

Memorandum

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

SUBJECT: DUTY MANUAL REVISION **DATE: June 1, 2020**
L 2629.5 - LIMITED USE OF 37 MM
PROJECTILE IMPACT WEAPON
FOR CROWD CONTROL

Memo# 2020-023

BACKGROUND

Duty Manual section L 2629.5 – LIMITED USE OF 37 MM PROJECTILE IMPACT WEAPON FOR CROWD CONTROL prescribes a technique for using the 37mm (SAGE) Projectile Impact Weapon (PIW) to disperse crowds during unlawful assemblies. The same section authorizes the use of 40mm O.C. rounds for crowd dispersal if done in compliance with DM section L 2609 – CHEMICAL AGENTS. DM L 2629.5 explicitly prohibits the use of Stun Bag shotgun and non-O.C. 40mm munitions to disperse crowds. It does not prohibit the use of either munition for defense against violent attack.

In order to provide officers with the necessary tools to protect the community and themselves from acts of violence and/or major destruction of property, the Department is modifying the list of munitions that may be used to disperse crowds from an unlawful assembly. The 37mm SAGE and 40mm O.C. rounds remain the only preauthorized crowd dispersal munitions. However, in exceptional circumstances certain personnel may authorize the use of the Stun Bag shotgun and/or non-O.C. 40mm rounds in the same manner as the 37mm SAGE Projectile Impact Weapon.

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 2629.5 LIMITED USE OF 37 MM PROJECTILE IMPACT WEAPON FOR CROWD CONTROL:
Revised 06-01-20

Only the 37mm Projectile Impact Weapon (i.e. SAGE Gun) may be used for crowd control purposes in the method prescribed in this section. ~~Stun bag~~

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~~shotguns may not be used for crowd control purposes. 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.~~

EXCEPTION: Stun Bag shotgun and non-O.C. 40mm projectile impact munitions may be used as prescribed in this section for the 37mm Projectile Impact Weapon when authorized by the Special Operations Incident Commander, the Chief of Police, or the Assistant Chief of Police.

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

EXCEPTION: With the authorization of the Special Operations Incident Commander, the Chief of Police, or the Assistant Chief of Police, step one may be skipped when circumstances evolve from a peaceful protest into one that presents an imminent threat of bodily injury or an intent to attack officers with such rapidity that it would be unreasonable to pause for a dispersal order. In such an occurrence, a dispersal order should be given as soon as is practical.

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]

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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.

A handwritten signature in black ink, appearing to read 'Edgardo Garcia', with a long horizontal stroke extending to the right.

Edgardo Garcia
Chief of Police

EG:PC

