The purpose of this directive is to provide police officers with guidelines on the use of the PepperBall Launcher as a less-lethal use of force. Its deployment is authorized when time and circumstances justify such use. It is not intended to replace lethal force or any other form of use-of-force that may be justified under the circumstances that are present. Although designed to incapacitate without causing death or great bodily injury; the potential for causing death or serious injury, as with an impact weapon, does exist.

A. The PepperBall launcher is a less-lethal chemical agent delivery system that provides an alternate subduing method when traditional control tactics have proven to be, or are likely to be, ineffective. The PepperBall Technologies Pro Carbine # SA200, with PC3-R Pepper Powder Projectiles, is the department approved weapon.

B. The PepperBall launcher will only be used by department personnel trained in its use. Operators will qualify on a biennial basis (every 2 years).

C. The potential exists for PepperBall projectiles to inflict injury if they strike the face, eyes, neck, and groin. Personnel deploying the PepperBall launcher shall avoid intentionally striking those body areas unless a life-threatening situation exists.
D. The PepperBall launcher may be used in, but not limited to, the following circumstances:

1. Preplanned Mental Detention Order service on persons believed to be violent;
2. Subjects who are armed or believed to be armed with a weapon other than a firearm;
3. Preplanned warrant service where the subject is likely to be violent;
4. Violent persons under the influence of drugs or alcohol;
5. Persons threatening suicide in the presence of an officer;
6. When deemed appropriate, as an alternative during a tactical operation;
7. When it is unsafe to approach a suspect within the distance necessary for OC Spray;
8. When a higher level of force option may be justified, but an opportunity exists for the deployment of the PepperBall launcher before these other options are employed;
9. To defend one’s self or another from an aggressive or attacking animal; or
10. To disperse unruly or rioting crowds threatening unlawful property damage or physical force.

Conditions and Limitations

A. The PepperBall launcher may not be used when the following circumstances exist:

1. To remove people who lock or barricade themselves in vehicles, unless approved by a sergeant or higher authority.
2. To remove people who lock or barricade themselves in buildings, unless approved by a lieutenant or higher authority.
3. When the officer has knowledge that a female suspect is pregnant.
4. When the officer deploying the PepperBall launcher does not have a cover officer and a back-up plan.
5. When a suspect is handcuffed, otherwise detained or unconscious.
6. To merely break-up fights between animals, unless they pose an immediate threat to the officer and/or others.
7. With any other than the issued PepperBall Technologies projectiles and training rounds.

B. The PepperBall system will be available to qualified officers, who shall determine the propriety of its use. Reporting of use and supervisory investigation procedures are found in PD 10.32 Use of Force.

C. Proper medical attention will be sought for all persons to whom the PepperBall system has been applied (See also PD 10.32.05.C.3).

D. Once the PepperBall launcher has been deployed, regardless of whether an injury has occurred, the operator shall complete a police report documenting the details of the use of force.
7.2.03 REPORTING USE OF THE PEPPERBALL LAUNCHER

A. Employee Responsibilities

As soon as possible, but within one hour of being involved in any use of a PepperBall Launcher, an employee will verbally notify an on duty supervisor. [1.3.6,d]

B. Supervisor Responsibilities

1. The supervisor will investigate and determine:
   a. Actions taken by the person(s), against whom force was used, including the level of resistance encountered.
   b. Actions taken by the employee, including the nature of force used and its consequences.
   c. Injuries sustained or inflicted.
   d. Identification of known witnesses.
   e. Any other pertinent details.
   f. If the use of force in question is within department policy guidelines. [1.3.6,c]

2. When an employee is incapacitated or otherwise incapable, the immediate supervisor or the person acting in that capacity is responsible for completing the statement of facts.

3. The employee's immediate supervisor or a supervisor on-duty at the time will investigate all incidents involving use of force by an employee as soon after the incident as possible (preferably at the incident scene).

4. The supervisor will interview and identify (including full name, address, phone number, date of birth, social security number “voluntary,” sex and race), of the victim and witnesses. In cases involving use of the PepperBall Launcher, written statements from those involved are not required unless:
   a. There is apparent injury to the arrestee or other persons beyond that which may normally be experienced as the result of PepperBall Launcher.
   b. A citizen complaint is received regarding the appropriateness of the PepperBall Launcher; or
   c. The responding supervisor determines at any point in the investigation that the use of PepperBall Launcher may be classified as not within policy limits.

5. In order to ensure proper case management, the supervisor will, within 24 hours of the event, notify the Internal Investigations Unit (I.I.) that they have initiated a use of force investigation. Upon receiving this notification, I.I. will assign the event an Internal Investigations case number and provide it to the investigating supervisor.
6. Address any discrepancies by re-interviewing witnesses, complainants, suspects and employees.

7. The supervisor will then complete the investigation memorandum (see Police Directive 2.3, Complaints and Disciplinary Actions, Appendix A for memorandum format), which ever is applicable, showing the results of the investigation. The supervisor will:
   a. Review the employee’s Internal Investigations records to ascertain the number of incidents of reported uses of force within the last 24 months and document this information in the memorandum.
   b. Comment on whether there is reason to believe that the number of incidents may indicate the need for counseling, coaching, training, or other type of referral.
   c. Classify the use of force as falling into one of the following categories:
      - **Within Policy Limits** - The use of force was justified and was not excessive. This finding does not preclude a separate recommendation for counseling, coaching or training, none of which qualifies as a disciplinary action.
      - **Not Within Policy Limits** - the force was excessive or unnecessary - The employee(s) involved in the incident did not need to use force and/or the degree of force used was excessive. This finding mandates the lodging of disciplinary charges for excessive force.

8. Within 30 days of the use of force, the supervisor will send the investigation package (memorandum with all attachments) through the employee’s chain of command for review and comments.

C. Commander Responsibilities

All commanders will ensure that the incident was thoroughly investigated, that the finding falls within one of the two categories shown above, and that a recommendation for appropriate remedial action, if necessary, is documented. The package will then be forwarded to the police chief through Internal Investigations.

By Authority Of:

Earl L. Cook
Chief of Police