



LOS ANGELES POLICE DEPARTMENT

USE OF FORCE

DIRECTIVE

UOF Directive No. 5

September 2023

FN303 LESS-LETHAL LAUNCHER

PURPOSE

The purpose of this Directive is to familiarize officers with the use, nomenclature, and operational procedures of the FN303 Less-Lethal Launcher (FN303 LLL or FN303).



PROTOCOL

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance and cover, communication, and available resources in an effort to de-escalate the situation whenever it is safe, feasible, and reasonable to do so. When warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Use of an intermediate force option, including the FN303 LLL, is an appropriate force option when an officer reasonably believes either of the following:

- There is an immediate threat to the safety of the officers or others; or,
- If the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force.

Intermediate force options should not be used on a suspect or subject who is believed to be unarmed, and, is passively resisting or merely failing to comply with commands. Verbal threats of violence alone do not justify the use of an intermediate force option.

The Department uses the objectively reasonable standard and the totality of the circumstances when evaluating the reasonableness of the force used, which includes the number of times a particular force option was utilized. If the force option being utilized appears to be ineffective, Department personnel should consider transitioning to another, potentially more effective force option or tactic.

Officers who encounter an armed self-mutilating or suicidal individual shall not use an FN303 LLL against that person, unless the officer reasonably believes either there is an

immediate threat to the safety of the officers or others; or, if the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force. If officers choose to use a FN303 in these situations, they should utilize distance and cover, when feasible, to avoid placing themselves in a vulnerable position. Officers are reminded that it is not a criminal act to express suicidal ideations or commit/attempt to commit suicide or self-mutilation in the State of California.

Only personnel that are currently assigned to the following entities are authorized to utilize the FN303 LLL; Metropolitan Division K9, Metropolitan Division Special Weapons and Tactics, and Custody Services Division.

The FN303 shall not be used to target the head (e.g., face/eyes), neck, groin, spine, or kidneys unless lethal force is authorized. The FN303 LLL may be used in crowd control situations against a single subject/suspect as a target-specific, less-lethal option.

Only Department-approved FN303 munitions are to be used in the FN303 LLL. Prior to deployment, officers shall inspect the munition and the holder to ensure that the approved desired munition is selected.

Note: The loading sequence shall be consistent to avoid interchanging the various rounds.

PROCEDURES

The approved deployment range for the FN303 LLL is five (5) to 75 feet. Officers should always consider weapon retention principles when deploying the FN303 LLL to prevent a subject/suspect from gaining control of the launcher. When officers identify the need for a FN303 LLL, they should request one by broadcasting "Code Frank."

If tactically and environmentally feasible, the designated officer should deploy the FN303 LLL from a position of cover with a designated cover officer when appropriate. In order to communicate the deployment of the FN303 LLL, the FN303 LLL officer should alert other officers by stating "303, 303!" This alerts the officers at the scene that the firing of the FN303 LLL is about to occur.

Tactical Considerations

- Size of suspect vs. size of officer
- Wearing heavy clothing/body armor
- Altered mental state (May not be effective)
- Any known history of mental illness
- Age and/or physical condition of the suspect
- Suspect's access to weapons
- Suspect's ability to retreat or escape
- Bystander involvement
- Availability of back-up officers (Can suspect be distracted until other units arrive?)
- Background/Foreground (What is behind/in front of the suspect?)
- Officers should maintain distance from the suspect

When firing the FN303 LLL, the officer should assess the effectiveness of each munition fired. The effectiveness of the FN303 munition is based on the energy at impact. Therefore, the munition may have little or no effect on a subject/suspect who:

- Has a large body mass;
- Is wearing heavy clothing/body armor;
- Is under the influence of drugs; or,
- Is in an altered state of mind and cannot feel the impact of the munition.

From five to 12 feet, the primary **target area** is below the waist. Beyond 12 feet, the primary target area is the navel area or belt line. If shots to the navel area or beltline do not appear to be effective, then a leg, arm, or hand may be a viable alternative target. If the hand is the selected target, consider its location and what it is holding. Officers shall not target the head (e.g., face/eyes), neck, spine, groin, or kidneys – unless lethal force is authorized.

If control is not achieved and/or it appears that the FN303 munition is not effective, even after changing target areas, the officers must assess the viability of an alternate force option. Additionally, officers should continue to assess the suspect's actions and the effectiveness of each force option used.

Generally, officers should not shoot the FN303 LLL at a fleeing suspect. Officers should pursue and attempt to contain the suspect, while continually assessing the situation and considering the most appropriate tactical plan. Additionally, officers should avoid deploying the FN303 LLL on individuals who:

- Are on an elevated or unstable surface which could cause a fall that could result in a significant impact injury;
- Are operating or riding any mode of transportation where the risk of injury would be substantially increased by use of the FN303; or,
- Are known to be pregnant, under 12 years of age, elderly, or visibly frail.

The FN303 LLL is not a substitute for deadly force. When conducting a building search for a suspect who may be armed, standard firearms must be deployed. Having an FN303 LLL along with other force options during the search will provide officers with different options.

Use of Force Warning

An officer shall, when feasible, give a verbal warning prior to using the FN303 LLL to control an individual. The warning is not required when an officer is attacked and must immediately respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. An example of this would be a hostage situation. However, officers are reminded that the surprise/tactical element must still be necessary at the actual time the FN303 LLL is fired. The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to "drop the weapon" or "stop what

you are doing" followed by a warning similar to "or we may use the FN303 launcher, and that may cause you injury."

The use or non-use of the warning shall be documented. The Non-Categorical Use of Force Report, Form 01.67.05, Use of Force Summary heading shall include:

- The name of the officer giving the warning; or,
- An explanation and appropriate justification for not using the warning.

Statements that the "element of surprise was needed" or "for officer safety reasons" will not justify non-use of the warning. The explanation for non-use must:

- Clearly articulate why the element of surprise was needed;
- Explain in detail any officer safety considerations; and,
- List all pertinent reasons that justify why the warning was not provided.

The use of the warning, or the reasons for non-use will be factors considered in the determination whether the use of force was objectively reasonable.

Tactical Discharges

A tactical discharge is defined as any projectile from a less-lethal control device launched with the intent to gain a tactical advantage by creating a distraction, removing obstacles, or altering the environment, and not directed at an individual (e.g., use of a baton or Beanbag Shotgun to break a window, or deployment of a chemical agent during a barricaded suspect incident).

Tactical discharges are allowed, but are not recommended, as they may cause secondary, unintended impacts. Before a tactical discharge is used to break a window, officers should consider that another officer or individual may be behind the window and subject to impact by the FN303 LLL round. In the event the FN303 LLL is used for a tactical discharge, it should be communicated to all officers at scene prior to its use, for their situational awareness.

Tactical discharges **may** be an effective option in **limited** circumstances. The FN303 LLL is generally not effective against tinted car windows or streetlights. Officers must assess the situation after each tactical discharge, and if the FN303 LLL is not producing the desired effect, discontinue its use. Officers must be prepared to give the rationale behind their decision to fire the FN303 LLL as a tactical discharge. Tactical discharges shall be reported on an Employee's Report, Form 15.07.00, and submitted to the employees commanding officer for review and appropriate action.

Requirement to Intercede When Excessive Force is Observed

An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Note: For the purposes of this section, “intercede” includes, but is not limited to, physically stopping the excessive force (when safe and reasonable to do so) and recording the excessive force, if equipped with a body worn video (BWV) camera. Officers shall attempt to document on BWV the efforts to intervene, efforts to de-escalate the excessive use of force, and confronting the offending officer about the excessive force during the use of force. If the offending officer continues to use excessive force, the witnessing officer shall immediately report the excessive force to a superior officer.

Requirement to Report Potential Excessive Force

An officer who is present and observes another officer using force that the observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Medical Treatment

Any person struck with a FN303 munition shall be transported to a Department-approved facility for medical treatment prior to booking. The person should be carefully monitored for signs of distress. If a medical emergency exists, officers shall render medical aid as required and request a rescue ambulance to respond to their location.

Reporting

All discharges or activations of a projectile weapon (e.g., FN303 LLL), excluding tactical discharges, are reportable uses of force and shall be reported in accordance with Department policy - whether or not the projectiles/munitions or device make contact with the subject/suspect or their clothing.

DEFINITIONS

FN303 Less-Lethal Launcher. A kinetic energy impact device powered by compressed air. The FN303 LLL has been marked with a green color identifier. The color green is used to signify that the FN303 LLL is for approved FN303 munitions only.

FN303 Munitions. The FN303 LLL deploys a .68 caliber fin stabilized munition. The munitions are hard plastic utilizing weight in the forward portion of the projectile. The rearward portion carries specified payloads for secondary affects. The FN303 munitions are color coded to indicate specific payloads. These rounds are designed to be nonpenetrating, and upon striking a target distribute energy over a broad surface area. Only the impact with inert powder and impact with chemical irritant (PAVA) munitions are approved for use by the Los Angeles Police Department.



Only personnel assigned to Custody Services Division are authorized to deploy the impact with chemical irritant (PAVA) munitions. Additional guidance for the availability and use of the chemical irritant (PAVA) munition is located in the Jail Operations Manual. The impact with chemical irritant (PAVA) munitions shall not be used outside of custodial operations to include crowd control settings or other encounters.

Target Areas. From five to 12 feet, the primary target area is below the waist. Beyond 12 feet, the primary target area is the navel area or belt line, but officers may target the suspect's arms, hands, or legs when practicable. If the hand is the selected target, consider its location and what it is holding. Officers shall not target the head, neck, spine, groin, or kidneys – unless lethal force is authorized.

Points to Remember

- **5-75 feet is the approved deployment range;**
- **Primary target areas, from 5-12 feet is below the waistline, beyond 12 feet is the navel area or beltline;**
- Assessment between rounds is critical;
- Do not target the head, neck, spine, groin, or kidneys, unless; lethal force is authorized;
- Have a back-up plan in the event the FN303 munition is ineffective;
- All discharges of the FN303, excluding tactical discharges, are a reportable UOF.

Important Reminder

Deviation from these basic concepts sometimes occurs due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to substantial deviations from Department tactical training. Any deviations are to be explained by the involved officer(s), and justification for substantial deviation from Department tactical training shall be articulated and must meet the objectively reasonable standard of the Department's Use of Force Policy.

A handwritten signature in blue ink, consisting of a stylized 'M' and 'R' followed by a flourish.

MICHEL R. MOORE
Chief of Police

DISTRIBUTION "A"