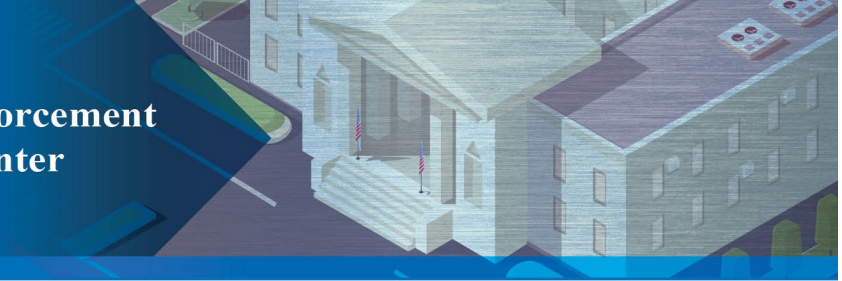


Impact Projectiles

February 2023

The IACP Law Enforcement Policy Center creates four types of documents: Model Policies, Considerations Documents, Concepts & Issues Papers, and Need to Know one-page summaries. Typically, for each topic, either a Model Policy or a Considerations Document is created, supplemented with a Concepts & Issues Paper. This file contains the following documents:

- **Model Policy**: Provides police agencies with concrete guidance and directives by describing in sequential format the manner in which actions, tasks, and operations are to be performed.
- **Concepts & Issues Paper**: Designed to provide context and background information to support a Model Policy for a deeper understanding of the topic.



Glossary

Impact Projectiles: Kinetic projected devices designed to gain compliance by a subject with reduced potential for causing death or serious physical injury when used in accordance with agency policy and training guidelines. Examples of impact projectiles may include, but are not limited to, bean bag rounds, rubber projectiles, and pepper balls, deployed through various authorized devices that may vary by agency.

Model Policy

Updated: February 2023

Impact Projectiles

I. PURPOSE

Impact projectiles are an important option within an agency's less-lethal force responses. The availability of impact projectile weapons provides trained officers with a less-lethal tactical option to be used when proportional, reasonable, and necessary. The purpose of this policy is to provide police officers with direction on when and how to use less-lethal impact projectiles.

II. POLICY

It is the policy of this department that trained officers are authorized to employ impact projectiles in accordance with provisions of this policy and this department's overall policy on use of force.

III. PROCEDURES

A. Training

1. Officers authorized to deploy impact projectiles shall receive designated training and certification and shall re-qualify with the weapon as designated by the agency at least every two years.
2. Officers shall receive agency-authorized training specifically designed to simulate actual deployment situations and conditions to enhance officers' discretion and judgment in using impact projectiles in accordance with this policy and the agency's policies and procedures.
3. Officers shall be trained in the potential for impact projectiles to cause serious injury and what to do in the event of injury.
4. In addition to the above, officers in a supervisory role shall be further trained in authorizing use of force including impact projectiles, incident command,¹ and crowd control.²

B. Deployment

1. An evaluation of the tactical situation shall be conducted on scene, taking into consideration particular circumstances of the current threat to determine the appropriateness of impact projectiles. Consideration may be given to the use of impact projectiles against those who are posing a threat of death to themselves or

¹ See the IACP Law Enforcement Center guidance on Incident Command at <https://www.theiacp.org/resources/policy-center-resource/incident-command>.

² See the IACP Law Enforcement Center guidance on Crowd Management at <https://www.theiacp.org/resources/policy-center-resource/crowd>. If in the United States, see also the applicable state's Peace Officer Standards and Training (POST) guidelines.

serious bodily injury to themselves or others. However, some subjects may be unsuitable targets for impact projectiles. Consider alternative techniques for suspects who:

- Present a low-threat/non-compliance level such as:
 - Situations solely involving risk of minor damage to property with no threat to serious bodily injury
 - Suspects who are only verbally non-compliant
 - Suspects who are only passively resisting
 - Suspects who are fleeing as the sole justification for use of force
 - Are handcuffed
 - Are pregnant, elderly, visibly frail, or young children
 - Are in a location where a fall may cause substantial injury or death
 - Are in water (drowning risk)
2. All uses of impact projectiles shall be consistent with the agency's use-of-force policies; the product manufacturer's guidelines; and other directives on appropriate circumstances for use of force.
 3. A verbal warning should be given prior to the use of impact projectiles, when reasonably feasible.
 4. Only officers who have met this agency's training requirements for use of the impact projectiles shall be permitted to carry or deploy impact projectiles.
 5. In cases of crowd control, deployment of an impact projectile should be at the direction of a line supervisor or another senior officer unless it is reasonably likely that failure to take immediate action would result in injury, death, or serious property damage.
 6. Impact projectiles shall not be fired indiscriminately into crowds.
 7. Specific deployment weapons shall be designated for deployment of impact projectiles and shall be definitively marked by paint or other visibly distinguishing features. These deployment weapons shall not be used for any other purpose, shall be loaded only with less-lethal impact projectiles, and shall be kept only by authorized personnel in a manner designated by the department.
 8. Impact projectiles shall be directed only at suspect target areas based on the knowledge of existing circumstances, established safety priorities, the exigency of the situation, tactical advantage, and the level of force that is authorized.
 - a. When deadly force is authorized, there is no restriction on suspect target body area.
 - b. When deploying impact projectile in a non-deadly force situation, rely on guidelines from the product's manufacturer. Recommended target areas generally include the torso and limbs. However, impact projectiles shall not intentionally be directed at the following areas except when deadly force is authorized:
 - Head
 - Neck and throat
 - Genitals
 - Spinal column
 9. If circumstances allow, officers should inform other responders in the vicinity that impact rounds will be deployed in order that the shot will not precipitate the use of firearms by other officers.

C. Follow-up

1. Officers are responsible for understanding the potential for impact projectiles to cause serious injury and what to do in the event of injury. Suspects who are struck with a projectile should be evaluated by medical personnel. This may require them to be restrained as necessary (physically and/or chemically) and may require transportation to a medical facility for examination.³
2. Use of impact projectiles is a use of force and is subject to the same reporting and investigative policy requirements as other types of force incidents, complying with the agency's use-of-force reporting policy.⁴

³ In some jurisdictions, involuntary medical transport is allowed under the "Community Caretaking" doctrine. In other jurisdictions, a waiver may be required to handle transport refusal.

⁴ For additional guidance on reporting use of force, see the IACP Policy Center guidance on Reporting Use of Force at <https://www.theiacp.org/resources/policy-center-resource/reporting-use-of-force>.

Every effort has been made by the IACP Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no model policy can meet all the needs of any given law enforcement agency. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives, and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes. Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements that must be considered and should therefore consult their legal advisor before implementing any policy. This document is not intended to be a national standard.

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Concepts & Issues

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Impact Projectiles

I. INTRODUCTION

A. Purpose

This paper is designed to accompany the *Model Policy on Impact Projectiles* established by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the Model Policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

Impact projectiles are primarily designed for use against subjects who appear to pose a threat of death to themselves or serious bodily injury to themselves or others. Impact projectiles may be used as one of many weapons if consistent with the agency's use-of-force policy. Examples of impact projectiles include, but are not limited to bean bag rounds, rubber projectiles, and pepper balls. Use of an impact projectile is considered less lethal than that of deadly force.

II. LEGAL REVIEW

In the United States, individuals are protected against unnecessary searches and seizures—including excessive use of force—by the Fourth Amendment of the Constitution. In *Graham v. Connor*,¹ the court ruled that claims of excessive use of force from police must be analyzed using an “objective reasonableness” standard. Specifically, the court stated “[t]he Fourth Amendment ‘reasonableness’ inquiry is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.”²

According to *Graham*, the following factors should be used to determine the reasonableness of using force:

- The severity of the crime;
- Whether the suspect poses an immediate threat to the safety of the officers or others; and
- Whether the suspect is actively resisting arrest or attempting to evade arrest at the time.

¹ *Graham v. Connor*, 490 U.S. 386 (1989).

² *Graham*, 490 U.S. at 396–397.

In *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990),³ the United Nations recommends that a range of less-lethal weapons should be available to police in order to minimize risk of death and injury. Internationally, the Inter-American Court of Human Rights⁴ and the European Court of Human Rights⁵ have ruled that police use of force is justified when it is necessary and proportionate, that less-lethal weapons should be available to police, and that lack of less-lethal weapons is not an acceptable reason to use deadly force. Thus, according to case law—both in the United States and internationally—the appropriateness of whether force is warranted and how much force to use is dependent upon the specific circumstances from the perspective of the reasonable officer on the scene.

III. PROCEDURES

A. Acquisition

Prior to procuring impact projectile weapons, the agency should assess the needs of the agency and select impact projectile products designed to meet the agency's needs. Technology will continue to change in the future, and new weaponry and equipment will be developed. Other factors such as resource availability and local politics in the community will similarly continue to evolve and adapt to changing social conditions. Further, in large agencies with specialized units, the needs and functions of one unit may be different from another, and this may warrant access to different weapons for some units and not others, based on that unit's specialized responsibilities. Thus, the agency's needs and the equipment available to meet those needs should be periodically reevaluated. Nonetheless, the agency shall ensure any products selected for acquisition meet the agency's needs and have been properly tested and evaluated with results documented. Additional factors for consideration are suggested in [Appendix A](#).⁶

In some cases, it might be helpful to provide an introduction of the new equipment to the community before implementing the impact projectile weapon. Police agencies should be transparent in how the equipment will be used and its intended purpose, in order to set realistic expectations. This can prevent misunderstandings and help enhance community trust.

B. Training

Only officers trained in the proper use of impact projectiles should be authorized to deploy impact projectiles. Training shall include the following components:

- *Decision-making* – including factors to be considered in evaluating whether to deploy impact projectiles and consideration of alternatives.
- *Procedural mechanics* – including a description of how the equipment works and how it is meant to be used.
- *Post-deployment follow-up* – including assessing injuries and reporting use of force.

Supervisors and others in a leadership position with the authority to authorize the use of impact projectiles or other weapons should complete advanced training on the appropriate use of such weapons and appropriate contexts for their deployment. Training regarding authorization of the use of weapons (this includes critical decision-making for supervisors) can help ensure impact projectile weapons are used only in accordance with the department's policy

³ United Nations, Office of the High Commissioner for Human Rights, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (September 7, 1990), <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>.

⁴ See *Inter-American Court of Human Rights (IACtHR), Nadege Dorzema and Others v. Dominican Republic, Merits, Reparations, and Costs* (October 24, 2012); *IACtHR, Zambrano Vélez and Others v. Ecuador, Merits, Reparations, and Costs* (July 4, 2007).

⁵ See *European Court of Human Rights (ECtHR), Güleç v. Turkey, (Chamber Judgment)* (July 27, 1998); *ECtHR, Şimşek and Others v. Turkey* (July 26, 2005) (as rendered final on October 26, 2005).

⁶ See also the IACP Law Enforcement Policy Center guidance on Implementing Technology at <https://www.theiacp.org/resources/policy-center-resource/implementing-technology>.

and training as well as applicable laws and statutes. Clear leadership on the authorization of impact projectiles and other less-lethal weapons is especially critical during civil disturbances involving large crowds and other similar events.

C. Deployment

There is a broad range of scenarios in which use of an impact projectile may be justified. Major factors to consider when deciding whether such use is justified include the following:

- Seriousness of any crime committed by the suspect.
- Whether the suspect is armed.
- Whether the suspect poses an immediate threat to the safety of the officers or others.
- Whether the suspect is actively resisting arrest or attempting to evade arrest.
- The urgency of the situation and potential impact of actions that may be committed by the suspect.
- The ability of officers to use an impact projectile against the suspect in accordance with policy and training.
- The potential for collateral damage to officers, other persons, or property (e.g., the suspect is or is allegedly holding a triggering device connected to explosives or other destructive devices).
- Setting and context and their effects on risk assessment. For example, in a large crowd, gaining supervisor approval before deployment is crucial.⁷ During an encounter with a single individual, however, a supervisor may be unavailable to offer approval, and more discretion is yielded to the responding officer.

Certain of these factors may carry greater weight than others, depending on the situation, and the totality of the circumstances must be evaluated.⁸ However, public safety, the safety of first responders, and the legality of deployment must always be considered together. These factors affect the decision to deploy an impact projectile or not as well as how to most safely and effectively deploy such weapons.

Also, some subjects may be unsuitable targets for impact projectiles. Consider alternative techniques for suspects who:

- Present a low threat/non-compliance level such as:
 - Situations solely involving risk of destruction or damage to property with no threat to serious bodily injury
 - Suspects who are only verbally non-compliant
 - Suspects who are only passively resisting
 - Suspects who are fleeing as the sole justification for use of force
- Are handcuffed
- Are pregnant, elderly, visibly frail, or young children
- Are in a location where a fall may cause substantial injury or death
- Are in water (drowning risk).

⁷ Some less-lethal weapons are designed specifically for crowd control. Impact projectiles cannot be used against a crowd indiscriminately and can be used only in response to an identified act of violence. See also the IACP Law Enforcement Policy Center guidance on Crowd Management at <https://www.theiacp.org/resources/policy-center-resource/crowd>.

⁸ For additional information, see the resources from the IACP/UC Center for Police Research and Policy on De-escalation and Use of Force at <https://www.theiacp.org/resources/de-escalation-use-of-force> as well as the National Decision Model from the College of Policing at <https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model>.

D. Follow-up

Although impact projectiles are designed to reduce the potential for death or serious physical injuries, protective measures are still necessary. Thus, as soon as the subject has been satisfactorily subdued, the officer must take immediate steps to care for the subject and account for the force used. When applicable, appropriate medical personnel should be summoned for treatment and/or evaluation.

Transportation to a medical facility may be required. There may be instances where a subject refuses transportation and further treatment, and the appropriate response in such instances will vary by jurisdiction. In some jurisdictions, involuntary transportation to preserve the subject's health and safety may be justified and allowed by law. In other jurisdictions, a waiver form may be necessary. In any case, the steps taken should comply with agency policy and applicable law and should be thoroughly documented.

Deployment of impact projectiles shall be considered a use of force. Thus, the same reporting and investigative requirements that pertain to all uses of force also apply to uses of impact projectiles.⁹

A use of force review shall be conducted in any situation involving the discharge of an impact projectile. The depth of any investigation shall be determined by designated departmental authorities based on the extent of suspect injuries and a review of the circumstances surrounding the incident. Following the use of impact projectiles, agencies should consider conducting a review of the incident to identify areas for potential improvement in training and/or policy.

E. Communication with the Community

When incidents involving a use of force occur, relevant information should be publicly communicated in a timely manner in order to enhance trust with the community. Lack of transparency with the community can contribute to perceptions of wrongdoing from the community, lead the community to question what information is being withheld, and breed distrust from the public, while also leaving the officer(s) involved feel unsupported. However, exactly how much information to reveal publicly will depend on the varying factors of each unique situation. For example, if an incident is being investigated and the facts of the situation are not yet known, a representative of the agency should consider explaining that an investigation of the incident is in progress, rather than saying nothing at all.

Press releases and other media communications may be appropriate. Public information officers (or others in similarly designated roles) might consider monitoring social media after an incident involving use of force to gauge public sentiment. This will give the agency the opportunity to respond by providing information and clarifying misconceptions.

⁹ For additional guidance on reporting use of force, see the IACP Policy Center guidance on Reporting Use of Force at <https://www.theiacp.org/resources/policy-center-resource/reporting-use-of-force>.

APPENDIX A: PROCUREMENT CONSIDERATIONS

- *Does product procurement fulfill an existing agency need? Is it consistent and integrated with the agency's use-of-force policy?*
- *Has the product been certified by a professional body as having been inspected, audited, and tested for compliance?*
- *Does the supplier maintain a quality assurance program that includes regular testing and inspection of both the manufacturing facilities and finished products?*
- *Are finished products traceable to inspection records?*
- *Are metrics of product performance such as calibration, efficacy, accuracy, and usability available?*
- *Does the supplier maintain a quality assurance program that includes a recall system?*
- *Does the supplier maintain product liability insurance?*
- *Does the supplier offer training on product use?*
- *Does the agency have sufficient resources to store and preserve procured weapons and, if applicable, to dispose of them after expiration?*
- *Has the agency evaluated the impact, if any, that weapons procurement will have on other established agency policies and procedures?*

ADDITIONAL RESOURCES:

- ATSM International, Committee E54 on Homeland Security Applications, <https://www.astm.org/get-involved/technical-committees/committee-e54/subcommittee-e54>
- IACP Messaging Worksheet: Community-Police Relations, <https://www.theiacp.org/resources/community-police-relations-messaging-sheet>.
- IACP Messaging Worksheet: Crowd Management, <https://www.theiacp.org/resources/crowd-management-messaging-worksheet>.
- IACP Messaging Worksheet: Use of Force, <https://www.theiacp.org/resources/document/use-of-force-messaging-sheet>.
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- Willis, Brian, “The Most Dangerous Weapon in Law Enforcement,” 2014, <https://www.youtube.com/watch?v=qwC-RHsC6gw>.

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