

# LOS ANGELES POLICE COMMISSION

## OVERVIEW OF LESS-LETHAL FORCE TOOLS AND DEPLOYMENT



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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# OVERVIEW OF LESS-LETHAL FORCE TOOLS AND DEPLOYMENT

## I. INTRODUCTION

In November 2015, the President of the Los Angeles Board of Police Commissioners (BOPC or Commission) set forth the goal of minimizing the number of use of force incidents involving Los Angeles Police Department (LAPD or Department) officers. In furtherance of this goal, the Commission directed the Office of the Inspector General (OIG) to conduct a number of reviews.<sup>1</sup> The purpose of these reviews was to inform discussions regarding enhancements and improvements that could be made to the LAPD's current use of force policies and training.

The first two reviews looked at the LAPD's use of force policies, investigations, and training historically over the past decade,<sup>2</sup> as well as in comparison to other agencies around the country.<sup>3</sup> The next two reviews focused on the LAPD's use of less-lethal force to determine how the Department could improve the use of TASERS,<sup>4</sup> beanbag shotguns, and other less-lethal tools to reduce the incidence of officer-involved shootings (OIS). The OIG first conducted an inspection of TASER and beanbag shotgun deployment in the field<sup>5</sup> and then followed up with this report, which provides an overview of the less-lethal force options available to LAPD patrol officers.

In preparing this report, the OIG worked closely with the Department to gather the information needed to provide the Commission and the public an overview of the less-lethal force options used by LAPD officers. Part of the Commission's direction regarding the OIG's review of less-lethal force was to include whether these tools are being deployed and used effectively, especially in incidents involving individuals who are mentally ill or who are armed with weapons other than firearms (such as knives). Based on this direction, the OIG chose to focus this review on three less-lethal force options that can be deployed from a distance: TASER, beanbag shotgun, and 40mm less-lethal launcher. This report explains how each of these force options operate, describes their availability in the field, and outlines the recent steps the Department has taken to make them more accessible to officers. This report also briefly summarizes the policies and procedures that govern their deployment and use, and describes the training officers receive in how to use these tools to successfully resolve critical incidents. Finally, this report lays out how the OIG will continue to monitor and work with the Department in implementing further

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<sup>1</sup> "Police Commission President Matthew Johnson Outlines His Vision And Goals For The Los Angeles Police," November 10, 2015 (available at: [http://lapdonline.org/police\\_commission/content\\_basic\\_view/59712](http://lapdonline.org/police_commission/content_basic_view/59712)).

<sup>2</sup> Office of the Inspector General, *Ten-Year Overview of Categorical Use of Force Investigations, Policy, and Training*, March 10, 2016 (available at: [http://media.wix.com/ugd/b2dd23\\_3139a5342cc34ce2860af7536887f149.pdf](http://media.wix.com/ugd/b2dd23_3139a5342cc34ce2860af7536887f149.pdf)).

<sup>3</sup> Office of the Inspector General, *Comparative Review of Selected Agency Policies, Investigations, and Training on the Use of Force: OIG Final Report*, October 6, 2016 (available at: [http://media.wix.com/ugd/b2dd23\\_753a586ac64546a8a2f85555eab0e324.pdf](http://media.wix.com/ugd/b2dd23_753a586ac64546a8a2f85555eab0e324.pdf)).

<sup>4</sup> The acronym "TASER" stands for "Thomas A. Swift's Electric Rifle."

<sup>5</sup> Office of the Inspector General, *Inspection of TASER and Beanbag Shotgun Deployment*, September 28, 2016 (available at: [http://media.wix.com/ugd/b2dd23\\_b4c7bfb1233540b2baddf47a9439a0a8.pdf](http://media.wix.com/ugd/b2dd23_b4c7bfb1233540b2baddf47a9439a0a8.pdf)).

changes and improvements in these areas, as well as evaluate the success of these efforts and report its findings to the Commission.

## II. BACKGROUND

Use of force incidents make up only a small percentage of all contacts between LAPD officers and members of the public. In 2015, there were 1.5 million public contacts which resulted in approximately 1,900 use of force incidents (0.13% of all contacts).<sup>6</sup> Non-categorical use of force incidents, which are less serious and more common than categorical use of force incidents, may involve a variety of different types of force, including uses of less-lethal force tools.<sup>7</sup> Of the 1,825 non-categorical use of force incidents in 2015, a TASER was used in 519 incidents (28%) and a beanbag shotgun was used in 71 incidents (4%).<sup>8</sup> Also in 2015, there were 92 categorical use of force incidents. Among these categorical incidents, a TASER was used in 14 incidents (15%) and a beanbag shotgun was used in eight incidents (9%) (three incidents involved both a TASER and a beanbag shotgun).<sup>9</sup> The table below includes the percentage of all non-categorical and categorical use of force incidents involving a TASER or beanbag shotgun from 2011 to 2015, as well as a 5-year average.

	Non-Categorical			Categorical		
	TASER	Beanbag	Total Non-Categorical	TASER	Beanbag	Total Categorical
<b>2011</b>	21%	2%	1,725	10%	7%	113
<b>2012</b>	20%	2%	1,763	7%	4%	84
<b>2013</b>	22%	3%	1,802	13%	5%	95
<b>2014</b>	22%	3%	1,863	22%	11%	73
<b>2015</b>	28%	4%	1,825	15%	9%	92
<b>5-Year Average</b>	<b>23%</b>	<b>3%</b>	<b>1,796</b>	<b>13%</b>	<b>7%</b>	<b>91.4</b>

<sup>6</sup> 2015 Use of Force Year-End Review.

<sup>7</sup> Department policy classifies use of force incidents as either “categorical” or “non-categorical.” Categorical force is the most serious type of force, including uses of deadly force or force that results in serious injury, and receives a high level of investigation, review, and oversight. Non-categorical force includes less serious uses of force and is investigated by the involved employee’s chain of command. For more information about non-categorical use of force investigations, please see the OIG’s *Review of Non-Categorical Use of Force Investigations*, dated June 11, 2013 (available at: [http://media.wix.com/ugd/b2dd23\\_ca056c07c33f4241bba01c2778d10b4b.pdf](http://media.wix.com/ugd/b2dd23_ca056c07c33f4241bba01c2778d10b4b.pdf)).

<sup>8</sup> 2015 Use of Force Year-End Review. Other types of force, such as firm grips, takedowns, or baton strikes, may have also been used during these incidents in addition to a TASER or beanbag shotgun. It should be noted that in circumstances where an officer fires a beanbag round or activates a TASER but the beanbag or TASER darts do not contact a person, that is not reportable as a use of force and is instead reported on an Employee Report form. (LAPD Department Manual, Section 4/245.05, Reportable Non-Categorical Use of Force Incidents [2016, 2<sup>nd</sup> Quarter].)

<sup>9</sup> A TASER was used in six officer-involved shootings, six law enforcement-related injuries, one in-custody death, and one carotid restraint control hold incident. A beanbag shotgun was used in five law enforcement-related injuries and three officer-involved shootings.

Over this five-year period, TASERS were used in approximately 23% of non-categorical and 13% of categorical use of force incidents. As for beanbag shotguns, those were used in approximately 3% of non-categorical and 7% of categorical use of force incidents. In addition to the TASER and beanbag shotgun, other less-lethal weapons are also available to officers in specialized units, such as the Special Weapons and Tactics (SWAT) Team. Incidents involving the use of this specialized equipment by these units, however, represent only a small proportion of all use of force incidents.

The next tables show the proportions of all non-categorical use of force and OIS incidents from 2011 to 2015 that, as reported by the Department, involved a person who was “perceived to be suffering from mental illness”<sup>10</sup> or who was armed with a weapon other than a firearm. In some instances, a person with mental illness may also have been armed with a weapon other than a firearm, in which case that incident would appear in both charts.

<b>Perceived Mental Illness</b>		
	<i>Non-Categorical</i>	<i>OIS</i>
<b>2011</b>	17%	8%
<b>2012</b>	18%	14%
<b>2013</b>	21%	24%
<b>2014</b>	22%	16%
<b>2015</b>	25%	31%
<b>5-Year Average</b>	21%	19%

<b>Weapon Other than a Firearm<sup>11</sup></b>		
	<i>Non-Categorical</i>	<i>OIS</i>
<b>2011</b>	3%	22%
<b>2012</b>	2%	19%
<b>2013</b>	3%	17%
<b>2014</b>	2%	29%
<b>2015</b>	3%	23%
<b>5-Year Average</b>	2%	22%

As is evident from these figures, a significant and increasing proportion of both non-categorical use of force and OIS incidents involve a person who appears to be suffering from mental illness. Additionally, incidents involving individuals armed with weapons other than firearms represent a significant proportion of OIS incidents. While this category represents only a small percentage of all non-categorical incidents, it did account for approximately 36 to 54 incidents each year during this five-year period.

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<sup>10</sup> According to the Department, a person’s indication of “perceived mental illness” was based on records maintained by the Department’s Mental Evaluation Unit and the Los Angeles County Department of Mental Health. (2015 Use of Force Year-End Review, page 295).

<sup>11</sup> The figures in these tables are based on the numbers reported in the 2015 Use of Force Year-End Review and as reported to the OIG by the Department’s Use of Force Review Division. “Weapon other than a firearm” includes vehicles, chemical agents, edged weapons (e.g., knives, swords), and impact devices (e.g., bats). These figures do not include instances where the person was armed with a firearm or replica firearm, was only perceived to have a weapon, used only physical force against officers, had no weapon, or where the weapon information was incomplete.

### **III. LESS-LETHAL FORCE OPTIONS**

Officers are authorized to use force (including less-lethal force) that is “objectively reasonable” to defend themselves, defend others, effect an arrest or detention, prevent escape, or overcome resistance.<sup>12</sup> Less-lethal force<sup>13</sup> generally is used when there is no imminent threat of death or serious bodily harm to the officers or other individuals and the officers are able to deploy the less-lethal weapon safely. As with any tactical situation, officers may choose to use different tools and approaches based on the individual circumstances. The factors to be considered in each circumstance include, among others, the distance between the officers and the individual, whether the individual poses an imminent threat to the officers or the public, the resources available to the officers, the potential effectiveness of different strategies (e.g., de-escalation through verbalization), and the feasibility of executing different strategies safely.

One distinguishing characteristic of each less-lethal force option is the distance from which it can be effectively deployed by an officer. Some tools, such as a baton, have a shorter range, while others, like the beanbag shotgun, have a much longer range. It follows that tools that can be deployed effectively from greater distances enable officers to maintain a safer distance from a person during a confrontation. Not only does distance limit a person’s ability to use an edged or blunt weapon, such as a knife or bat, against the officer, but it also enables the officer to assess whether the use of the less-lethal weapon was effective. Distance, along with cover, may also provide officers with time that can be used to plan, communicate with the individual, request additional resources, etc.

The Department trains and equips officers with a number of different less-lethal force options. These include oleoresin capsicum (OC or pepper) spray,<sup>14</sup> the baton,<sup>15</sup> the TASER, the beanbag shotgun, and the 40mm less-lethal launcher. As noted above, specialized units (e.g., SWAT) have additional less-lethal tools available to them as well. The TASER is the less-lethal weapon

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<sup>12</sup> LAPD Department Manual, Section 1/556.10, Policy on the Use of Force (2016, 2<sup>nd</sup> Quarter).

<sup>13</sup> Less-lethal weapons are not designed to cause death and generally do not; however, there is risk associated with their use. There have been instances where the use of a less-lethal weapon resulted in a person’s death, either directly from the use of the weapon or from a secondary cause (e.g., a fatal fall following a TASER activation).

<sup>14</sup> OC spray is a chemical agent extracted from cayenne pepper plants or produced synthetically. It primarily affects the eyes, the respiratory system and the skin. Generally, there will be a burning sensation, as well as redness of the eyes. The mucous membranes may swell and cause uncontrollable coughing, gagging, or gasping. Exposed areas of the skin may become inflamed, causing an intense burning sensation and redness. The ideal range for using OC spray is from 3-12 feet away. (Use of Force-Tactics Directive No. 5.1, Oleoresin Capsicum, October 2013.)

<sup>15</sup> LAPD officers are authorized to carry a collapsible, side-handle, or expandable side-handle baton. Officers assigned to Metropolitan Division working in crowd control may also utilize a straight baton. (Use of Force-Tactics Directive 8.1, Baton, September 2013.)

most frequently used by patrol officers in the field, followed by OC spray, then the baton and beanbag shotgun.<sup>16</sup>

As mentioned previously, the focus of this review is on less-lethal force options that can be deployed from a distance. These tools include the TASER, beanbag shotgun, and 40mm less-lethal launcher, the last of which is currently part of a pilot program being run in advance of possible wider deployment for patrol officers.

### A. TASER

The TASER (pictured to the right<sup>17</sup>) is an electronic control device and can be used in two ways: “probe” mode and “drive stun” mode. When using a TASER in probe mode, an officer can be some distance away from the person, whereas drive stun mode requires direct contact of the device with the person’s body. Firing a TASER in probe mode causes two probes (or darts) attached to wires to project from the TASER and embed in the person’s skin and/or clothing. When both darts successfully attach, an electric current passes through the person’s body, causing their muscles to contract uncontrollably (this is called neuromuscular incapacitation). This prevents the person from performing coordinated movements and allows officers to more easily gain control. By contrast, drive stun mode only causes localized pain to the area where the TASER is touching the person’s body.



Probe mode is typically the most effective way to use the TASER, and when used in this manner, the optimal range is 7-15 feet from the person.<sup>18</sup> The preferred target areas for probe mode are the person’s back (below the neck) or naval area (optimal effectiveness is achieved when one dart attaches above the waist and the other dart attaches below the waist).<sup>19</sup> The effectiveness of the TASER may depend on several factors, including the size of the person, the clothing they are

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<sup>16</sup> In non-categorical use of force incidents between 2011 and 2015, officers used a TASER in 23% of incidents, OC spray in 7% of incidents, a baton in 4% of incidents, and a beanbag shotgun in 3% of incidents. (These percentages are the 5-year averages of the figures reported in the 2015 Use of Force Year-End Review.)

<sup>17</sup> The Department has used the TASER X26P model since February 2015.

<sup>18</sup> While the optimal range for deploying the TASER is 7-15 feet, the cartridge used by the Department has wires that extend out to 21 feet. The Department recently approved the use of a 25-foot cartridge and will be phasing out the 21-foot cartridge. (Uniform Committee Notice, Newly Approved Uniform and Equipment Items, October 12, 2016.) This new cartridge extends the reach of the TASER by 4 additional feet and includes longer probes that increase the ability to penetrate heavy clothing. The Department reported, however, that 7-15 feet will remain the optimal range of deployment with the new cartridge, as this distance affords for the optimal spread of the darts. (The bottom probe impacts at an 8-degree angle from the top probe, resulting in approximately one foot of spread for every 7 feet of distance from the TASER. (TASER X26P ECD User Manual, page 21).)

<sup>19</sup> For drive stun mode, the optimal target areas include the forearm, outside of the thigh, or calf muscle. Officers are instructed to avoid the person’s head, face, throat, and groin to reduce the risk of serious injury from drive stun mode. (Use of Force-Tactics Directive No. 4.4, Electronic Control Device TASER, December 2015.)

wearing, and whether they are under the influence or otherwise have diminished sensitivity to pain.

### **B. Beanbag Shotgun**

The beanbag shotgun fires super-sock rounds, which are 12-gauge cartridges containing a fabric bag filled with lead pellets (both pictured below).<sup>20</sup> These rounds are designed to impact the person's body but not penetrate the skin, and can cause temporary incapacitation, significant pain, bruising, or other injury.



Department training for the beanbag shotgun instructs officers that there is no minimum deployment distance; however, for tactical and weapon-retention purposes, the recommended range is 5-45 feet from the person. Firing the beanbag shotgun at someone more than 45 feet away may be less effective as the greater distance may diminish the accuracy of the round (as well as the velocity). The primary target areas for the beanbag shotgun are the person's navel area or belt line, but officers may also target the person's arms, hands, or legs. Officers are instructed to avoid firing at the person's head, neck, spine, chest, groin, and kidneys, as impacts to those areas may cause serious injuries or potentially be fatal. Like the TASER, the effectiveness of the beanbag shotgun may depend on a number of factors, including the size of the person, the clothing they are wearing, and whether they are under the influence or otherwise have diminished sensitivity to pain.

### **C. 40mm Less-Lethal Launcher**

The 40mm less-lethal launcher fires a foam projectile (both pictured below) and, like the beanbag round, this foam round strikes the person's body causing pain, bruising, or other injury, but does not penetrate the skin.<sup>21</sup>

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<sup>20</sup> The LAPD's beanbag shotgun is a Remington 870 shotgun that has been configured with a green slide handle and stock, rifled barrel, and side saddle ammunition holder. The color green is used to signify that the shotgun is for super-sock rounds only, not lethal munitions. (Use of Force-Tactics Directive No. 6.2, Beanbag Shotgun, March 2013.)

<sup>21</sup> The Department currently uses the Defense Technology 40mm Tactical Single Launcher with an expandable stock. If the 40mm launcher is approved for Department-wide deployment, models from other manufacturers will also be evaluated to determine the best product for the Department's needs.



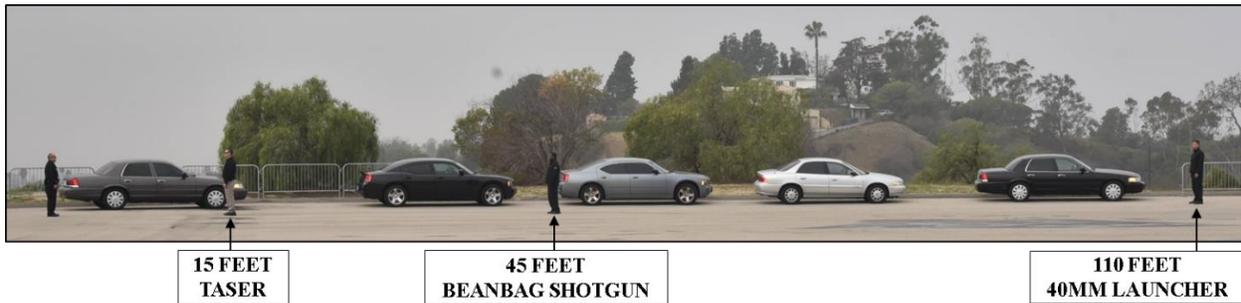
Officers using the 40mm launcher are instructed that the device may be used to engage a person from a distance of 10 to 110 feet. Department training for the 40mm launcher is similar to the training for the beanbag shotgun. Similar to the beanbag shotgun, the primary target areas for the 40mm launcher are the person's belt line or navel area, with legs or arms as alternative target areas.

#### **D. Comparative Deployment Distances**

As noted above, each of these less-lethal weapons have different recommended or optimal ranges for deployment (although it is still possible to use them from greater distances). The four photographs below illustrate the outside limit of the optimal range for each of the three weapon systems described in this report.<sup>22</sup>

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<sup>22</sup> The sole purpose of these photographs is to provide a visual representation of these distances; these photographs do not depict real-life scenarios or necessarily proper tactical positioning.



The distance from which an officer can accurately and effectively deploy these different weapons is a critical tactical consideration. Where a person is armed with a weapon, such as a knife or bat, an officer may be able to maintain a tactical advantage by using a less-lethal option that allows the officer to stay well out of striking distance. These tools may also enable an officer to maintain their distance from someone who is approaching and attempting to close that distance.

#### **IV. AVAILABILITY AND ACCESSIBILITY**

In response to the Commission's direction to find ways to improve the use of less-lethal force options, the Department has recently taken a number of steps to increase both the availability and accessibility of these tools for patrol officers in the field.<sup>23</sup> These actions include acquiring additional TASERs to increase the number of patrol officers carrying them at any given time, conducting a 40mm less-lethal launcher pilot program to explore the possibility of wider deployment of that tool, and installing a new mounting system in patrol vehicles to make beanbag shotguns more easily accessible to officers when they arrive at the scene of an incident.<sup>24</sup> Furthermore, Communications Division recently instituted two new protocols with the goal of providing supervisory command and control and pre-positioned resources so officers have more less-lethal force options when responding to calls involving mentally ill individuals or individuals armed with edged weapons.

In addition to the steps outlined above, the Department requested increased funding for various less-lethal resources in its Fiscal Year 2017-18 budget request. This request included \$1,590,000 in additional funding to purchase the following less-lethal materials to accommodate increased training and field use: TASER cartridges, batteries, and holsters; 300 40mm less-lethal launchers and 200 beanbag shotguns with associated munitions; OC spray, other chemical agents, simunition rounds, and blank cartridges.<sup>25</sup> This budget request is currently under review by the Mayor's Office and City Administrative Officer.

##### **A. TASER and Beanbag Shotgun Inventory**

The Department recently increased the total number of TASERs available to officers in the field. The most recent purchase of TASERs more than doubled the Department's inventory to a current total of 7,586 TASERs. Previously, most TASERs were stored in the station kitroom and officers were able to check one out at the beginning of their shift as supplies permitted. Now that the Department has a sufficient number for each officer in the field to carry one, TASERs are being individually assigned to officers. As of this writing, approximately 88% have been individually assigned to officers working in Patrol, Traffic, and some specialized units (including Metropolitan Division). The remaining officers are assigned to specialized units under the Office of Special Operations and will be assigned their TASERs once the necessary tracking technology is put into place by the Information Technology Bureau. This is expected to be completed by the beginning of March.

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<sup>23</sup> Also in response to the Commission's direction, the OIG conducted an inspection of TASER and beanbag shotgun deployment in the field to provide an assessment of their current deployment status (see the OIG's *Inspection of TASER and Beanbag Shotgun Deployment*, dated September 28, 2016, available at: [http://media.wix.com/ugd/b2dd23\\_b4c7bfb1233540b2baddf47a9439a0a8.pdf](http://media.wix.com/ugd/b2dd23_b4c7bfb1233540b2baddf47a9439a0a8.pdf)).

<sup>24</sup> In addition to these steps, the Department is also currently testing other types of less-lethal products, such as different formulations of chemical spray and pepper-ball projectile systems, for possible deployment by officers.

<sup>25</sup> Fiscal Year 2017/18 Proposed Budget, November 16, 2016 (available at: [http://www.lapdpolicecom.lacity.org/112216/BPC\\_16-0417.pdf](http://www.lapdpolicecom.lacity.org/112216/BPC_16-0417.pdf).)

The Department currently has a total of 613 beanbag shotguns actively deployed. This total breaks down to approximately 10-25 assigned to each of the 21 geographic areas and additional units assigned, as needed, to specialized units/divisions. To achieve full deployment (a beanbag shotgun for every patrol vehicle in the field), the Department would need an additional 1,047 shotguns. While the Department did request funding for 200 beanbag shotguns for Fiscal Year 2017-2018, the purchase of additional units may depend on the outcome of the 40mm less-lethal launcher pilot program (discussed later in this report).<sup>26</sup> The success of that pilot program may lead the Department to purchase 40mm launchers rather than additional beanbag shotguns, or some of each.

## **B. TASER and Beanbag Shotgun Deployment**

In order to increase field deployment of less-lethal tools, the Office of Operations has issued a number of notices and orders. In September 2014, a notice was issued directing officers to take full advantage of the available less-lethal weapons and encouraging them to deploy them in the field.<sup>27</sup> It also reinforced the responsibility of watch commanders to ensure that TASERs and beanbag shotguns were deployed on every watch and made readily available to assist in field encounters. Subsequently, in September 2015, an order was issued that required the deployment of TASERs by all on-duty, uniformed officers assigned to patrol and traffic divisions, unless none are available.<sup>28</sup> The order also encouraged supervisors to deploy TASERs to the extent supplies were available. The most recent notice, issued in November 2016, reminded officers that they should deploy a beanbag shotgun when one is available and that supervisors and watch commanders are responsible for monitoring the deployment of these tools.<sup>29</sup> Furthermore, the notice directed officers to indicate, either via their Mobile Data Computer or by contacting Communications Division, that they have a TASER, beanbag shotgun, slug shotgun, or rifle to enable Communications Division to track the equipment in each unit.<sup>30</sup>

In order to assess the degree to which these tools were being deployed in the field, the OIG conducted an inspection of TASER and beanbag shotgun deployment in the field during the last quarter of 2015.<sup>31</sup> This inspection took place following the September 2015 Operations Order requiring TASER deployment but before the November 2016 Operations Notice reminding officers to deploy the beanbag shotgun when available. The OIG determined that, in the areas

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<sup>26</sup> The cost of a new beanbag shotgun is approximately \$497 per unit.

<sup>27</sup> Office of Operations Notice, Daily Deployment and Availability of Less-Lethal Options, September 16, 2014.

<sup>28</sup> Office of Operations Order No. 4, TASER X26P Deployment - Established, September 21, 2015.

<sup>29</sup> Office of Operations Notice, Beanbag Shotgun Deployment, November 29, 2016.

<sup>30</sup> This direction makes it possible for Communications Division personnel to assign the most appropriate resources based on the nature of the call. The two new Communications Division dispatch protocols, discussed later in this report, provide some guidance in this area.

<sup>31</sup> Office of the Inspector General, *Inspection of TASER and Beanbag Shotgun Deployment*, September 28, 2016 (available at: [http://media.wix.com/ugd/b2dd23\\_b4c7bfb1233540b2baddf47a9439a0a8.pdf](http://media.wix.com/ugd/b2dd23_b4c7bfb1233540b2baddf47a9439a0a8.pdf)).

inspected, approximately 14% of officers working in the field were not equipped with a TASER and 22% of units had not checked out a beanbag shotgun from the kitroom. It was reported that all but one of the areas inspected had a sufficient number of TASERs for every officer deployed in the field to carry one, but six of the eight areas inspected did not have a sufficient number of beanbag shotguns for every unit deployed in the field.

### **C. 40mm Less-Lethal Launcher Pilot Program**

In July 2016, the Department initiated a 90-day pilot program for the 40mm less-lethal launcher. For this pilot program, officers from Metropolitan Division and four of the geographic areas (Central, Mission, Pacific, and Southeast) were trained and equipped with 40 launchers from the Department's existing inventory.<sup>32</sup> At the conclusion of this first testing period in late October, the 40mm launcher had been used in six use of force incidents. Additionally, some of the weapon systems used in the pilot program experienced a mechanical issue that affected their accuracy. When this issue was identified, all the pilot program launchers were removed from the field and examined by Department armorers.

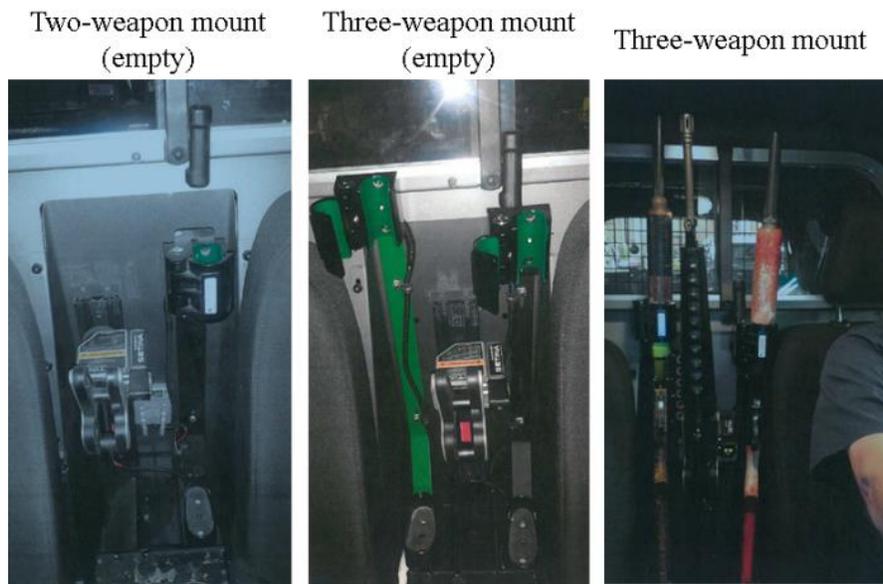
After being evaluated, a majority of the launchers were determined to be functioning properly and those were returned to the field in mid-January. The Department decided to extend the pilot program for another 45 days in order to gather additional data from use of force incidents and to field test a newer model of the same launcher. The Department plans to report back to the Commission at the end of March with the results of the pilot program. In addition to determining whether to approve the 40mm launcher for patrol officers, the Department is also exploring other manufacturers for the weapon system and will follow the relevant procurement procedures if it is approved for Department-wide deployment.

### **D. Three-Weapon Mount System**

The Department recently took a significant step in increasing the accessibility of beanbag shotguns to officers in the field. Previously, the configuration of a patrol vehicle and the limited space in the passenger compartment resulted in most officers securing the beanbag shotgun in the trunk of the vehicle. Although there was a mount in the passenger compartment, it accommodated only one or two weapon systems (typically a patrol rifle and a lethal shotgun). This limited an officer's ability to quickly access the beanbag shotgun at the scene of a critical incident. To remedy this situation, the Department began installing a new mounting system that accommodates an additional weapon in the passenger compartment (new mount with weapons in place pictured below on the far right). With this new mounting system, officers will now be able to secure not only a patrol rifle and lethal shotgun but also a beanbag shotgun in the area between the driver and passenger seats. This configuration makes the beanbag shotgun more accessible to officers prior to exiting the vehicle.

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<sup>32</sup> Prior to the initiation of the pilot program, only SWAT was authorized to deploy the 40mm launcher; it currently has 113 launchers.



The Department plans to equip approximately 75% of the patrol fleet with these new mounts in three phases. The first phase of this installation program has already been completed with new mounts in a total of 661 vehicles (49% of the total goal).<sup>33</sup> The second phase will add 184 deployed vehicles to this total by the end of July 2017, and the third phase will include 165 new vehicles (budgeted to be purchased this fiscal year).

In coordination with this installation program, the Police Sciences and Training Bureau issued a notice in March 2016 announcing the new mounts and providing guidance to officers on where to secure the beanbag shotgun in their police vehicles.<sup>34</sup> Officers operating in a vehicle with the new system are required to secure the beanbag shotgun in one of the front passenger compartment mounts for ready availability. In vehicles with the old two-weapon mounting system (approximately 50%), officers are now required to place a beanbag shotgun in one mount and a patrol rifle in the other (if they are rifle-certified). Officers working in vehicles equipped with only a single mount system have the discretion to place either a lethal or beanbag shotgun in the mount in their vehicles.

### **E. Communications Dispatch Protocols**

In November 2016, Communications Division issued two new protocols for dispatching resources to particular types of incidents. The first protocol directs Communications Division personnel to dispatch a field unit equipped with a beanbag shotgun or 40mm launcher to all calls

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<sup>33</sup> This total is as of December 27, 2016.

<sup>34</sup> Police Sciences and Training Bureau Notice, Placement of a Bean Bag Shotgun in the Vehicle Front Passenger Compartment Weapon Mount System, March 31, 2016.

involving a person armed with a knife, sword, or other edged weapon.<sup>35</sup> In addition, a supervisor is also required to respond to the location of the call for service. As stated in the Order, “[t]he goal is to pre-position resources at calls for service so officers have a wide tactical choice of less lethal options when arriving on scene.”

The second protocol directs Communications Division personnel to dispatch a field supervisor to all calls for service involving a person with a reported mental illness, regardless of the incident type.<sup>36</sup> The goal of this protocol is “to provide supervisory command and control at situations involving reports of persons with mental illness with the intent to reduce violent confrontations between them and the police and utilize a wide variety of strategies to provide the best possible service to all involved.” A similar protocol had been in place at the Bureau level in Central and South Bureau (and previously in Valley Bureau) but will now be implemented citywide.

## **V. POLICIES, PROCEDURES, AND TRAINING**

The Department has a number of policies and procedures that govern when and how officers can deploy and use different less-lethal force options. Officers also receive training in the effective use of these tools both during the Academy and once in service, including scenario-based training and training using a Force Option Simulator.

### **A. Use of Force-Tactics Directives**

Use of Force-Tactics Directives provide guidance to officers about the circumstances under which they are authorized to use different types of weapons and techniques in the field, as well as strategies for increasing their effectiveness. The primary protocols that govern the deployment and use of less-lethal force options are the Use of Force-Tactics Directives for the TASER and beanbag shotgun. For the purposes of the 40mm less-lethal launcher pilot program, that force option may be used under the same circumstances as the beanbag shotgun.<sup>37</sup>

Both Directives instruct officers that a TASER or beanbag shotgun may be used on individuals who are violent, or who pose an immediate threat to themselves or others, when: 1) an officer believes attempts to subdue the person with other tactics have been, or will likely be, ineffective in the situation; or 2) there is a reasonable belief that it will be unsafe for officers to approach within contact range of the person.<sup>38</sup> Officers are required to give a verbal warning prior to using either weapon when it is feasible to do so. This warning should include both a command (such as “drop the weapon” or “stop what you are doing”) and the potential consequences of the use of

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<sup>35</sup> Communications Division Order No. 8, Response Protocol for Calls Involving Knives, Swords or Any Edged Weapon, November 10, 2016.

<sup>36</sup> Communications Division Order No. 9, Field Supervisor Response to Calls Involving Reports of Persons with Mental Illness, November 10, 2016.

<sup>37</sup> Police Sciences and Training Bureau Notice, 40mm Less-Lethal Launcher Pilot Program, June 28, 2016.

<sup>38</sup> Use of Force-Tactics Directive No. 4.4, Electronic Control Device TASER, December 2015, and Use of Force-Tactics Directive No. 6.2, Beanbag Shotgun, March 2013.

that less-lethal force option (such as “or we may use the TASER/beanbag shotgun and it could cause you injury”). Additionally, with both of these force options, officers are expected to assess each application and transition to another, potentially more effective, tool if the one currently being used does not appear to be effective.

Some of the protocols only apply to either the TASER or beanbag shotgun given the distinct nature of those individual tools. For example, while there is no pre-set limit on the number of TASER activations allowed, officers are encouraged to avoid extended, repeated, or prolonged TASER applications, where practicable, to reduce the risk of injury. Other incident-specific considerations for deployment of the TASER include whether the person is: in physical control of a vehicle in motion; in danger of a fall which would likely result in death or serious bodily injury; near flammable or combustible fumes; near a pool, lake, or similar body of water to avoid drowning; or known to be pregnant or have a pacemaker. In relation to beanbag shotguns, officers are instructed to maintain distance from the person, as well as cover where possible, when deploying the beanbag shotgun.

## **B. Academy Training**

During the Academy, recruit officers receive training in many topics including the TASER and beanbag shotgun. This training is conducted in the classroom setting, as well as with practical application exercises and reality-based training scenarios.<sup>39</sup> The lecture portion of the training for both the TASER and beanbag shotgun includes, among other topics: a review of the weapon systems; the Department’s Use of Force Policy; the various deployment standards, including giving a verbal warning, optimal distances for deployment, target areas, evaluating after every round/activation, and factors that impact effectiveness; providing medical treatment following the use of either weapon system; and the related reporting requirements.

Following these lectures, the recruits complete a few practical application exercises. For the beanbag shotgun, the recruits practice firing two rounds at a stationary target approximately 30 feet away, assessing between rounds. The first live fire exercise for the TASER involves the recruits verbalizing with an individual, including issuing a warning, then firing at a stationary target 11-15 feet away (to emphasize the optimal deployment distance) and letting it run for the full five-second cycle. The second live fire exercise is more dynamic. The recruits first get their heartrate up by running and completing some jumping jacks. They then approach the first station, which is an individual they are told is threatening them and taking a fighting stance. They are expected to give a verbal warning and deploy their TASERs, but those activations are unsuccessful because the TASERs have been loaded with expended cartridges for this first attempt. The recruits then conduct a reload and fire a live cartridge at the target, allowing it to cycle for the full five seconds. Next, they run to a second station, which is an individual they are

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<sup>39</sup> The TASER training is four hours in total (approximately 1.5 hours in the classroom and 2.5 hours on the range), and the beanbag shotgun training is a two-hour block (approximately one hour in the classroom and one hour at the range). The beanbag shotgun training is shorter because the recruits have already received training in the lethal shotgun when they begin the beanbag shotgun unit.

told is actively attacking them. The recruits reload their TASERs and fire a second live cartridge at this target.<sup>40</sup>

At the end of the Academy, the recruits participate in an eight-hour block of reality-based training scenarios, a few of which may include the use of less-lethal force options. For example, one of the scenarios that can be selected by the instructors includes a radio call of a person walking in and out of a hotel lobby waving a stick and talking irrationally. In addition to gathering information from the 911 caller, the recruits are expected to articulate both their reasoning for any force used on the person and whether they qualify for a 72-hour mental health hold. Another scenario involves a domestic violence suspect who is actively attacking a victim using physical force and refuses to comply with commands. As with the prior scenario, the recruits are expected to articulate the reasons for using force to take the individual into custody. Less-lethal force may also be used in a scenario involving a high-risk traffic stop with multiple people where one or more of them are combative and aggressively approach the recruits while failing to comply with commands.

### **C. In-Service Training**

After completing the Academy, the amount of in-service training officers receive in less-lethal force options depends, in part, on an officer's individual assignment. The training currently required for most in-service patrol officers related to less-lethal force includes the annual Force Option Simulator (FOS) qualification<sup>41</sup> and the recently implemented 10-hour Use of Force Update course.<sup>42</sup> Additionally, officers who participated in the 40mm less-lethal launcher pilot program received training on that weapon system, and if it is approved for use Department-wide in the future, additional officers will also complete this training.

#### **1. Force Option Simulator Training**

The FOS training consists of video scenarios projected onto a screen with interactive simulation weapons (including OC spray, baton, TASER, handgun, shotgun,<sup>43</sup> and rifle). The scenarios used for this training can be "shoot" or "no-shoot" situations, and they are based on common encounters officers have in the course of their duties, such as traffic stops, domestic violence incidents, robbery-in-progress calls, or encounters with an armed person with mental illness. These scenarios have different branches to test different tactical skills, and for some scenarios,

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<sup>40</sup> A verbal warning, while normally required, may not be feasible when an officer is attacked and must respond to the person's actions.

<sup>41</sup> Officers with 20 years of service or more are not required to complete this annual FOS qualification. (LAPD Department Manual, Section 3/258, Shooting Qualification (2016, 2<sup>nd</sup> Quarter).)

<sup>42</sup> Some officers also may attend additional trainings, such as the Law Enforcement Tactical Application Course (LETAC) or trainings provided at the divisional level, that provide guidance and instruction in less-lethal force options.

<sup>43</sup> During a scenario, an officer may request a beanbag shotgun and is provided the simulation shotgun to be used as a beanbag shotgun.

the facilitator can even modify the course of the scenario based on the officer's responses. Each of the geographic areas has a FOS machine loaded with a variety of scenarios that can be utilized for training in addition to the annual qualification.

The 2016 FOS qualification included 80% no-shoot scenarios and 20% shoot scenarios.<sup>44</sup> The FOS facilitator could choose from a list of 10 no-shoot and three shoot scenarios. Among the no-shoot scenarios were incidents involving mentally ill individuals, crimes in progress, domestic disputes, and individuals armed with weapons other than firearms (e.g., bats, knives, machetes). In each of those scenarios, the person grows increasingly agitated until finally approaching or charging the officer, which then results in a use of force. For individuals initially armed with weapons, the weapon is discarded prior to the person approaching the officer (this is done so it is clear that officers should use non-lethal or less-lethal force in response). Following each scenario, officers are evaluated based on their tactics and use of force. Officers are expected to simulate notifying Communications Division when they arrive on scene, verbalize with the involved individuals using clear and concise commands, and be able to articulate the force they use during the incident (which must be objectively reasonable).

## 2. Use of Force Update Course

In December 2015, the Department began the 10-hour Use of Force Update course which all officers are required to complete. During the development and implementation of this course, the OIG reviewed lesson plans, attended the live course, and provided feedback to the Department regarding both course content and delivery. The Department plans to provide a second installment of this course after updating and revising it with new training topics including de-escalation, less-lethal force options, and others.

Among other topics, the current course includes a refresher on the Department's less-lethal force options, a review of the related policies, and a practical application exercise where officers have the opportunity to fire both a TASER and beanbag shotgun. This training course also includes role-playing scenarios where officers have the option of using less-lethal force based on the situation.

In two of the scenarios, officers frequently choose to use either a TASER or a beanbag shotgun to resolve the situation. The first scenario involves a domestic violence call where the officers encounter a pregnant woman in an apartment with an agitated man who is armed with a knife. The officers will try to verbally persuade the man to drop the knife, but when he moves toward the woman still armed with the knife, officers use the TASER to stop his advance.<sup>45</sup> The second

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<sup>44</sup> This 80/20 breakdown was across each division, not by officer. Accordingly, approximately 80% of officers qualified using a no-shoot scenario and 20% of officers qualified using a shoot scenario.

<sup>45</sup> Depending on how close the suspect is able to get to the victim, officers sometimes also use lethal force in this scenario.

scenario involves a woman in an apartment cutting herself with a knife.<sup>46</sup> The officers try to persuade her to drop the knife, but she refuses and they use either the beanbag shotgun or TASER to disarm her before taking her into custody. In this scenario, officers are encouraged to use the beanbag shotgun, rather than the TASER, because that tool enables them to maintain a greater distance from the armed woman (even though in this scenario she will not present a threat to the officers). For both scenarios, officers are expected to communicate effectively, both with one another as well as with the individual, and they may also request additional resources. At the end of each scenario, the facilitators conduct a debriefing session with the participants to discuss what actions they took and their decision-making processes, as well as review the applicable Department standards.

## **VI. NEXT STEPS AND RECOMMENDATIONS**

This report describes many of the Department's projects currently underway to increase both the availability and accessibility of less-lethal force options for patrol officers. The OIG will continue to monitor the Department's progress in these efforts, including distribution of the remaining TASERS, installation of the remaining vehicle mounts, and completion and evaluation of the 40mm less-lethal launcher pilot program. The OIG will also monitor the implementation of the Communications Division Orders related to incidents involving individuals armed with edged weapons or who may be suffering from mental illness, as well as track the request for additional funding for less-lethal tools in the Fiscal Year 2017-2018 budget. Moving forward, the OIG will evaluate the degree to which all of these efforts increase field deployment and use of less-lethal force options.

Beyond the involvement and oversight described above, the OIG will continue to review and evaluate the use of less-lethal force in categorical use of force incidents. Furthermore, the OIG's new Non-Categorical Use of Force unit within the Use of Force Section will begin auditing and evaluating the application of less-lethal force in those types of incidents. Where any trends are identified in the review of individual cases, the OIG will work with the Department to make appropriate improvements to policies, training, etc., and will issue reports to the Commission and the public.

In addition to these efforts specifically targeting the deployment of less-lethal force options, the Department has been working to ensure de-escalation concepts (including the appropriate use of less-lethal options) are integrated into all Department use of force training, in accordance with the Commission's direction.<sup>47</sup> The OIG has provided and will continue to provide input and oversight of these efforts on behalf of the Commission. Additionally, the OIG recommends that the Commission direct the Department to do the following:

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<sup>46</sup> Depending on staffing for any given day, the individual in this scenario may be male rather than female but the scenario circumstances are the same.

<sup>47</sup> See Recommendation 6 in the OIG's *Ten-Year Overview of Categorical Use of Force Investigations, Policy, and Training*, approved on March 15, 2016 (available at: [http://media.wix.com/ugd/b2dd23\\_3139a5342cc34ce2860af7536887f149.pdf](http://media.wix.com/ugd/b2dd23_3139a5342cc34ce2860af7536887f149.pdf)).

1. Review national guidelines and standards related to the use of less-lethal weapons to determine whether revisions or enhancements to current LAPD policy may be appropriate. These national guidelines and standards include those issued by the U.S. Department of Justice, President's Task Force on 21<sup>st</sup> Century Policing, and Police Executive Research Forum (PERF). Some examples of the recommendations from these entities include policies limiting the use of TASERs on vulnerable populations (e.g., young children, elderly people) and handcuffed individuals; restricting the concurrent use of multiple TASERs; limiting multiple activations or extended exposures (more than 15 seconds) from a single TASER; etc.
2. Given the Department's efforts to provide officers with multiple tactical options, as well as a supervisory presence, at incidents involving individuals armed with edged weapons, the Department should ensure that officers are also receiving training in how to effectively operate as a team and use of these options and resources.