

## 6. PRESENTATION – LESS THAN LETHAL OPTIONS - DC CURRY

**Chairperson Vann** stated that the Commission has had concern about the “less than lethal” options and things that should be considered a matter of policy that would be deemed part of our Charter mandated responsibility as Commissioners to receive and put into implementation.

**DC Curry** began by informing the Board that he could not give them a copy of his report or his recommendations until it has been seen and approved by the Chief. {Some of the non-lethal weapons were passed around for the Commissioners observation}. I will give a snapshot overview of some of the weapons that are available and research has been done on and actually tested.

When talking about non-lethal type weapons you are basically talking about impact type weapons. Impact weapons are ones that bring forth a blast of pain. The committee went into this project with two principles. 1. Officer safety; and 2. It has to fall within the guideline of community policing policy. It doesn't have to be accepted by the community, but be community friendly. When looking at this principle from a law enforcement perspective, we have to educate the community and try to persuade them that this is something that we need for our enforcement efforts for the City. Whatever we recommend will be monitored, there will be proper training, and we will correct any problems that come from the recommendation.

He named the various weapons and gave a full description and the function of each weapon: Pepper spray – canister that consist of 1% tear gas and pepper gas. Impact weapons are wooden batons PR24 [popular throughout the nation]. This baton is designed to take down a person, and it is my recommendation that we switch to this. The Legal Department decided that we would not continue with the wooden baton. The MSP uses batons frequently. Other types of batons were shown.

**Commissioner Richard** asked if the expandable, heavy, metal baton would be carried on the officer's person because of its weight.

DC Curry stated that is correct, based upon the type of weapon that you are using. It is why any recommendations we make to the Chief will provide that on. We will train the officer type scenario, and they will carry it with them. We will have policies to remain effective, we must continue to train staff.

In addition, we have other impact weapons. 20 AMP less than lethal. We impact crucial parts of the suspect, and our hope is that we maintain control without further injury.

Commissioner Desjardins asked what is the name of the weapon.

DC Curry responded that the name that he has is 20 AMP less than lethal.

**DC Curry** stated it sits on the belt away from the weapon. Mark 46 is a chemical agent that can control a large crowd. It is most effective from 10-30 ft. How saturated you are depends on the weather, how the wind is blowing.

**Chairperson Vann** asked if this is more for crowd control than individual?

**DC Curry** stated yes. This would be something for supervisors to carry. We also have the bean bag, which is filled with substances similar to that of shotgun pellets. There are several variations. This can be fatal if used inappropriately based on the medical condition of the individual. These bags can be fired from a shotgun.

**Commissioner Richard** asked if she were to use this weapon, at what part of the body would she aim?

**DC Curry** stated the lower torso of the individual, from mid center downward, i.e., the leg or groin area. This is why training is so important. With the teardrop bag you have more control. As it comes out of the barrel, it will have an impact that flushes against the skin. It could cause serious injury as well as death from the second generation bean bag.

**Chairperson Vann** asked if this is less than lethal?

**DC Curry** responded there is nothing out there that is 100% less than lethal.

**Chairperson Vann** stated this is a point that needs to be made.

**DC Curry** stated, we need to stop using the term "non-lethal" because it does not exist. Less lethal is better terminology. With these weapons they are effective and they can reach the desired results. However, there is risk involved in them.

**Chairperson Vann** stated that the Sergeant who was here last week from Rouge Range articulated that as well. It is understood that normally with the regular service revolver the trainee has to shoot at the body mass.

**DC Curry** stated that is correct, based upon the type of weapon that you are using. That is why any recommendations we make to the Chief will provide training. We will have a train the trainer type scenario, and they will carry insurance policies. In order for the policies to remain effective, we must continue to train yearly.

In addition, we have other impact weapons. 20 AMP is a 37-38 millimeter canister multi baton. We impact crucial pain to the suspect, and our hope is that we will be able to maintain control without further injury.

**Commissioner Dewaelsche** asked what is the name of the weapon he is describing?

**DC Curry** responded that the one that he has is called the rubber baton.

**Ex. Sec. McDonald** asked what was the range?

**DC Curry** responded that he isn't sure, probably approximately 50 feet. This would not be idea for the scout car, but it would be for units like the Special Response Team. I am giving an overall view of what is out there.

**Commissioner Richard** asked if the three balls come out one behind the other?

**DC Curry** stated that it comes out in one bullet.

**Chairperson Vann** that you have to be careful to ensure that you're...

**DC Curry** responded yes, this was designed with a scope. The object of the weapon is very, very dangerous you can be hit from 50 feet with no problem.

**Commissioner Richard** asked if you look through the scope?

**DC Curry** stated yes. It is fired as you would any other weapon.

**Commissioner Richard** asked if it was necessary to point the weapon downward?

**DC Curry** stated yes.

**Commissioner Dewaelsche** asked if they are recyclable?

**DC Curry** responded no. Another version of this is called the "rubber ball." It is a 37 caliber. If an individual is hit in the chest they will feel it.

In addition, we have the wooden mallet that comes in a canister. A better range is received with this mallet. With the usage of any of these weapons, you must consider the type of clothing an individual is wearing. The heavier the material, the lesser the impact.

**Commissioner Marx** asked if the rubber weapon the one we read about in the paper is the same as what is used in Palestine, Israel, and some of the other countries?

**DC Curry** stated no. A rubber bullet is shaped like a teardrop, and is exactly what it says. It is not used that much in the US. It hurts, I can tell from personal experience.

**Ex. Sec. McDonald** asked why does the military use it?

**DC Curry** uses it in operations other than war. Another weapon is called "2000 Rubber Ball/Harnest nest." It is called this because when it is discharged it will shoot 180 rounds. You don't necessarily have to hit the target directly. You can hit the pavement and it will bounce and then strike.

**Chairperson Vann** asked if all of these weapons are legal in Michigan?

**DC Curry** stated yes, not only in Michigan but throughout the nation.

**Chairperson Vann** asked if they are used in Detroit?

**DC Curry** responded no.

**Commissioner Richard** asked if these are used in Great Britain?

**DC Curry** responded yes. In Great Britain some officers now carry weapons because of the situation in the world.

**Commissioner Head** asked if any of the weapons were reloaded or rechargeable by the precinct equipment producer, and do you use them as is? He asked if DC Curry is the one that reloads the shells for the beanbags?

**DC Curry** responded no.

**Commissioner Head** stated he was thinking in terms of someone reloading them and putting in to heavy a load, and causing serious damage.

**DC Curry** responded that what has to be done, is have the company resupply you.

**Commissioner Head** asked if the shotgun is also used as a regular shotgun?

**DC Curry** stated yes. The color is the only difference.

**Commissioner Head** asked if the 12 gauge double load can fire out of this?

**DC Curry** responded yes, the only change is the pellet. It would not be a problem distinguishing between the two once they have been trained. Another built in safety guard is that we would have to come up with a container for them.

He passed around pictures of the pepper ball. It comes in a pistol, semi automatic, and as an automatic weapon. The automatic weapon is similar to the US's M16. It is an impact and chemical weapon combined. It can hold up to 200-300 small pellets. It will inflict pain and then discharge a liter of gas. It is rapid fire and will saturate an area. It is very effective, I've seen it, fired it, and I like it.

**Ex. Sec. McDonald** asked for the range.

**DC Curry** stated it is approximately 100-200 feet based upon the accuracy of the shooter. The company will train the trainer. They will be in the area February 6<sup>th</sup> and are willing to put on a demo for the DPD. I have to pass it by the AC and the Chief to see if they are interested.



Understand that no one system is going to be ideal for every situation. When you talk about less than lethal, you have to talk about a weapon system. Weapons System means more than one weapon combined to make the whole system. Chemical agent, beanbag, and the pepper bag is a less than lethal weapon system for the Department or any agency. It could be a combination of requiring both chemical and pain through the pepper ball.

**Chairperson Vann** asked if pepper ball is legal in Michigan?

**DC Curry** stated yes. The only weapon not lethal in Michigan is the electrical stand back. The history on it goes back to an incident that happened in the 7<sup>th</sup> Pct, called cattle prod.

**Chairperson Vann** asked about the net.

**DC Curry** stated the net is not cost effective. You only have one shot, if a person continues running, what have you gained?

**Chairperson Vann** asked if the pepper spray is not applicable to that 16%?

**DC Curry** stated yes. Sixteen percent may be the lower end. If a person is mental, or has a high level of pain anxiety, narcotics in the system, it doesn't work. Their tolerance level increases. The use of pepper spray has decreased the use of confrontation in the City. Again, it is not conducive for all situations. We need something between the spray and deadly force.

**Commissioner Marx** asked given the cost of the weapon and the amount of training that is necessary, he asked if DC Curry has preferences on which to choose?

**DC Curry** stated yes, but I can't disclose it at this time.

**Commissioner Dewaelsche** asked him if he could give an idea when you talk about a system of non lethal weapons, are you talking about having those for every car or specialized units?

**DC Curry** stated that he has a detailed plan. The committee knows where we want to be.

**Commissioner Dewaelsche** asked if he has a plan A and B? Do you have a graduated type plan if we can't get all of these, can we get some of these? Can we start out with this much this year, and later get additional? Given the fact that you have to consider budgetary situations.

**DC Curry** stated no. He was told to come up with the recommendations, and I will be forwarding this to the Chief.

**Chairperson Vann** stated that he is concerned about the time. You are well versed in this area, you have done studies, research in Michigan and beyond, you know what

recommendations you want to give to the Chief. What the Commissioners want to know is when will we receive these recommendations?

**DC Curry** stated that February 1<sup>st</sup> is his deadline. We came into some difficulty with the report.

**Commissioner Dewaelsche** asked if we are going to try and recommend some of these for this year?

**DC Curry** stated that he doesn't deal with the budget.

**Chairperson Vann** stated that the Commission would set the policy for the Department in regards to this particular area, and would seek the proper channels to get budgetary support for it.

**DC Curry** stated that part of his report to the Chief has cost quotations for the equipment. You will receive a realistic cost estimate of the weapons. It will not be cheap.

**Ex. Sec. McDonald** asked which of these are most expensive that you've detailed today?

**DC Curry** stated the pepper ball, because of the training. We recommend that each officer fire a minimum of thirty rounds for each series.

**Ex. Sec. McDonald** asked if he said it sprays 150 pellets?

**DC Curry** stated no the pepper ball is based upon the magazine. Some carry 200, some up to 800 round marble pellets.

**Ex. Sec. McDonald** asked if it is the 42 caliber that does 150?

**DC Curry** stated yes, it was the hornets nest.

**Ex. Sec. McDonald** asked when you fire, do they spray?

**DC Curry** yes, they spray the target. You probably will be hit with 167 of those pellets.

**Ex. Sec. McDonald** asked if Commissioner Richard would get hit also? (Commissioner Richard was seated to her left).

**DC Curry** stated probably.

**Chairperson Vann** stated that the training would be very extensive.

**DC Curry** stated that is correct. Once it is approved, the Academy will rewrite and develop training for each weapon.

**Chairperson Vann** stated the implementation phase would be extensive, because the officers would have to distinguish and use proper judgement in situations whether they need to use proper deadly force as opposed to less than lethal force.

**DC Curry** gave a scenario from his point of view? If you make the run, and there is a need for less than lethal weapon, you respond to a supervisor that you need the kit. In Michigan, the taser it is not an option for us.

**Commissioner Head** asked if he said it is not supported?

**DC Curry** responded, correct.

**Commissioner Marx** asked what is the rational for not supporting it?

**DC Curry** stated that the reason given was that an officer carries batons and he has never in the history of the Department every used his baton, so why would they use a taser? My response to that was to help me out on the street.

**Ex. Sec. McDonald** asked how does the taser work?

**DC Curry** stated it is an electronic gun that shocks the body with electric currents. It is effective but has limitations. The major limitation is if the individual is wet, they stand a chance of being electrocuted.

**AC Winkler** asked if this is the new generation team that is using the taser?

**DC Curry** stated he is not sure.

**Commissioner Head** stated there is a hand held one with rapid firing.

**DC Curry** stated yes.

**Commissioner Dewaelsche** asked if he was looking at the type of chemical spray that would cause people to become sick, or eject paint?

**DC Curry** stated that what's out there is a form system, that causes suffocation. It is like a sticky glue, it sticks to whatever it hits. The chemical that requires removing it is toxic. The stun gun has an effective rate. We are talking about second generation tasers. It has 6% effective rate, one shot, effective range is 8 feet, does not penetrate thick clothing, and it is flammable. It is also deadly to people that wear pacemakers.

**AC Winkler** stated the company that he knows has a taser that is not deadly to people that wear pacemakers, have heart conditions or other medical conditions.

**DC Curry** stated that there is a lot of controversy about all of these weapons. You can find someone that says none of these work, and someone else that says all of them work.

There has been extensive medical research on them, there is support as well as non support.

**Commissioner Richard** asked what else do they have in addition to pepper spray, the batons?

**DC Curry** responded that the Special Response Team has some of these in stock at the discretion of the.....

**Commissioner Richard** stated some of those on the table?

**DC Curry** responded that they are trained to use them at the discretion of the Chief.

**Commissioner Richard** stated when she was the Chair, the Commission went before Council for the budget in April or May. If this is just getting to the Chief in February, it will take some doing to have it ready.

**DC Curry** stated that we requested the use of force policy from 23 major departments. We have to read their info to find out what other people are doing.

**Commissioner Richard** stated she is referring to getting this to the budget department.

**Ex. Sec. McDonald** asked who else is on the committee?

**DC Curry** stated Cmdr. Brown from the 3<sup>rd</sup> Pct, Cmdr. James Barren from the Metro Division, Insp. Krystal Harris from the Academy, Cmdr. Ronald Haddad from the 11<sup>th</sup> Pct., Lt. O'Neill from the Special Response Team, Sgt. Bryan Harris from the 8<sup>th</sup> Pct., Lt. Rita Serra from Planning & Inspections, PO Caradonis from the 10<sup>th</sup> Pct., PO Dix from the 11<sup>th</sup> Pct. All of them have experience and some type of leverage.

**Commissioner Head** asked if any thoughts have been given to something like what they use for animal sedation with specialized weapons like a rifle?

**DC Curry** stated that has never come up as an option for law enforcement. We have certain guidelines that we have to comply with. That would probably be out of the purview for law enforcement.

**Commissioner Head** stated that DC Curry mentioned the large canister for the pepper spray, is it 5 or 10%? Is it 5% tear gas and pepper, or 10% tear gas and 10% pepper?

**DC Curry** responded yes.

**Commissioner Head** - knows that every officer would not get these kinds of equipment. In many cases some of these are just for special response squads or task force.



**Chairperson Vann** - would that be a matter of policy? We would have to determine who would/not get them. Especially if what we are trying to do is find other ways for officers in street confrontation to deal with these situations. You don't want to have to call for a supervisor to call for a kit. We would have to look at that point on how we can do that.

**DC Curry** - I disagree. In a barricaded gun situation, once the officer realizes that he is no longer in control of the situation and the threat is larger than the resources he has available to him, we are trained to back off, secure the area, and call for help. We will not engage until we have overwhelming forces.

**Chairperson Vann** - are they always in a position to contain, that is his thought. Are you always in a position to contain or secure the situation?

**DC Curry** - once again this is just another option they might use. You are talking about a situation that may call for deadly force, I don't know. I believe that in some cities they have provided each patrol unit with a variation of less than lethal weapon.

**Ex. Sec. McDonald** - to DC Curry, with the impact weapons shown, which is used most frequently?

**DC Curry** - the beanbag. What was shown today is what is popular.

**Ex. Sec. McDonald** - you mentioned that you asked for other entities use of force policies. Will your recommendations to the Chief include revising the use of force in the Department based upon your review of other Departments policy?

**DC Curry** - yes. That's why we have Plan & Insp. involved. Everything we do is going to require some change in procedure.

**Chairperson Vann** - thanked DC Curry for his thorough report and presentation. The Commission is now aware of what is out there/available. When the Chief's recommendation comes before us we will have first hand knowledge of what these particular options can do. We need to apply some wisdom with regard to their limitations.

**MOTION:** Commissioner Richard made the motion to commend DC Curry for his presentation.

**SECOND:** Commissioner Dewaelsche seconded the motion.

**VOTE:** All in attendance voted in the affirmative.