



Series 300 Support Services	Effective Date TBD	Review Date Three Years	Directive Number 304.9
Chapter 304 - Training			
Reviewing Office Office of Support Services			<input checked="" type="checkbox"/> New <input type="checkbox"/> Directive Revised
References			

PEPPERBALL LAUNCHER

304.9 – 1 PURPOSE

The purpose of this directive is to establish acceptable applications and training of the PepperBall Launcher in the Detroit Police Department (DPD). It is the intent of this policy to outline the proper use of the PepperBall Launcher in compliance with DPD's Use of Force Policy (Directive 304.2 [Use of Force] and Training Directive 04-03 [Use of Force Continuum]). Members must clearly articulate and justify the proper amount of force and are accountable for the application. Members should use the PepperBall Launcher only if that force is objectively reasonable, given the totality of the circumstances, to effectively bring an incident under control.

304.9– 2 POLICY

The PepperBall Launcher is a less-lethal force option intended to minimize the risk of serious injury and may be used to control violent or potentially violent individuals. It is classified as an intermediate force option within the Department's Use of Force continuum and shall be used only when objectively reasonable and consistent with Directive 304.2, Use of Force. Members shall consider de-escalation techniques, verbal commands, and other lower levels of force, when feasible, prior to deploying the PepperBall Launcher, unless doing so would place members or others at risk. The PepperBall Launcher shall not be used when lesser force options are sufficient to safely control the situation.

304.9 – 3 DEFINITIONS

304.9 – 3.1 Application / Applied

Refers to any attempt on the members' part to discharge the PepperBall Launcher, even if the device does not take effect or fails to function properly.

304.9 – 3.2 Less-Lethal Force

Any force other than deadly force which is neither likely to cause, nor intended to cause death or serious injury.

304.9 PepperBall Launcher**304.9 – 3.3 Marking Projectile**

A projectile that contains a paint solution that can be used to mark suspects for later apprehension and/or marking doors, openings, or objects for identification. This projectile is compatible with the PepperBall Launcher and is pink in color (see image 1).

304.9 – 3.4 PepperBall Launcher

A less-lethal, subject control device which utilizes high-pressure air (HPA) to deliver PepperBall projectiles. The projectiles burst on impact and release the Pelargonic Acid Vanillylamide (PAVA) Capsicum based powder, similar to Oleoresin Capsicum (OC) powder.

304.9 – 3.5 PepperBall Live Projectile

A projectile that contains 2% PAVA powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. This projectile is compatible with the PepperBall Launcher and is red and white in color (see image 2).

304.9 – 3.6 PepperBall Live-Maxx Projectile

A projectile that contains 5% Maxsaicin PAVA powder, and offers 50% more bioavailability, more irritant for inhalation, therefore, delivering an ultra-high potency effect. This projectile is compatible with the PepperBall Launcher and is black and white in color (see image 3).

304.9 – 3.7 PepperBall Operator

An authorized member assigned a PepperBall Launcher.

304.9 – 3.8 Proficiency

The demonstration of proper and safe weapon operation, to include its care, maintenance, disassembly and assembly, capabilities and limitations.

304.9 – 4 PROCEDURES**304.9 – 4.1 Proper Use of Force Decision Making**

In *Graham v. Connor*, the United States Supreme Court explained that the objectively reasonable standard (under the Fourth Amendment) is to be applied from the perspective of a reasonable law enforcement officer on the scene and include an allowance for the fact that law enforcement officers are often forced to make split-second decisions about the amount of force necessary in circumstances that are both uncertain and rapidly evolving. Although the test of reasonableness is not capable of precise definition or mechanical application, the following factors must be considered:

- a. The severity of the suspected crime;
- b. Whether the suspect poses an immediate threat to the safety of Department members or others; and

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- c. *Whether the suspect is actively resisting arrest or attempting to evade the arrest by flight.*

Notwithstanding any of the provisions listed below, which constitute only guidelines for the purpose of informing a Department member's decision on whether to utilize the PepperBall Launcher, the question of whether the member's use of the launcher is proper will always depend on the totality of the circumstances surrounding each incident.

304.9 – 4.2 Usage Criteria

Only members who have successfully completed the Detroit Police Department required training courses and demonstrated proficiency for the operation of the PepperBall Launcher may carry and deploy the launcher.

1. *Authorized personnel assigned to deploy the PepperBall Launcher will be responsible for ensuring that the appropriate PepperBall projectile is loaded in the launcher and verifying the operational status of the launcher by ensuring that –*
 - a. *The launcher is on “safe” prior to deployment;*
 - b. *The HPA bottle has enough air and is properly seated in the PepperBall Launcher; and*
 - c. *The charging handle is pulled to the rear of the launcher.*
2. *Members who are authorized in the use of the PepperBall Launcher may utilize the weapon when they reasonably believe the subject to be taken into custody is either:*
 - a. *Actively resisting or actively aggressive; or*
 - b. *Upon the order of a Lieutenant, or above ranking member on the scene, to disperse unruly or rioting crowds threatening force or unlawful property damage (See Directive 205.4 First Amendment Activities).*
3. *Area saturation, or marking, shall not be used for compliance against peaceful assemblies, non-violent protests, or individuals engaged solely in passive or inactive resistance in accordance with lawful First Amendment Activities.*
4. *The Marking Projectile should only be used to mark individuals for later apprehension, or to mark doors, openings, or objects for identification. Members are to be mindful to abide by the proper deployment distance of at least three (3) feet and only target the abdominal region. Members shall not deploy the marking projectile if a direct line of sight has not been established.*
5. *Members shall maintain a minimum safe deployment distance consistent with the PepperBall manufacturer guidelines when deploying, unless exigent circumstances exist.*

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6. *Members shall not intentionally target the head, neck, spine, or groin, due to the increased risk of serious injury.*
7. *Once the PepperBall Launcher is no longer needed, the member assigned to the launcher shall be responsible for properly storing it back to its assigned storage area. Prior to storing the launcher, personnel will ensure that –*
 - a. *The launcher is on “safe”;*
 - b. *The charging handle is cocked to the rear;*
 - c. *The HPA bottle pressure gauge is not less than fifteen hundred pounds per square inch (1500 psi);*
 - d. *The air should be turned to the off position, preserving the air in the HPA bottle and the O-ring lifespan; and*
 - e. *The hopper has an adequate supply of projectiles; alternatively members may separate the projectiles to prevent unintentional leakage.*

304.9 – 4.3 Verbal Warning

Members shall issue a clear verbal warning prior to deploying PepperBall launcher to provide the subject with an opportunity to comply and alert other members and persons in the immediate area. The warning may be omitted when it is not practical under the circumstances or would compromise member safety.

304.9- 4.4 Post-Deployment Care

1. *Members who have applied the PepperBall Launcher shall not leave the affected individual unattended and will continue to monitor the individual until the effects have subsided or medical personnel assumes care.*
2. *After the suspect is taken into custody, members shall monitor for any symptoms related to positional asphyxia as outlined in Training Directive 05-04.*
3. *During riot situations or when an unruly crowd is encountered, it may not be possible to arrest or render aid to all persons struck and/or exposed to PepperBall Launcher deployments, as the subjects may leave the scene or be removed from the area within the crowd. When operationally feasible and consistent with officer safety and crowd-control priorities, members shall monitor for signs of medical distress, request emergency medical services when appropriate, and provide basic first aid within the scope of their training.*

304.9– 4.5 Exposure to PAVA Powder and Member Response

1. *Within several seconds of being exposed to PAVA powder, a subject will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or disorientation.*
2. *The effects of PAVA powder vary among individuals. Therefore, all subjects shall be handcuffed as soon as practical after being exposed to PAVA powder. Members should also be prepared to employ other means to control the subject including but not limited*

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to other force options consistent with DPD policy. If the subject cannot be subdued, refer to Manual Directive 304.2, Use of Force, and Training Directive 04-3, Use of Force Continuum for further information.

3. *Whenever a subject is affected by PAVA powder, members shall –*
 - a. *Ensure that the subject is properly restrained or no longer poses an immediate threat to the safety of members or others;*
 - b. *Members shall immediately request Emergency Medical Services (EMS) via dispatch when any of the following occur:*
 - *The subject displays breathing difficulties, gagging, profuse sweating, or respiratory distress;*
 - *The subject loses consciousness;*
 - *The subject requests medical care; or there is indication that medical attention may be needed.*
 - c. *Subjects affected by PAVA powder shall be monitored continuously for indications of medical problems and should not be left alone while in police custody. Members shall render first aid and request EMS, if needed.*
 - d. *Move the person to an area that provides fresh air and direct the person's face into the wind;*
 - e. *Transport the person with vehicle windows partially lowered ensuring adequate ventilation.*
 - f. *Provide assurance to subjects who were exposed that the effects are temporary, encourage them to relax and advise them not to rub the affected area;*
 - g. *Do not allow the application of salves or creams to the affected area, as they will trap the chemical agent against the skin and cause burning.*
 - h. *Afford the subject the opportunity to flush the exposed area (at the nearest precinct, on scene, hospital, etc.) with plenty of cold water within twenty (20) minutes of exposure to PAVA powder or apprehension; and*
 - i. *Instruct individuals wearing contact lenses to remove the lenses as soon as possible.*
4. *If a person complains of continued effects after having been decontaminated, or they indicate that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by PAVA powder, the person shall immediately be conveyed to an approved medical facility for medical treatment.*

304.9– 4.6 Reporting Requirements

1. *Members shall adhere to Manual Directive 201.11, Use of Force/Detainee Injury Reporting/Investigation and Manual Directive 304.2, Use of Force, for proper reporting requirements.*

304.9– 4.7 Use of Force Report

1. *A Use of Force Report shall be completed following all discharges, or attempted discharges that did not take effect, of the PepperBall Launcher except during testing,*

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training, malfunction or accidental discharge.

2. *Accidental discharges and/or malfunctions shall be report to supervision and documented on RMS or equivalent reporting system.*
3. *Members shall document the time the PepperBall Launcher was utilized on a subject and the time the subject was afforded the opportunity to flush the exposed area with water.*
4. *Members shall adhere to the reporting requirements set forth under Directive 201.11 mandating all Use of Force Reporting requirements.*



Related Procedures:

- *Directive 201.11 – Use of Force Reporting and Investigation*
- *Directive 202.1 – Arrests*
- *Directive 304.2 – Use of Force*
- *Training Directive 05-04 – Positional Asphyxia*
- *Training Directive 04-07 – Use of Force Reporting*
- *Training Directive 04-3 – Use of Force Continuum*

Form and Reports:

- *Use of Force Report (UF-002)*
- *Supervisory Investigation Report (UF002a) Form (SIR)*
- *Use of Force/Detainee Injury Investigation Guide*
- *Investigation Checklist*
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Related Images:

<i>Marking Projectile</i>	
<i>PepperBall Live</i>	
<i>PepperBall Live-Maxx</i>	