



Policy Revision Request

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This revision applies to Existing Policy 11-09-23

If new, recommended section _____

This revision is necessary to comply with Best Practices

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ 0

Brief reason for the revision:

Less Lethal shotgun is no longer used by the Department. This policy revision removes references to less lethal shotguns throughout policy.

Document the changes or additions to the policy below. Please include the specific policy number. ~~Red strikethroughs~~ are used for deletions and blue underlined for text insertions. Please email completed forms to APDPolicy@austintexas.gov. Use this email for any related questions or issues for policy.

202 Firearm Discharge Situations

202.3 DEFINITIONS

- (c) **Firearm** – For the purposes of this policy, a firearm is any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use (e.g. handgun, rifle, shotgun). For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e., ~~less lethal shotguns~~, 37mm, and 40mm launchers) are not considered firearms.

202.9.3 PROCEDURES FOR FIREARMS SEIZED AS THE RESULT OF AN UNINTENTIONAL DISCHARGE

- (b) **Department Rifle or Department Shotgun, ~~or Less-Lethal Shotgun~~** – In the event a department rifle or department shotgun, ~~or less lethal shotgun~~ is seized for a possible mechanical malfunction and turned over to the Training Academy for inspection, the following actions shall occur:

206.6 HIGH KINETIC ENERGY PROJECTILES

This department is committed to reducing the potential for violent confrontations when encountering such subjects. The Department approves high kinetic energy projectiles, which are less likely to result in death or serious physical injury.

(a) High kinetic energy devices approved by the Department are:

- ~~1. 12 gauge shotguns that are clearly identified as less-lethal shotguns~~
2. 1. 40mm launchers

206.6.2 VERBAL WARNINGS

A verbal announcement of the intended use of the kinetic energy projectile shall precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

(c) When the less lethal kinetic energy projectile is deployed on scene, the officer carrying the weapon shall announce over the air as soon as practicable that the ~~less lethal shotgun~~/40mm weapon was deployed and be acknowledged by the dispatcher.

211.2.1 LEVEL 1 FORCE INCIDENTS AND IN-CUSTODY DEATHS

- a) Any force resulting in death.
- b) Any force that resulted in a substantial risk of death.
- c) Any intentional firearm discharge at a person, vehicle, or structure regardless of injury.
 1. For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e., ~~less-lethal shotguns~~, 37mm, and 40mm launchers) are not considered firearms.
- d) Any intentional firearm discharge at an animal that results in injury to another person.
 1. For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e., ~~less-lethal shotguns~~, 37mm, and 40mm launchers) are not considered firearms.

402.5 REPORTING THE ACTIVE TARGETING OF A FIREARM AT A PERSON

By the nature of their duties, officers may be required by General Orders and training to point their firearm at a person to actively target them. This section does not create an additional requirement for officers to initiate an incident report; however, officers that actively target their firearm at a person shall properly document the incident as outlined below.

- a) For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e., ~~less-lethal shotguns~~, 37mm, and 40mm launchers) are not considered firearms.

408.2.2 MOBILE FIELD FORCE EQUIPMENT AND SUPPLIES

The MFF will be equipped with Batons or PR24's (excluding ASPs), OC spray, non-lethal .68 Caliber projectile launcher~~less-lethal shotguns~~, and helmets with face shields.

- a) Each Patrol Region will maintain an inventory of items necessary for the MFF (e.g., OC spray, non-lethal .68 caliber munitions~~less-lethal munitions~~, flex-cuffs).
- b) The Patrol Region where the incident occurs will be responsible for resupplying the MFF.
- c) When resupply is needed, the Incident Commander will have dispatch designate an available Patrol supervisor from the Region where the incident occurred to deliver these items to the MFF.

902.1.2 DEFINITIONS

Critical Incident - For purposes of administrative investigations, the term "Critical Incident" shall have the meaning as agreed upon in the Meet and Confer Agreement. "Critical Incident" means:

- 1. Any force resulting in death.
- 2. Any force that resulted in a substantial risk of death.
- 3. Any intentional firearm discharge at a person, vehicle, or structure regardless of injury.
 - a) For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e., ~~less-lethal shotguns~~, 37mm, and 40mm launchers) are not considered firearms.

916.6 CRITICAL INCIDENT DRUG TESTING OF SWORN EMPLOYEES

- a) The Department shall require a drug test of any sworn employee within 24 hours after the following critical incidents:
 - 1. Discharge of a firearm, on or off-duty, whereby a person was the intentional or accidental object of the shooting, including when no injury is caused;
 - a) For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e., ~~less-lethal shotguns~~, 37mm, and 40mm launchers) are not considered firearms.

949.6.2 RESTRICTIONS AND PROHIBITIONS

- 9. Failure to comply with the TCOLE's firearm's qualification standards will result in suspension of secondary employment privileges until the standards are met.
 - a) For the purposes of this General Order, TASER Conducted Energy Weapons and less lethal weapons firing kinetic energy projectiles (i.e., ~~less-lethal shotguns~~, 37mm, and 40mm launchers) are not considered firearms.