

Memorandum

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

SUBJECT: DUTY MANUAL REVISION **DATE: June 16, 2020**
L 2629.5 – PROHIBITION ON THE
USE OF PROJECTILE IMPACT
WEAPONS FOR CROWD CONTROL

Memo# 2020-028

BACKGROUND

The Department has conducted a review of its Use of Force policies and is revising the language of Duty Manual section L 2629.5 – LIMITED USE OF 37MM PROJECTILE IMPACT WEAPON FOR CROWD CONTROL.

Duty Manual section 2629.5 - LIMITED USE OF 37 MM PROJECTILE IMPACT WEAPON FOR CROWD CONTROL is being revised to prohibit the use of projectile impact weapons against persons for the purposes of crowd control and crowd dispersals. The use of projectile impact weapons continues to be authorized against individuals who are actively attacking an officer or another person or who are armed and pose a threat to officers or other persons (as described in DM section L 2629 – USE OF PROJECTILE IMPACT WEAPONS).

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 PROHIBITION ON THE ~~LIMITED USE OF 37-MM PROJECTILE IMPACT~~
WEAPONS FOR CROWD CONTROL:
Revised 6-20-20

The use of Projectile Impact Weapons (PIW) against persons for the purposes of crowd control and crowd dispersals is prohibited.

Nothing in this section is intended to prohibit officers from using a PIW against a person in crowd control situations, who is actively attacking an officer or another person or when an armed person poses a threat to officers or other persons.

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Such use shall be in compliance with DM section L 2629 – USE OF PROJECTILE IMPACT WEAPONS.

When aiming a PIW at a violent individual during crowd control situations, officers are reminded of their responsibility for accurate round placement and their duty to avoid striking unintended subjects. In such circumstances, officers shall consider alternate solutions if the crowd density creates an unnecessary risk of striking individuals against whom the use of an PIW is not intended.

Only the 37mm Projectile Impact Weapon (i.e. SAGE Gun) may be used for crowd control purposes in the method prescribed in this section. 40mm Projectile Impact Weapons that 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 not intended to target individual suspects, but to provide a visual and auditory deterrent (loud report and bright muzzle flash). The primary objective when deploying a 37mm Projectile Impact Weapon in this manner is to compel persons engaged in assaultive resistance to disperse peacefully, so that the use of physical force intentionally directed at persons can be avoided. 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.

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- ~~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 shall be fired into the ground in front of the crowd. The 37mm round should only be expelled when there is sufficient distance between the officer and the crowd to allow the energy of the round, once it strikes the ground, to sufficiently dissipate in order to prevent any substantial risk of injury to any person.~~

~~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

