

206 Control Devices and Techniques

206.5 LOW KINETIC ENERGY PROJECTILES (PEPPERBALL)

Chemical agents are devices used to minimize the potential for injury to employees, offenders, or other subjects. They should be used only in situations where such force is reasonable under the circumstances. The compressed air Pepperball delivery system is an extended range impact and chemical agent deployment tool designed to minimize the adverse effects of chemical agents to innocent bystanders. Pepperball is a low kinetic energy system making it less likely to result in serious physical injury to persons struck by a Pepperball projectile.

Pepperball projectiles are approved by the Department and are launched from compressed air delivery systems that are clearly identified as Pepperball delivery systems. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for serious physical injury.

206.5.1 DEPLOYMENT

Approved projectiles may be used to compel individuals to cease their actions when such munitions present a reasonable option to lawfully resolve the situation at hand.

- (a) Only employees trained and certified as Pepperball operators may use the system to deliver chemical agents or impact when it's objectively reasonable to:
 1. Subdue or control a violent or physically resisting subject.
 2. Subdue or control a subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to imminently harm him/herself or others.
 3. Apprehend a subject fleeing lawful arrest or detention for a serious crime.
 4. Address situations where there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.
 5. Repel physical attacks from humans or animals.
 6. Compel subjects to leave an enclosure or deny access to an area, after reasonable methods have been exhausted or deemed unreasonable.
 7. Disperse violent crowds or riots with supervisor approval prior to deployment. The Pepperball system will not be deployed on non-violent crowds or protestors.
- (b) Employees must be able to articulate the reasons for their use of the Pepperball System.
- (c) Officers are not required or compelled to use Pepperball in lieu of other reasonable tactics or devices.

206.5.2 VERBAL WARNINGS

A verbal announcement of the intended use of the Pepperball projectile should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

- (a) The purpose of the warning is for the following:
 1. Provide the individual with a reasonable opportunity to voluntarily comply.
 2. Provide other officers and individuals with warning that a chemical agent/kinetic energy weapon may be deployed.
- (b) The fact that a verbal and/or other warning was given, or the reasons it was not given, shall be documented in any related reports, as well as any responses by the subject.
- (c) When the Pepperball projectile is deployed on scene, the officer carrying the launcher shall announce over the air as soon as practicable that the Pepperball system was deployed and be acknowledged by the dispatcher.
- (d) Prior to deployment, the term "PEPPERBALL" should be audibly verbalized to prevent any confusion as to which weapon system is being deployed.

206.5.3 ADDITIONAL DEPLOYMENT CONSIDERATIONS

- (a) Before launching Pepperball projectiles, the officer should consider the following factors:
1. The subject's capability to pose an imminent threat to the safety of officers or others.
 2. The seriousness of the offense the subject is suspected of committing.
 3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
 4. The credibility of the subject's threat as evaluated by the officers present, and the subject's physical capacity/capability to carry out the threat.
 5. The availability of other force options and their possible effectiveness.
 6. Distance and angle to target.
 7. Type of projectiles launched, i.e. glass breaking rounds versus PAVA filled.
 8. Whether the subject's actions and threat profile dictate the need for an immediate response and the use of control devices appears appropriate.

206.5.4 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

- (a) Examples of situations where use of the Pepperball system would be appropriate may include, but are not limited to, circumstances where the subject: :
1. Is armed, or reasonably believed to be armed, with a weapon, poses a threat to the officer or others, and is resisting commands or fleeing, and the tactical circumstances allow for the safe application of approved Pepperball projectiles.
 2. Has made credible threats to serious harm to himself or others and has the means to imminently carry out that threat.
 3. Is engaged in riotous behavior, including throwing rocks, bottles or other dangerous substances at people and/or officers, creating a risk for serious injury.
 4. There is reasonable suspicion to believe that the subject has already committed a serious crime of violence and is refusing to comply with lawful orders.
- (b) Except in unusual or extreme circumstances, Pepperball projectiles will not be used on individuals who are handcuffed or otherwise restrained, or individuals whose position or activity may result in serious collateral injury (e.g., falls from height, operating vehicles), unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, and the officer reasonably believes that the need to control the individual outweighs the risk of using the Pepperball projectile.
- (c) The use of Pepperball glass breaking projectiles must be approved by a supervisor prior to their use. The decision to use the glass breaking projectiles will be based on the totality of the circumstances, and the reasonable belief that the need to control the individual outweighs the risk of harm posed by using the Pepperball glass breaking projectiles.
1. As a breaching tool for windows in vehicles, especially when the vehicle is occupied.
 2. As a breaching tool for windows of a structure, especially if it places occupants at risk of injury.
- (d) Only an officer who is assigned to a unit authorized to deploy Pepperball glass breaking projectiles and has been trained in the use of those projectiles as a breaching tool may use that technique. A list of units authorized to use Pepperball glass breaking rounds shall be maintained by the Learned Skills Unit.

206.5.5 SHOT PLACEMENT AND DEPLOYMENT DISTANCES

Officers should generally follow their training regarding minimum deployment distances and target areas. The need to immediately control the subject must be weighed against the risk of causing serious injury.

The head, neck, and groin area should not be intentionally targeted; however, any target area or distance may be considered when it is reasonable to accomplish immediate incapacitation of the subject to prevent serious injury or death to officers or others.

206.5.6 TREATMENT FOR CHEMICAL AGENT EXPOSURE

Subjects who have been affected by the use of chemical agents should be afforded means of cleansing the affected areas as soon as practicable. Those subjects who complain of further pain or other effects shall be afforded a medical examination by competent medical personnel.

When necessary, officers shall advise medical personnel that the subject has been subjected to chemical agents.

206.5.7 TRANSPORTING OF PRISONERS SUBJECTED TO CHEMICAL AGENT EXPOSURE

When transporting prisoners who have been subjected to chemical agents, officers shall ensure that the prisoner stays upright with a clear airway and is not placed in a prone position to avoid possible positional asphyxia. Officers must be especially careful when tightly restraining combative subjects following the use of chemical agents.

Before booking, officers shall advise jail personnel when a prisoner has been subjected to chemical agents.

206.5.8 REPORT OF USE

All Pepperball projectile use shall be documented in the related incident report/supplements and notification made to a supervisor in compliance with General Order 211 (Response to Resistance Inquiry, Reporting and Review).

- (a) Specific information on the use of a Pepperball projectile should include, but is not limited to, the following:
1. Reasons for the use of the Pepperball system.
 2. If reasonably known, relevant demographic information of the subject impacted by the Pepperball projectile(s) (e.g., age, sex, health conditions).
 3. Any special circumstances surrounding the use of the Pepperball projectile(s).
 4. Whether the Pepperball projectile(s) application was successful in achieving the officer's objective.
 5. Where the projectile(s) impacted the subject's body.
 6. Number and type of Pepperball projectiles deployed.
 7. Number of times subject was impacted by Pepperball projectile(s).
 8. Approximate distance between the subject and the officer at the time the officer deployed the Pepperball projectile(s).
- (b) Photographs of impact sites should be taken. If photographs cannot be taken, the reason will be documented in the officer's report. Expended projectiles that do not rupture on impact should be collected and discarded appropriately. Previously fired projectiles will not be reused.

206.5.9 DOCUMENTATION

- (a) The Pepperball system is designed to quickly deploy a "volley" of projectiles in certain types of situations. In each case, the single, continuous "volley" of projectiles should be considered a single "Response to Resistance."

206.56 HIGH KINETIC ENERGY PROJECTILES

This department is committed to reducing the potential for violent confrontations when such subjects are encountered. Kinetic energy projectiles are less likely to result in death or serious physical injury.

High kinetic energy projectiles are approved by the Department and are fired from 12 gauge shotguns that are clearly identified as less lethal shotguns. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury. For purposes of this policy, the Pepperball system does not fall into this category.

206.56.1 DEPLOYMENT

206.56.2 VERBAL WARNINGS

206.56.3 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

206.56.4 ADDITIONAL DEPLOYMENT CONSIDERATIONS

- (a) Before discharging projectiles, the officer should consider the following factors:
1. The subject's capability to pose an imminent threat to the safety of officers or others.
 2. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
 3. The credibility of the subject's threat as evaluated by the officers present, and the subject's physical capacity/capability to carry out the threat.
 4. The availability of other force options and their possible effectiveness.
 5. Distance and angle to target.
 6. Type of munitions employed.
 7. Type and thickness of subject's clothing.
 8. The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.
- (b) The use of **K**inetic **E**nergy **P**rojectiles should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, and the officer reasonably believes that the need to control the individual outweighs the risk of using the **K**inetic **E**nergy **P**rojectile.
1. As a breaching tool for windows in vehicles, especially when the vehicle is occupied.
 2. As a breaching tool for windows of a structure, especially if it places occupants at risk of injury.
 3. On obviously pregnant females, elderly individuals, obvious juveniles, individuals who are handcuffed or otherwise restrained, or individuals whose position or activity may result in serious collateral injury (e.g., falls from height, operating vehicles).
- (c) An officer who is currently assigned to Special Operations Command and who has been trained in the use of Kinetic Energy Projectiles as a breaching tool may use that technique in a way that is consistent with their training.
- (d) **High K**inetic **E**nergy **P**rojectiles shall not be used for crowd control (e.g. demonstrations).
- (e) **High K**inetic **E**nergy **P**rojectiles shall not be fired into a crowd.

206.56.5 SHOT PLACEMENT AND DEPLOYMENT DISTANCES

206.56.6 REPORT OF USE

206.67 PAIN COMPLIANCE TECHNIQUES

206.67.1 USE OF FORCE TO SEIZE EVIDENCE