

**Los Angeles Police Department
Less Lethal Munitions
1850-30986**

Instructional Goal: Certify and train new operators to effectively deploy the 37 mm Multiple Foam Baton and 40 mm Foam Baton Kinetic Energy Projectiles in Crowd Control. To review Department

Policy and legal issues regarding the use of deadly force, practice proper manipulations with both less lethal launchers, make force options decisions, and address current policy and legislation as it relates to the use of the 37mm and 40mm Kinetic Energy Projectiles in Crowd Control. This course provides updated legislative content of Penal Code Section 835 (a).

Performance Objectives: Using lecture and learning activities, the students will:

- ❑ Understand the Non-Direct Impact Launcher (37mm) and Direct Impact Launcher (40mm) systems and specifications
- ❑ Effectively deploy the Non-Direct Impact and Direct Impact Less-Lethal Munitions
- ❑ Review Use of Force Policy and Guidelines
- ❑ Review Tactical De-escalation
- ❑ Complete Written Test
- ❑ Complete Live Fire Qualification Course
- ❑ Demonstrate an understanding of how our Department's guiding principle for our Use of Force Policy is the 'Reverance for Human Life'
- ❑ Demonstrate an understanding of Assembly Bill 48 (AB48) and how it impacts the Department's use of Kinetic Energy Projectiles/ Kinetic Energy Projectiles (KEPs) in crowd control situations

By the conclusion of the training, students will understand how the application of this training is in keeping with our Department's UOF policy, philosophy and tactical planning

References: Instructors, facilitators and training supervisors shall ensure that the most current references are utilized

This course provides current Penal Code Section 835(a) content

I. INTRODUCTION AND COURSE OVERVIEW

(30min)

A. Introduction of Instructors

B. Safety Brief: Overview Safety Plan; Illness and Injury Prevention Program (IIPP)

1. Conduct safety brief per current course Safety Policy¹
2. The Four Basic Firearm Safety Rules
 - a. All guns are always loaded
 - b. Never allow the muzzle to cover anything you are not willing to shoot
 - c. Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot
 - d. Be sure of your target
 1. Background should always be a consideration
3. Overview Safety Plan: Illness and Injury Prevention Program (IIPP)
4. Identify all assigned safety officers/roles
5. Discuss range protocols
6. Anyone participating in the training, whether student, observer, or instructor, has the authority to "STOP" the exercise if they observe an unsafe act or condition that may cause imminent injury or death and/or damage to the facilities
7. All students must be full duty to participate in the training
8. Students shall immediately notify an instructor(s) or the training staff of any injury sustained during training and use the following steps in the event of a serious injury

¹ CA POST EDI, Kinetic Energy Projectiles #1850-30986 Safety Policy

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- a. Render first aid and obtain appropriate medical assistance.
 - b. Notify the Fire Department rescue ambulance via telephone, cellular phone, or police radio. Give specific directions to the location of the incident
 - c. Transport to the local hospital for a minor injury
- C. Overview of goals and objectives
1. Less Lethal Weapon Systems for Crowd control
 - a. Specifications
 - b. Deployment Criteria
 - c. Care and Cleaning
 2. Use of Force Guidelines
 - a. Objectively Reasonable
 - b. Verbal Warnings
 - c. De-Escalation
 - d. Ongoing Assessment
 - e. Reporting
 3. Legislative Updates / Policy Updates
 - a. Assembly Bill 48 (AB48)
 - b. Current policy for deployment, as is written in current directive(s)
 - c. Updated recommended distances of munitions

II. WEAPON SYSTEMS SPECIFICATIONS and DEPLOYMENT

(45 min)

- A. 37mm Launcher
1. First tested by Metropolitan Division after 1992 Civil Unrest0815
 2. Approved for patrol use in November 1993
 3. Utilized in pre-planned and/or spontaneous crowd control situations
 4. There are two models of 37 mm launchers
 - a. Defense Technology "37 mm Launcher"
 - 1) Single shot only
 - 2) Capable of either single or double action. Must be fired double action only, do not thumb cock the hammer or fire the launcher in single action mode
 - 3) Folding rear sight for use with extended range munitions not currently used by LAPD (do not use the folding rear sight with Multiple Foam Baton Round)
 - 4) Nylon sling
 - b. Federal Model 203-A
 - 1) Double action only
 - 2) Fixed rear sight with either a metal bead or plastic ramp front sight
 - 3) Nylon sling
 5. 37 mm Multiple Foam Baton Round Ammunition
 - a. Only Defense Technology Model 20 F Multiple Foam Baton Rounds are authorized
 - b. Constructed of an aluminum case that is eight (8) inches long and 1.5 inches in diameter
 - c. Cartridge contains (5) Foam Baton Rounds and can only be fired out of 37mm launchers
 6. 37mm Deployment

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- a. Used as a target specific, non-direct impact munition against a threat to life or serious bodily injury to any individual, or to bring an objectively dangerous and unlawful situation safely and effectively under control **(117e)**
- b. Incident Commander approval is required for deployment
- c. Only personnel who have been trained and certified in the 37mm Multiple Foam Baton Launchers may deploy them
- d. The engagement distance between the operator and the intended target (hostile crowd) is between ten (10) feet and fifty (50) feet
- e. The aiming point is into the ground, five to ten (5-10) feet in front of that portion of the crowd that meets the criteria for deployment

B. 40 mm Launcher²

1. Patrol approved 40mm launchers

- a. Defense Technology model 1425, 40mm Launcher
 - 1) Single shot only
 - 2) Capable of either single or double action. In crowd control deployments, launcher must be fired double action only. DO NOT thumb cock the hammer or fire the launcher in single action mode
 - 3) Pre-Approved, optional red dot or holographic optical systems, laser sighted to 60 feet
 - 4) Nylon sling

2. Ammunition

- a. Only Defense Technology eXact Impact Sponge Rounds are Authorized
- b. Original, factory manufactured munitions only
- c. The 40mm munitions shall only be fired out of 40mm launchers

3. 40mm Deployment

- a. Target specific, direct impact munition used against individual(s) who pose an immediate threat to the safety of officers or others
- b. The recommended deployment distance between the operator and the intended target is between five and seventy-five (5 to 75) feet
- c. No specific authorization needed for 40mm deployment during crowd control
- d. Primary aiming point is the naval, belt line, lower abdomen area
- e. Secondary aiming points are the arms, legs, extremities, buttocks, etc.
- f. Prohibited aiming points are the head, neck, chest, groin, spine, and kidneys
- g. 40mm Launchers are also authorized for patrol use, following the same deployment criteria
 1. Can be used on individuals who pose an immediate threat to the safety of officers or others
 2. All other deployment practices remain the same (ie., distances, impact zones, etc.)
 3. Verbal warnings of deployment should be given, when feasible
 4. Tactical discharges can, with certain criteria, be used
 5. Operators are highly encouraged to communicate their intent to deploy 40mm munitions, to help maintain command and control
 6. Radio designation is 'Code Sam 40'
 7. All requirements to render aid and provide medical treatment remain in place
- h. Completion of this course satisfies the Department requirement for certification in the 40mm for both crowd control and patrol deployments

² LAPD Use of Force-Tactics Directive 17, 40mm Kinetic Energy Launcher

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- C. Assembly Bill 48 (AB48)³
1. Effective January 1, 2022, AB48 clearly prohibits the use of Kinetic Energy Projectiles and chemical agents in crowd control situations, unless certain specified criteria are met
 2. AB48 defines certain Kinetic Energy Projectiles as 'Kinetic Energy Projectiles'
 - a. 37mm multiple foam baton launcher
 - b. 40mm foam baton launcher
 - c. 12ga super-sock shotgun (**already prohibited from use during crowd control events**)
 3. Kinetic Energy Projectiles (KEPs) shall not be used solely due to an imposed curfew, verbal threat, or non-compliance with a Department directive.
 4. During assemblies, protests, or demonstrations, KEPs shall only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and in accordance with the following requirements
 - a. De-escalation techniques or other alternatives to force have been attempted and failed
 - b. Repeated audible announcements have been made, when objectively reasonable to do so
 - c. Persons have been given an objectively reasonable opportunity to disperse
 - d. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not. KEPs shall only be used on those individuals engaged in violent acts
 - e. Proportionality must be included in the decision to use KEPs
 - f. Officers shall minimize the possible incidental impact of KEPs on bystanders, medical personnel, journalists, or other unintended targets
 - g. Objectively reasonable efforts have been made to extract individuals in distress
 - h. Medical assistance is promptly requested and provided, when it is reasonable and safe to do so
 - i. KEPs shall not be aimed at the head, neck, or other vital organs
- D. Deployment Considerations
1. Background – Always be cognizant of your background when deploying Kinetic Energy Projectiles during crowd control situations
 2. Appropriate deployment numbers⁴
 - a. Every less lethal operator is one less officer on the skirmish line
 - b. Every squad should have a minimum of two less lethal operators
 - c. For every 37mm operator, assign a 40mm operator to act as their cover officer
 - d. Ideally, a skirmish line will have (2) 37mm operators and at least (2) 40mm operators (this is accomplished by utilizing personnel from support squads during a skirmish line mission)
 - e. Less Lethal operators are expected to operate with their face shield up, while wearing some form of eye protection (clear glasses, laser protection glasses, etc.)
 - f. Less Lethal operators must constantly evaluate the activity of the crowd and assess the need for further munitions deployment

³ OCOB Notice 1.14, Assembly Bill 48

⁴ Training Bulletin, Volume XLIX, Issue 10, Mobile Field Force Concepts – Part I Organization and Assembly

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3. Authority to Deploy Munitions in Crowd Control Situations
 - a. Incident Commander approval required for deployment of 37mm Multiple Foam Baton Launchers
 - b. No independent authorization required for deployment of 40mm Foam Baton Launchers (deployed at the discretion of the operator)

- E. Storage, Assignment, and Cleaning
 1. Storage
 - a. 37 mm AND 40 mm Launchers
 - 1) 40mm launchers should be stored in the Divisional Kit Rooms
 - 2) 37mm launchers and munitions should be stored in Area Mobile Field Force (MFF) kits

 2. Assignment
 - a. Supervisors shall ensure that Kinetic Energy Projrctiles are only assigned to POST certified less lethal operators

 4. Care and Cleaning
 - a. The barrel shall be cleaned after deployment as soon as possible
 - b. Clean the barrel with a bore brush, hot water, and a rag
 - c. Wipe the launcher dry
 - d. Apply a light coat of oil in the barrel for rust prevention
 - e. Oil the action and the barrel hinge

III. USE of FORCE⁵

(45 min)

A. Use of Force Guidelines (117e)

1. California Penal Code Section 835(a)⁶
 - 1) Updated pursuant to Assembly Bill 392 that was signed into law on August 19, 2019 and effective as of January 1, 2020.
 - 2) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to:
 - (1) Effect the arrest,
 - (2) Prevent escape, or
 - (3) Overcome resistance.
 - 3) The authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.
 - 4) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

2. Department Use of Force Considerations

⁵ Department Manual Section 1/556.10, Policy on the Use of Force

⁶ California Penal Code Section 835a

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- a. Use of force policy does not change in crowd control situations
 - b. In circumstances not involving imminent threat of death or serious bodily injury, officers should consider tactics and techniques that may persuade the suspect(s) to voluntarily comply or that may mitigate the need to use a higher level of force to resolve the situation safely.
 - c. Tactical de-escalation does not require that an officer compromise their safety or increase the risk of physical harm to the public.⁷
 - 1) Reverence for Human Life is the guiding principle for the Department's UOF policy.
 - 2) De-escalation techniques (PATROL) should only be used when safe to do so:
 - a) Planning
 - b) Assessment
 - c) Time
 - d) Redeployment and/or Containment
 - e) Other Resources
 - f) Lines of Communication
3. *Deorle v. Rutherford*, 242 F.3d 1119, 9th Circuit 2001, states that a verbal warning shall be given, "when feasible", to a suspect(s) before any impact device that poses a "significant risk of serious injury" is utilized⁸
- a. The suspects should be informed that failure to comply will result in the use of impact munitions.
 - b. During crowd control incidents, the warning is included in the dispersal order. A supervisor/squad leader will ensure that once an incident is declared an unlawful assembly, multiple loud and audible dispersal orders shall be given via amplified sound truck or other announcement system. In the event a dispersal order is not given, an MFF leader or squad leader will advise the crowd by bullhorn of Kinetic Energy Projectiles deployment and dispersal protocols.
 - c. In the event that an unlawful assembly is not declared and a dispersal order is not given, the squad leader or less lethal operator(s) will ensure that verbal warnings be given via bullhorn or otherwise, warning of the potential use of KEPs (40mm direct impact munitions may still be deployed at any time)
4. Use of Force Reporting for Kinetic Energy Projectiles During Crowd Control situations⁹. **(117d)**
- a. Any deployment of a Kinetic Energy Projectile / Kinetic Energy Projectile that occurs during a crowd control situation shall be reported to the immediate supervisor as soon as tactically feasible
 - b. Utilize body worn video (BWV) to narrate actions to document actions and to assist in reviewing any deployments to report
 - c. All protocols for use of force incidents (non-categorical and categorical) will be followed as soon as tactically sound to do so

IV. WRITTEN TEST

(30 min)

⁷ LAPD Use of Force - Tactics Directive 16, Tactical De-Escalation Techniques

⁸ HRB Notice, Verbal Warning Requirement for a Use of Force-Revised

⁹ Los Angeles Police Department Manual 4/245 Employee involved in Use of Force Incidents

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- A. Administer written test
 - 1. Students must pass with 80%
 - 2. Review and Discuss answers

- B. Score and record test results
 - 1. Students failing to obtain a passing score will be offered remediation and a re-test
 - 2. Failure to pass a second attempt will result in disqualification from the course
 - 3. Scored written tests will be given to Area training coordinators for record keeping

V. RANGE TRAINING PREVIEW

(30 min)

- A. Range Set-Up
 - 1. Logistical set up
 - 2. Review live fire qualification courses
 - 3. Review Safety Plan
 - a. Eye protection is mandatory
 - b. Hearing protection is recommended

VI. RANGE TRAINING

(45 min)

- A. Launcher Safety Check Review
 - 1. Nomenclature
 - 2. B.E.E.F.S.
- B. Manipulations Review
 - 4. Loading
 - 5. Unloading
 - 6. Reloading
 - 7. Slinging Techniques
 - 8. Shooting Positions
 - 9. Shooting on the Move
 - 10. Malfunctions
- C. Qualification Courses
 - 11. 37mm Course (3 rounds)
 - 12. 40mm Course (5 rounds)

VII. DEBRIEF AND CRITIQUES

(15 min)

- A. Debrief
 - 4. Officers must have a clear understanding of the criteria for deployment of Kinetic Energy Projectiles during crowd control situations
 - 5. Ensure a clear understanding of all practices, policies, and procedures as it relates to all kinetic energy projectiles
 - 6. Address any remaining questions related to Kinetic Energy Projectiles
- B. Critiques
- C. Questions and Answers