - 2. Before deployment of the Less Lethal Shotgun, the member deploying the weapon shall conduct a safety check to ensure only non-lethal munitions are loaded into the weapon.
 - a. At no time will any lethal ammunition be present in the immediate vicinity of a less lethal shotgun. Members are reminded that less lethal shotguns WILL FIRE LETHAL ROUNDS. It is the responsibility the officer deploying the weapon to ensure the less lethal shotgun is free of lethal ammunition.
 - 3. The loading of SIMS rounds shall be verified by WPD member certified to deploy the weapon. The verification shall consist of the member visually and physically ensuring non-lethal SIMS rounds are loaded into the weapon’s magazine tube.
 - 4. Officers will maintain retention of the less-lethal shotgun by utilizing the provided sling mechanism in accordance with department training. Weapon retention is crucial to the safety of all parties involved in the incident
 - 5. The Training Unit’s Firearm Instructor(s) are responsible for the care, maintenance, and replenishment of SIMS & less lethal shotguns.
 - a. Any member who discovers a malfunction or defect in any SIMS or less lethal Shotgun shall be responsible for notifying the Training Unit’s Firearm Instructor(s).
- L.** Medical Treatment
 - 1. Any subject who has been struck by a SIMS round shall be immediately evaluated by Watervliet Fire Department paramedics.

VI. SIMS TRAINING

- A.** Members shall successfully complete an initial training qualification class prior to be authorized to use SIMS or Less Lethal Shotguns.
 - 1. The qualification class and less lethal shotgun proficiency standards shall be developed by the Training Unit's Firearm Instructor(s).
- B.** Once initially certified by the Training Unit's Firearm Instructor(s), each member shall be required to conduct less lethal shotgun proficiency testing and a SIMS refresher class on an annual basis.
 - 1. Annual proficiency testing shall be developed by the Training Unit's Firearm instructor(s).

VII. DOCUMENTATION AND NOTIFICATION OF SIMS/ LESS LETHAL SHOTGUN USE

- A.** Accidental discharges as well as intentional uses of SIMS shall be reported to the on-duty supervisor.
- B.** Any officer utilizing SIMS shall report, or cause to be reported, all facts about the incident on a Use of Force report (WPD137). The Use of Force report (WPD137) shall also be used in situations when a Less Lethal Shotgun had been displayed or "pointed only". Members and supervisors are reminded that additionally reporting requirements and responsibilities are found in General Order 1.3.00 Use of Physical Force and General Order 1.3.05 Use of Deadly Physical Force.
- C.** The collection of the spent SIMS shells shall be treated as evidence and secured.
- D.** Photographs, regardless of any visible injuries, are required whenever SIMS rounds strike a subject.
- E.** The Office of the Chief shall be immediately notified by the on-duty supervisor whenever SIMS are utilized.



Lt. Brian J. Strock
Acting Chief of Police