



Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM: Edgardo Garcia**
Chief of Police

SUBJECT: PROJECTILE IMPACT WEAPONS **DATE: May 22, 2020**
SEE BELOW

Memo# 2020-019

SUBJECT

DUTY MANUAL REVISION – L 2629 USE OF PROJECTILE IMPACT WEAPONS
DUTY MANUAL REVISION – L 2629.5 LIMITED USE OF 37 MM PROJECTILE
IMPACT WEAPON FOR CROWD CONTROL

BACKGROUND

In the interest of providing officers with additional less-than-lethal force options, the Department is revising the following Duty manual sections related to the use of Projectile Impact Weapons (PIW) to include the authorized use of the 40mm OC less-than-lethal munitions. Field situations often arise where a normal 40mm foam baton round is ineffective on a dangerous suspect. These circumstances include but are not limited to incidents where the suspect is barricaded and/or behind cover. The 40mm OC round, which is similar to the foam baton round but carries a payload of OC powder, has the capability to be deployed at or in the general area of a suspect in order to gain compliance through blunt force and/or through the OC irritant exposure. Several Duty Manual sections are being revised to ensure that the use of the 40mm OC round complies with the PIW sections as well as with the Chemical Agent sections of the Duty Manual.

The availability of a 40mm PIW containing Chemical Agents requires revision of section L 2629.5 which previously prohibited the use of 40mm PIWs in crowd control situations.

ANALYSIS

The Duty Manual has been revised to reflect changes to the below listed sections. Additions are shown in italics and underlined. Deletions are shown in “strike through” form.

L 2629 USE OF PROJECTILE IMPACT WEAPONS:

Revised 05-22-20

Only officers who have completed an approved training course taught by a qualified Department member or a representative of the manufacturer supplying the ammunition are authorized to use this type of equipment. Because projectile impact weapons have the potential to cause serious injury or death, this type of weapon will only be used in the following circumstances:

- To be used when objectively reasonable to incapacitate a suspect armed with a weapon likely to cause serious bodily injury or death until the suspect can be controlled and safely taken into custody.
- To be used when objectively reasonable in situations where its use is likely to prevent any person from being seriously injured.

NOTE: Less lethal projectiles containing chemical agents are available for use by authorized personnel. The use of less lethal chemical agent projectiles shall comply with this Duty Manual section and with sections DM L 2609 – USE OF CHEMICAL AGENTS and DM L 2610 – PROVIDING FIRST AID.

All patrol officers, who have completed an approved training course, shall be required to carry a projectile impact weapon (either a stun-bag shotgun or a 40mm Projectile Impact Weapon) while on-duty; officers not permanently assigned a 40mm Projectile Impact Weapon shall check out a projectile impact weapon (stun-bag shotgun or 40mm Projectile Impact Weapon) from Central Supply at the beginning of each assigned shift.

The intentional discharge of a Projectile Impact Weapon at a suspect shall be documented as a use of force. When an intentional discharge of a Projectile Impact Weapon is used for the purpose of breaking glass, and the discharge does not result in any person being struck by a projectile, the discharge shall be documented in a General Offense report.

L 2629.5 LIMITED USE OF 37 MM PROJECTILE IMPACT WEAPON FOR CROWD CONTROL:

Revised 05-22-20

Only the 37mm Projectile Impact Weapon (*i.e. SAGE Gun*) may be used for crowd control purposes as in the method prescribed in this section. Stun-bag shotguns and 40mm Projectile Impact Weapons may only be used in accordance with Section L 2629 and may not be used for crowd control purposes as a method for crowd dispersal as described in this section. 40mm Projectile Impact Weapons that do not contain chemical agents may not be used for crowd control purposes. 40mm Projectile Impact Weapons that do contain chemical agents may be used for crowd control purposes as described in section L 2609.

ALL DEPARTMENT PERSONNEL

SUBJECT: DUTY MANUAL REVISIONS – PROJECTILE IMPACT WEAPONS

May 22, 2020

Page 3 of 3

The 37mm utilizes a single black powder round that deploys five foam baton projectiles. For the purposes of this policy, this Projectile Impact Weapon [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] For the purposes of this policy, assaultive resistance is defined as acts of violence against persons, or intentional destruction of property resulting in major property damage. An example of this type of conduct would include suspects throwing objects capable of causing bodily injury from within the crowd at officers or other persons.

The 37mm Projectile Impact Weapon shall be utilized in accordance with the following procedures:

1. A lawful dispersal order shall have been given and the crowd has been given a reasonable amount of time to disperse and has failed to do so in violation of Penal Code Section 409 – Failure to Disperse.
2. Only personnel assigned to the Special Operations Division shall utilize the 37mm Projectile Impact Weapon during crowd control situations.
3. A Command Officer must authorize both the carrying and discharging of the 37mm Projectile Impact Weapon for crowd control purposes.
4. When authorized, the 37mm round [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

When an intentional discharge of a 37mm Projectile Impact Weapon is used for the purpose of dispersing a crowd engaged in assaultive resistance, the discharge shall be documented as a use of force in accordance with Duty Manual Sections L 2643 – L 2645 regardless of whether or not a person is struck by a 37mm round. Nothing in these guidelines is meant to restrict or prevent an officer from deploying a Projectile Impact Weapon in accordance with the Duty Manual Sections L 2629 – L 2631.

ORDER

Effective immediately, all sworn personnel will adhere to the above listed Duty Manual changes.



Edgardo Garcia
Chief of Police

EG:PC

