

Less Lethal in Law Enforcement

Lessons Learned

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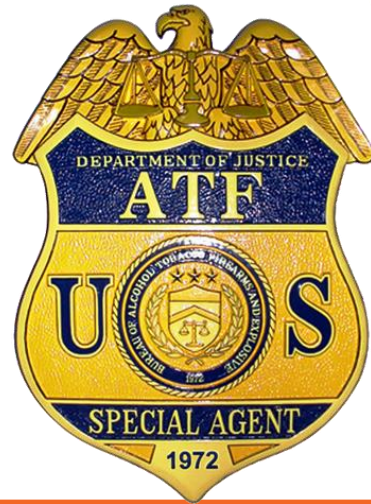


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HISTORY OF LESS LETHAL IN LAW ENFORCEMENT

“ Those who do not remember history, are condemned to repeat it”

HISTORY OF LESS LETHAL IN LAW ENFORCEMENT

- **Omnibus Crime Control and Safe Streets Act**

- Passed by US Congress in 1968 as a direct result of both commission reports.
- Act created the Law Enforcement Assistance Administration (LEAA) within DOJ.
- LEAA provided federal grants to be used by State and Local police forces.
- These grants allowed police departments around the nation to purchase new tools, many of which were LTL devices.

- **Why is this history important?**

- Obama's Task Force on 21st Century Policing, 2015
- Trump's Presidential Police Task Force, 2020
- Executive Order on Safe Policing for Safe Communities
- This is always evolving, and law enforcement MUST be progressive and proactive, or risk falling behind.

WHY LESS LETHAL IS STILL IMPORTANT FOR LE

“The ability of the police to perform their duties is dependent upon public approval of police actions.”

- Sir Robert Peel

“The degree of cooperation of the public that can be secured, diminishes proportionately to the necessity of the use of force.”

- Sir Robert Peel

“Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the law.”

- Sir Robert Peel

“Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.”

- Sir Robert Peel

Law Enforcement Officials should be equipped with an appropriate range of *Less-Lethal* weapons.



UNITED NATIONS
HUMAN RIGHTS

Principle 2 of the 1990 Basic Principles calls on governments and law enforcement agencies to "develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms".

Among others, this should include "*less-lethal incapacitating weapons for use in appropriate situations*", with the aim of "increasingly restraining the application of means capable of causing death or injury to persons".

Thus, the rationale for *less-lethal weaponry* is to effectively reduce the number of injuries inflicted during other instances of use of force by law enforcement officials.

WHY LESS LETHAL

- Embracing less lethal options fosters trust and enhances police-community relations.
- We send a clear message that our officers value human life and are committed to resolving conflicts without unnecessary harm.
- This leads to stronger bonds between law enforcement agencies and the communities they serve, encouraging cooperation that is vital for effective crime prevention and investigation.

WHY LESS LETHAL

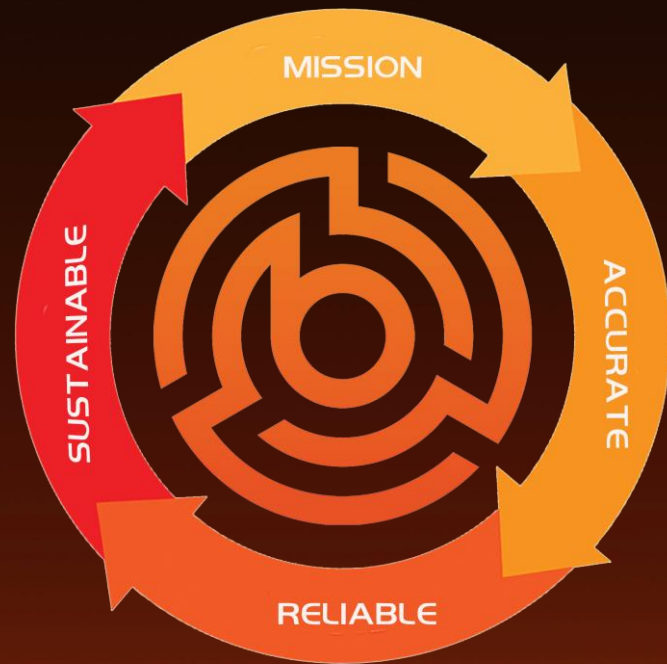
- Less lethal options provide law enforcement officers with a broader range of tools to respond to a variety of situations, empowering officers to effectively subdue suspects who may be experiencing a mental health crisis, suffering from substance abuse, or exhibiting erratic behavior.
- Aligns with the United Nations recommendations for Law Enforcement related use of force. We enable officers to tailor their response based on the level of threat. This approach strikes a balance between the preservation of life and the need to enforce the law, maintaining the integrity of our justice system

WHY LESS LETHAL

- Investing in less lethal options contributes to the ongoing professional development of law enforcement agencies. By prioritizing training and equipping officers with a diverse range of tools, we provide them with the knowledge and skills needed to make informed decisions in high-stress situations.

HOW TO SELECT LESS LETHAL OPTIONS

The M.A.R.S. Test



Mission Critical
Accurate
Reliable
Sustainable

HOW TO SELECT LESS LETHAL OPTIONS

MISSION CRITICAL - Is this gear mission critical?

- Is this piece of gear (equipment) critical for the mission of our department?
- Can my officers conduct their assigned mission or duties without this gear?
- Where does this gear land on the scale of importance, when looking at all gear required to complete the mission?

HOW TO SELECT LESS LETHAL OPTIONS

ACCURATE & EFFECTIVE – Is this equipment accurate and effective?

- Will this gear do what we need it to do during the mission?
- Can *ASTM* testing results for accuracy be provided?
- Can *NATO AEP99* (Thorax Injury Risk) testing reports be provided?
- Can other testing be conducted in Brazil for example is ABIMDE

HOW TO SELECT LESS LETHAL OPTIONS

RELIABLE – Is the gear reliable under mission standards and when lives may be at stake. If it's supposed to go bang, WILL IT ?

- Has the tool been field tested by LE Agencies and by whom?
- Have you or your designee tested the tools?
- What are the main points of reliability?

HOW TO SELECT LESS LETHAL OPTIONS

SUSTAINABLE – Is this gear sustainable?

- For how Long, when will gear need to be replaced?
- What will it take to keep this equipment running properly?
- Will replacements and additional expendables (Ammo, CO2, cartage etc..) be available?
- Is there a Warranty or monthly fee?

Passed the MARS Test

WHAT NOW?

- What is your agency's current policy on the use of force?
When was the last time use of force training was conducted?
- Do you have a current policy on less-lethal devices?
When was the last time use of force training was conducted?
- Will changes need to be made to the current policy?
When was the last time your department reviewed the use of force policy?

NEXT Training

The development of legitimate, professional training related to the use of less lethal tools is critical.

- All LE training is not created equal, we all have experienced substandard training. Is training available from manufacturer?
- Past and Current case law demonstrates the need for legitimate training. *Ohio vs Harris (1989) Deliberate Indifference and Zuchel vs Denver (1993) Shoot don't shoot training.*



LEASONS LEARNED

Training

Notable trends that carry over from training to reality.

- Cover/Concealment - Officers killed in 2011-2019 cover was identified as available in 171 incidents, it was NOT used 54% of the time.
- In 2019 cover was available in 47 incidents, and not used in 83% (39 out of 47).

LEASONS LEARNED

Training

Notable trends that carry over from training to reality.

During our training scenarios we see on average 40-50% of officers leave cover and close the distance toward the suspect, with no tactical reason to do so. (You don't have to be within 21 feet of your suspect anymore). The trend in our scenario training mirrors the FBI stats listed on the previous slides.

LEASONS LEARNED

Training

Notable trends that carry over from training to reality.

During our training scenarios we also see gross motor skill failure, as well as auditory exclusion and tunnel vision.

- Fail to deactivate safety
- Fail to hear other officers in scenario
- Fail to see other officers actions in peripheral vision
- Hyper focused on threat

LEASONS LEARNED

Training

- Recognize the ability and need to develop dual purpose training, taking advantage of the time you have with the officers to get the most value. *Don't just focus on certifying your officers with a less lethal weapon, give them the training they need to survive.*
- Recognize that proper training could save lives and careers.

Considerations

Extended administrative leave

Manpower shortages

Negative media attention

Training completed, weapons on the street. ARE WE DONE?

*****NO*****

Tracking the use of less lethal options by your officers?

- When has the tool been deployed?
- How will your officers document that deployment?
- How will you evaluate the effectiveness of this tool?
- Have a plan, execute that plan.

“What is the point of being educated beyond your willingness to act. “

Thank You

