



LOS ANGELES POLICE DEPARTMENT

USE OF FORCE

DIRECTIVE

UOF Directive No. 4

September 2023

BEANBAG SHOTGUN

PURPOSE

The purpose of this Directive is to familiarize officers with the use, nomenclature, and operational procedures of the Beanbag Shotgun. The **Beanbag Shotgun** is configured with a green stock and grip. The color green is used to signify that the Beanbag Shotgun is to be used only with Department-specified less-lethal munitions, currently the Department Beanbag sock round munitions.



PROTOCOL

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance and cover, communication, and available resources in an effort to de-escalate the situation whenever it is safe, feasible, and reasonable to do so. When warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Use of an intermediate force option, including the Beanbag Shotgun, is an appropriate force option when an officer reasonably believes either of the following:

- There is an immediate threat to the safety of the officers or others; or,
- If the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force.

Intermediate force options should not be used on a suspect or subject who is believed to be unarmed, and, is passively resisting or merely failing to comply with commands. Verbal threats of violence alone do not justify the use of an intermediate force option.

The Department uses the objectively reasonable standard and the totality of the circumstances when evaluating the reasonableness of the force used, which includes the number of times a particular force option was utilized. If the force option being utilized

appears to be ineffective, Department personnel should consider transitioning to another, potentially more effective force option or tactic.

Officers who encounter an armed self-mutilating or suicidal individual shall not use a Beanbag Shotgun against that person, unless the officer reasonably believes either there is an immediate threat to the safety of the officers or others; or, if the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force. If officers choose to use a Beanbag Shotgun in these situations, they should utilize distance and cover, when feasible, to avoid placing themselves in a vulnerable position. Officers are reminded that it is not a criminal act to express suicidal ideations or commit/attempt to commit suicide or self-mutilation in the State of California.

The Beanbag Shotgun shall not be used to target the head (e.g., face/eyes), neck, groin, spine, or kidneys – unless lethal force is authorized. **The Beanbag Shotgun shall not be used in crowd control situations.**



Only sock round ammunition is to be used in the Beanbag Shotgun. Buckshot and shotgun slugs shall not be used. Prior to deployment, officers shall inspect the ammunition and the holder to ensure only sock round ammunition is utilized.

PROCEDURES

For tactical and weapon retention purposes, the approved deployment range for the Beanbag Shotgun is five (5) to 30 feet. When officers identify the need for a Beanbag Shotgun, they should request one by broadcasting a “Code Sam.”

If tactically and environmentally feasible, the Beanbag Shotgun should be deployed from a position of cover with a designated cover officer. Officers need to be mindful of the distance to the suspect so that the suspect is not in a position to grab the barrel of the shotgun.

The Beanbag Shotgun officer alerts other officers when the Beanbag Shotgun officer is ready to fire by shouting or broadcasting, “Beanbag, Beanbag!” This alerts the officers at the scene that the firing of the Beanbag Shotgun is about to occur.

When firing the Beanbag Shotgun, the officer should assess the effectiveness of every round. The effectiveness of the sock round is based on the energy at impact. Therefore, the round may have little or no effect on a suspect or subject who:

- Has a large body mass;
- Is wearing heavy clothing or body armor;
- Is under the influence of drugs; or,
- Is in an altered state and cannot feel the impact of the sock round.

The primary **target area** is the navel area or beltline, but officers may target the suspect's arms, hands, or legs when practicable. If shots to the navel area or beltline do not appear to be effective, then a leg, arm, or hand may be a viable alternative target. If the hand is the selected target, consider its location and what it is holding. Officers shall not target the head, neck, spine, groin, or kidneys – unless lethal force is authorized.

If control is not achieved and/or it appears that the sock round is not effective, even after changing target areas, the officers must assess the viability of an alternate force option.

Additionally, officers should continue to assess the suspect's actions and the effectiveness of each force option used.

Tactical Considerations

- Size of suspect versus size of officer
- Clothing
- Altered mental state
- Any known history of mental illness
- Age and/or physical condition of the suspect
- Suspect's access to weapons
- Suspect's ability to retreat or escape
- Bystanders involvement
- Availability of back-up officers (Can suspect be distracted until other units arrive?)
- Background (What is behind the suspect?)
- Officers should maintain distance from the suspect

Generally, officers should not shoot the Beanbag Shotgun at a fleeing suspect. Officers should pursue and attempt to contain the suspect, while continually assessing the situation and considering the most appropriate tactical plan. Additionally, officers should avoid deploying the Beanbag Shotgun on individuals who:

- Are on an elevated or unstable surface which could cause a fall that could result in a significant impact injury;
- Are operating or riding any mode of transportation where the risk of injury would be substantially increased by use of the Beanbag Shotgun; or,
- Are known to be pregnant, under 12 years of age, elderly, or visibly frail.

The Beanbag Shotgun is not a substitute for deadly force. When conducting a building search for a suspect who may be armed, standard firearms must be deployed. Having a Beanbag Shotgun available with the search team will allow additional force options if the situation changes.

Use of Force Warning

An officer shall, when feasible, give a verbal warning prior to using the Beanbag Shotgun to control an individual. A warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. An example of this would be a hostage situation. However, officers are reminded that the surprise/tactical element must still be necessary at the actual time the Beanbag Shotgun is fired.

The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to “drop the weapon” or “stop what you are doing” followed by a warning similar to “or we may use the Beanbag Shotgun, and that may cause you injury.”

The use or non-use of the warning shall be documented. The Non-Categorical Use of Force Report, Form 01.67.05, Use of Force Summary heading shall include:

- The name of the officer giving the warning; and,
- An explanation and appropriate justification for not using the warning.

Statements that the “element of surprise was needed” or “for officer safety reasons” will not justify non-use of the warning. The explanation for non-use must:

- Clearly articulate why the element of surprise was needed;
- Explain in detail any officer safety considerations; and,
- List all pertinent reasons that justify why the warning was not provided.

The use of the warning, or the reasons for non-use will be factors considered in the determination whether the use of force was objectively reasonable.

Tactical Discharges

A tactical discharge is defined as any projectile from a less-lethal control device launched with the intent to gain a tactical advantage by creating a distraction, removing obstacles, or altering the environment, and not directed at an individual (e.g., use of a baton or Beanbag Shotgun to break a window, or deployment of a chemical agent during a barricaded suspect incident).

Tactical discharges are allowed, but are not recommended, as they may cause secondary, unintended impacts. Before a tactical discharge is used to break a window, officers should consider that another officer or individual may be behind the window and subject to impact by the sock round. In the event the Beanbag Shotgun is used for a tactical discharge, it should be communicated to all officers at scene prior to its use, for their situational awareness.

Tactical discharges **may** be an effective option in **limited** circumstances. The Beanbag Shotgun is generally not effective against tinted car windows or streetlights. Officers must assess the situation after each tactical discharge, and if the Beanbag Shotgun is not producing the desired effect, discontinue its use. Officers must be prepared to give the rationale behind their decision to fire the Beanbag Shotgun as a tactical discharge. Tactical discharges shall be reported on an Employee’s Report, Form 15.07.00, and submitted to the employees commanding officer for review and appropriate action.

Requirement to Intercede When Excessive Force is Observed

An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Note: For the purposes of this section, “intercede” includes, but is not limited to, physically stopping the excessive force (when safe and reasonable to do so) and recording the excessive force, if equipped with a body worn video (BWV) camera. Officers shall attempt to document on BWV the efforts to intervene, efforts to de-escalate the excessive use of force, and confronting the offending officer about the excessive force during the use of force. If the offending officer continues to use excessive force, the witnessing officer shall immediately report the excessive force to a superior officer.

Requirement to Report Potential Excessive Force

An officer who is present and observes another officer using force that the observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall immediately report such force to a superior officer.

Medical Treatment

Any person struck with a sock round shall be transported to a Department-approved facility for medical treatment prior to booking. The person should be carefully monitored for signs of distress. If a medical emergency situation exists, officers shall render medical aid as required and request a rescue ambulance to respond to their location.

Reporting

All discharges of a projectile weapon (e.g., Beanbag Shotgun, 40mm), excluding tactical discharges, are reportable uses of force and shall be reported in accordance with Department policy - whether or not the projectiles/munitions or device make contact with the suspect or subject, including their clothing.

DEFINITIONS

Beanbag Shotgun: A Remington 870 shotgun which has been configured with a green slide handle and stock, rifled barrel, and side saddle ammunition holder. The color green is used to signify that the shotgun is for the sock round only, not lethal munitions.

Code Sam: When officers realize the need for a Beanbag Shotgun, they should request one by broadcasting a “Code Sam.” They should also request a supervisor to respond. Officers should consider carrying the Beanbag Shotgun with them on calls where it may be needed to eliminate the delay of having to return to their vehicle or waiting for another unit to respond.

Super-Sock Round (sock round): The Super-Sock round is a 12-gauge cartridge containing a shot-filled fabric bag. It can be identified by its clear plastic case containing a yellow fabric bag. These rounds are designed to be non-penetrating, and upon striking a target distribute energy over a broad surface area.

Points to Remember

- Approved deployment is from 5 feet to 30 feet
- Assessment between rounds is critical
- Generally, a warning prior to deployment is required
- Do not target the head, neck, spine, groin, or kidneys – unless lethal force is authorized
- All discharges of the BB Shotgun, excluding tactical discharges, are a reportable UOF
- Have a back-up plan in the event the sock round is ineffective
- The Beanbag Shotgun should not be deployed unless lethal force is available for cover

Important Reminder

Deviation from these basic concepts sometimes occurs due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to substantial deviations from Department tactical training. Any deviations are to be explained by the involved officer(s), and justification for substantial deviation from Department tactical training shall be articulated and must meet the objectively reasonable standard of the Department's Use of Force Policy.

AMENDMENTS

This Use of Force Directive cancels and supersedes Use of Force-Tactics Directive No. 6.4, Beanbag Shotgun, September 2020.

A handwritten signature in blue ink, consisting of a stylized, flowing line that loops back to the start.

MICHEL R. MOORE
Chief of Police

DISTRIBUTION "A"