

TITLE: The PepperBall System

SOP NUMBER: 06-026

EFFECTIVE DATE: 07-01-11

REPLACES/RESCINDS: CSM: 03-153, 07-01-06

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I. PURPOSE

The purpose of this Standard Operating Procedure (SOP) is to establish guidelines regarding departmental use of the PepperBall system.

II. POLICY

It is the policy of the Department to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. The PepperBall system has been proven effective in furtherance of this policy, and this system is authorized for use in appropriate circumstances by trained personnel.

Only officers who are trained by the Criminal Justice Academy shall use those PepperBall systems issued by the Fairfax County Police Department. In order to maintain their certification of the PepperBall system, trained personnel must renew their certification annually.

III. DEFINITION

The PepperBall system is a semi-automatic, high-pressure launcher, which uses compressed air to propel .68-caliber plastic balls filled with PAVA (Capcaisin II) powder that is disbursed upon impact.

IV. AUTHORIZED USERS

1. **Instructors:** Instructors of the PepperBall system will be trained and certified by PepperBall Technologies, Inc. All instructors will be required to maintain their certification through PepperBall Technologies. These certified instructors will train all Police Department operators.
2. **Operators:** Only sworn personnel trained and certified by the Department shall use the PepperBall system. Operators shall maintain annual recertification.

V. WEAPON READINESS

Only qualified operators shall carry the PepperBall weapon system. The PepperBall system shall be carried in an approved carrying case until it is deployed. Only the PepperBall operator shall have discretion to deploy the PepperBall system. The PAVA rounds should be stored in the quick load canister and not in the hopper of the weapon so the operator will know what rounds are in the system.

ONLY certified PepperBall Instructors shall have the authorization to make alterations or repairs to the PepperBall systems.

VI. DEPLOYMENT

The PepperBall system is designed to provide an alternative to physical force. Requests for the PepperBall system and operator may be made by any sworn police officer through the Department of Public Safety Communications. The use of the PepperBall system will be at the discretion of the system operator once on the scene. However, the use of PepperBall system may not always be appropriate and should not be considered if not readily available and a delay in action could be detrimental to the situation.

The PepperBall system is considered non-deadly use of force, which is not intended to cause death or serious physical injury. However, depending on the system's use, it can fall into one or both of the below listed categories on the **Use of Force Continuum**:

- **Chemical Agent:** If used for area saturation without striking subjects.
- **Control Modes without Weapons (STUNNING):** If used against a person to cause diffused pressure striking and to deliver the PAVA chemical agent.

The PepperBall system may be used to control a violent or potentially violent subject when an officer reasonably believes any of the following conditions exist:

- Deadly force does not appear to be immediately necessary.
- Attempts to gain compliance by verbal commands and/or physical control are likely to be ineffective or have been ineffective in the situation.
- There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the subject.

Instances where the use, or availability, of a PepperBall may be effective, would include, but are not limited to:

- Subjects who have made active movements to avoid physical control.
- Service of mental detention orders on persons believed to be violent.
- Apprehension of subjects armed with weapons other than firearms.
- Preplanned warrant service with potentially violent subjects.
- Apprehension of violent persons under the influence of drugs/alcohol.
- Detention of persons threatening suicide or injury to themselves.
- Restoring institutional integrity in a detention facility.
- Riot Control or an unlawful assembly.

Prior to utilizing the PepperBall system, the operator should consider the totality of the circumstances and give particular consideration to its use on persons who are known to be at high risk. This may include persons who appear morbidly obese or who are known to have respiratory ailments, such as bronchitis, asthma, emphysema, or other similar respiratory diseases.

Subjects exhibiting symptoms of mental health crisis or drug abuse may require PepperBall use in order to gain control and compliance. These persons may be at an increased risk for unsuspected secondary injuries or for the development of excited delirium. Excited delirium (ED) is a potentially fatal acute medical illness. Subjects who are exhibiting signs or symptoms of ED shall be evaluated by a physician at a medical facility. ED should be strongly suspected in a subject who exhibits unbelievable strength, little or no reaction to pain, ability to resist multiple officers, excessive sweating, bizarre or violent behavior, extreme aggression, extreme paranoia, incoherent shouting, and destruction of property - particularly glass.

When practical and prior to deploying the PepperBall system, officers should attempt to use verbal commands to gain compliance. When deploying the PepperBall system, one officer, when practical, should be dedicated to the PepperBall system and a second officer should be on scene to take control of the subject.

The PepperBall projectiles can target individuals accurately at distances up to 60 feet and are muzzle safe from point blank range. Tactical considerations, however, should dictate the minimum distance to close with a particular subject.

The PepperBall may also be used for area saturation against hard surfaces at distances up to 150 feet. As with deployment of any chemical agent, wind, temperature, and humidity conditions need to be considered when evaluating the use of the PepperBall system.

When circumstances permit, operators should aim at the subject's torso or center of mass. Intentional impact to the head, neck, spine, groin, and breast area of females should be avoided.

The PepperBall system should not be used on the following individuals, except in circumstances where the safety of officers or the public outweighs the potential health risk to the suspect:

- Children
- Elderly persons
- Persons with known respiratory ailments
- Persons with known heart related ailments
- Females known or appear to be pregnant

Officers are responsible for decontaminating subjects in their custody who have been exposed to the PAVA powder. Personal security should be established in a safe area and subjects must be physically controlled prior to undertaking decontamination procedures.

Officers may decontaminate a subject by rinsing the affected area with water or request rescue personnel assist with the decontamination. The water should be poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

Persons who have been exposed to the PepperBall PAVA powder and who are morbidly obese or have complaints or symptoms of respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.) shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to the PAVA powder.

Officers shall ensure that persons exposed to the PAVA powder, especially those who

are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.

Any person inadvertently hit with a projectile fired from a PepperBall system or affected from the PAVA powder shall also be provided proper medical attention as required or upon request.

VII. REPORTING

Whenever the PepperBall system is utilized, it shall be documented and investigated in accordance with General Order 540.1, Use of Force, Section IV., Subsection G (4).

- A PepperBall System Report shall be completed (When a PepperBall system is displayed, a PepperBall Report is still required.).

Minor Injury or No Injury: When the PepperBall system is deployed and an individual is struck, in addition to the above reporting requirements; pictures of the impact points should be included with the other documentation.

Serious Injuries: Serious injuries received due to the use of the PepperBall system, beyond simple decontamination, welts and/or bruising, shall also be documented and investigated in accordance with General Order 540.1, Use of Force, Section IV., H. The Major Crimes Division and the Internal Affairs Bureau shall be notified and shall have investigative responsibility.

Both reports shall be forwarded via the Station Commander to the Patrol Bureau Commander and the Internal Affairs Commander. An additional copy shall also be forwarded to the PepperBall System coordinator.

VIII. ACCREDITATION STANDARDS REFERENCE

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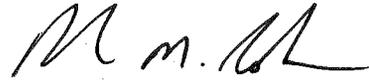
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This SOP becomes effective July 1, 2011 and rescinds all previous rules and regulations pertaining to the subject.

Issued by:

A handwritten signature in black ink, appearing to be 'M. M. M.', written over a horizontal line.

Chief of Police