

# JACKSONVILLE POLICE DEPARTMENT

Policy: 9-4

Effective: 01-01-09

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## PEPPERBALL LAUNCHER & MUNITIONS

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**PURPOSE:** To establish acceptable applications of the pepper ball projectile launcher and training related to the use of the pepper ball launcher.

**POLICY:** The use of the pepper ball launcher is to facilitate the safe and effective response to situations that may jeopardize the life and safety of personnel and citizens. The pepper ball launcher shall be deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense techniques.

**PROCEDURES:** It is the intent of this policy that the Pepperball Launcher shall be used in compliance with the Jacksonville Police Department's Response to Resistance Policy. Officers must clearly justify the proper amount of force and are accountable for its use. Officers shall use the Pepperball Launcher only if that force is objectively reasonable, given the totality of the circumstances, to effectively bring an incident under control.

### I. AUTHORIZATION TO CARRY

Only those who have successfully completed the Jacksonville Police Department required training course for the operation of the Pepperball Launcher are allowed to carry and deploy the weapon.

- A. Approved personnel assigned to deploy the pepper ball launcher will be responsible for ensuring that the appropriate pepper ball projectile is loaded in the launcher and verifying the operational status of the launcher by ensuring that:
  - 1. The launcher is on "safe" prior to deployment;
  - 2. The HPA bottle has enough air and is properly seated in the pepper ball launcher;
  - 3. The charging handle is pulled to the rear of the launcher; and
  - 4. Whenever possible, the operational status of the launcher should be verified by another qualified officer prior to use.
- B. Once the pepper ball launcher is no longer needed, the officer assigned to the launcher will be responsible for properly storing it back to its assigned storage area. Prior to storing the launcher, personnel will ensure that:
  - 1. The launcher is on "safe";
  - 2. The charging handle is cocked to the rear;
  - 3. The HPA bottle pressure gauge is not less than fifteen hundred pounds per square inch(1500 psi); and
  - 4. The hopper has an adequate supply of projectiles.

### II. USE OF PEPPERBALL LAUNCHER

- A. The decision to use pepper ball, as with any response to resistance, should be objectively reasonable for the situation in which it is used. Pepper ball is unique in the application of the response to resistance because it combines chemical agents and an impact weapon together.
- B. Although the impact of a pepper ball projectile is less than that of a baton strike, officers must take into account the impact characteristics when determining if direct impact is objectively reasonable for the situation.
- C. The following are examples of where pepper ball may be used. This list is not an exhaustive list, but is provided to demonstrate where pepper ball use would be justified:
  - 1. When a person exhibits violent or potentially violent behavior that threatens the safety of others after attempts to subdue the subject by using verbal communication skills, defensive

- tactics techniques, and/or conventional O.C. spray have not been or reasonably appear unlikely to be effective;
2. When it is unsafe for an officer to approach a person within contact range;
  3. To defend one's self or another from an aggressive and/or attacking person;
  4. To disperse unruly or rioting persons threatening unlawful property damage or physical force;
  5. After ample verbal warning, a person refuses to comply with a lawful order.
  6. When more aggressive response options may be justified, but an opportunity exists for the use of Pepper ball before these options are employed;
  7. To defend oneself or another from an aggressive and/or attacking animal;
  8. To accomplish area saturation when needed (room, vehicles, etc.).
- D. Additional officers should always be present prior to deployment and use of the pepper ball system.
- E. With any non-lethal device, the potential exists for the projectile to inflict injury if striking the face, eyes, neck or groin. Officers who deploy the pepper ball launcher shall avoid intentionally striking these body areas unless a life-threatening situation exists.
- F. Whenever officers have knowledge or believe that a person may be pregnant or in cases where an inmate is restrained, the pepper ball launcher shall not be used as a direct impact weapon unless direct impact is objectively reasonable to stop an occurring physical assault or threat of an immediate physical assault against a person. Mere verbal threats, not accompanied by the present ability to carry out the threat, will not justify the use of the pepper ball launcher as a direct impact weapon on restrained or pregnant inmates. The pepper ball launcher may be used as an area saturation device as long as it falls within the guidelines of this policy.

### III. SUSPECT CARE

- A. Officers who have used the pepper ball launcher on a suspect will not leave the suspect unattended and will continue to provide post-use care of the suspect until the suspect has recovered from the effects.
- B. After the suspect is taken into custody, officers shall avoid restraining the suspect with their legs behind their back or on their stomachs, as this can contribute to positional asphyxia.
- C. During riot situations or when an unruly crowd is encountered, it may not be possible to arrest or provide medical attention to all pepper ball deployments, as the subjects struck may wander off or be carried off within the crowd.

### IV. REPORTING PROCEDURES

- A. Whenever the pepper ball launcher is utilized, the on-duty Supervisor should be notified. A Response to Resistance Report will be completed in accordance to the Jacksonville Police Department's Policy 9-6: Reporting Response to Resistance.
- B. The Shift Supervisor is responsible for ensuring that photographs are taken of the subject depicting injury or the lack of injury.
- C. The Shift Supervisor is responsible for ensuring that all reports are complete and accurately submitted in accordance to Policy 9-6: Reporting Response to Resistance.

### V. ADMINISTRATIVE REVIEW

All Pepperball incidents will be reviewed for compliance with departmental policy at each level of the officer's chain of command. The purpose of this review is to determine:

- A. If training methods or policies need to be changed or developed.
- B. If the involved officer needs remedial training or corrective action.