	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject **PEPPERBALL® LAUNCHER**	**Policy Number** **GJ-31** **Effective Date** **09-27-17**
Related Information CP-1, *Use of Force*	**Supersedes** GJ-31(12-09-11)	

PURPOSE

The purpose of this Office Policy is to provide employees with guidelines on the authorized proper use of the PepperBall® launcher that an objectively reasonable employee would apply in the performance of their lawful duties. This Office Policy also serves to specify authorized PepperBall® launchers, establish Office qualification standards, and to provide employees with requirements for care, maintenance, and evidence preservation.

POLICY

It is the policy of the Office to ensure that all PepperBall®-qualified employees become familiar with and operate under the guidelines set forth in this Office Policy. PepperBall® launchers and projectiles present employees a less than lethal force option to consider when the use of force is reasonable and necessary.

DEFINITIONS

Active Aggression: Physical actions of assault, such as a subject displaying threatening behavior, assaulting, or attempting to assault another person, or destroying or attempting to destroy property.

Active Resistance: Physical actions which attempt to prevent an employee's control, but never attempts to harm the employee, such as a subject tightening up or attempting to pull away.

Aggravated Active Aggression: Physical actions which result in a deadly-force encounter.

*Area Saturation***:** Deployment of a PepperBall® projectile at a fixed object that allows the projectile to break open and create a cloud of PAVA. This PAVA cloud is designed to expose a large number of people, or someone who is hiding or out of view, to the chemical agent in an effort to gain physical change in behavior from a subject or compliance with verbal commands. Area Saturation should only be deployed on subjects that are actively resisting or higher.

Blue Team: The Early Identification System (EIS) is a software application that allows employees and supervisors to record information in a database regarding incidents, performance, and conduct. The information from BlueTeam is transferred to the IAPro Early Identification case management system.

*Direct Impact***:** Deployment of a PepperBall® projectile directly onto the body of an actively resisting or higher subject. Direct impact deployments use a combination of kinetic impact and chemical agent exposure to gain physical change in behavior from a subject or compliance with verbal commands.

Early Identification System (**EIS**)*:* A system of electronic databases that capture and store threshold events to help support and improve employee performance through early intervention and/or to identify problematic operating procedures, improving employee performance, identifying detrimental behavior, recognizing outstanding accomplishments, and to improve the Office's supervisory response. The computerized relational

database shall collect, maintain, integrate, and retrieve information gathered in order to highlight tendencies in performance, complaints, and other activities. The database allows the Office to document appropriate identifying information for involved employees, (and members of the public when applicable), and the actions taken to address the tendencies identified. Blue Team, the EIS Dashboard, IAPro, and EIPro are applications of EIS.

Early Intervention Unit (**EIU**)*:* The EIU is part of the Bureau of Internal Oversight. The EIU is responsible for the implementation, maintenance, and operation of the EIS and for providing training and assistance to the EIS users. The unit conducts data analysis, data input, and review of activities exceeding thresholds to address potentially problematic conduct or operating procedures. The Office shall ensure there is sufficient staff to facilitate EIS input and training.

Employee: A person currently employed by the Office in a classified, unclassified, full-time, part-time, contract, temporary, or probationary status.

Intermediate Weapon: A weapon with force that has a probability of causing injury, but is unlikely to result in death, when used properly.

Office PepperBall® Launcher Representatives: Designated employees who are given various responsibilities which include servicing, training, and maintaining the PepperBall® launcher system.

Passive Resistance: Physical actions that do not prevent an employee's attempt of control, such as a protester going limp and having to be carried away or an inmate not following verbal commands.

PepperBall®Launcher: An operational name for a Capsicum (PAVA) Pepper Delivery System.

PROCEDURES

1.   **Considerations for Use of a PepperBall® Launcher:** The reasonableness of a particular deployment of the PepperBall® launcher can be determined by the circumstances of the situation known to the employee on scene at the time. The decision to deploy PepperBall® projectiles should balance the need to apprehend or control the subject against the intrusion or impact of the capture. Factors to be considered include, but are not limited to, the following:

       A.   The immediate threat to the employee or others;

       B.   A subject resisting arrest or attempting to evade arrest by flight;

       C.   Any situation that threatens the safety or security of a jail's facility operations;

       D.   A situation that is tense, uncertain, or rapidly evolving; or

       E.   The severity of the crime.

2.   **PepperBall® Launcher Deployment:** The PepperBall® launcher is considered an intermediate weapon and any deployment of a PepperBall® projectile constitutes a use of force, as specified in Office Policy CP-1, *Use of Force*. When deployed, the PepperBall® projectile gains control of the subject by airborne irritants and/or through pain compliance. Pointing the PepperBall® launcher at a subject does not constitute a deployment.

A.   The PepperBall® launcher shall not be used on passive resistant subjects. It may only be used on subjects exhibiting active resistance or higher. This includes both area saturation and direct impact deployments.

B.   The PepperBall® launcher is not a substitute for a firearm during aggravated active aggression. If an employee decides to deploy a PepperBall® projectile during an aggravated active aggression encounter, another employee present must have a firearm at contact-ready prepared to use deadly force. These procedures do not apply to incidents occurring where firearms are prohibited such as jails, prisons, or courtrooms.

3.   **Documentation of Deployment:**

A.   PepperBall® projectile impact marks shall be documented through photographs and submitted as evidence, and the information will be included in the *Incident Report* (IR). Every deployment of the PepperBall® launcher shall be documented through a *Use of Force Report* form in the Blue Team application and shall be routed as specified, in Office Policy CP-1, *Use of Force*.

B.   Types of Deployment: There are two types of deployment using a PepperBall® launcher; they are as follows:

1.   Area Saturation: Area saturation is designed to impact anyone in the immediate area of deployment with the on-board inhibitor, PAVA. Area saturation is not to be used on passive resistant subjects.

2.   Direct Deployment with PepperBall® Projectile: Direct deployment with PepperBall® projectile rounds is designed to control with irritants and pain and is deployed directly onto the body of an actively resisting or higher subject.

4.   **PepperBall® Projectiles:** Employees shall only carry Office issued PepperBall® projectiles. Each division is responsible for the purchase and quantity of projectiles issued to each employee.

A.   Types of Projectiles:

1.   Live PAVA Powder Projectiles: Authorized for patrol and detention and available through the Inventory Control/Warehouse Operations.

2.   Live X PAVA Powder Projectiles: Authorized for special assignment only and not available through Inventory Control/Warehouse Operations.

3.   Inert Scented Powder Projectiles: Authorized for training use only and available through Inventory Control/Warehouse Operations.

4.   Marking Projectiles: Authorized for patrol and not available through Sheriff's Warehouse.

5.   Glass Breaking Solid Nylon Projectiles: Not authorized.

6.   Water Filled Projectiles: Not authorized.

B.   Damaged projectiles shall be turned in to Office PepperBall® Launcher Representatives for replacement.

5. **Decontamination:** In the event of an actual or accidental deployment, the following measures are to be taken to ensure the safety of the employees or a subject:

    A.   Keep the person calm and expose them to fresh air;

    B.   Rinse the affected areas with cool, clean water;

    C.   Check for unusual reactions to avoid injury; and

    D.   Seek medical attention, if necessary.

6. **Certification and Qualification:** All detention personnel holding the rank of sergeant and below and authorized sworn personnel must successfully complete an initial PepperBall® Launcher Qualification Course and must recertify annually; if certification lapses, employees will no longer be authorized to carry or deploy a PepperBall® launcher until a fundamental course is completed.

7. **Requirements to Carry a PepperBall® Launcher:** All on-duty employees authorized to carry and use a PepperBall® launcher, may carry and have in their immediate possession an Office issued PepperBall® launcher authorized for their assignment.

    A.   All PepperBall® launchers shall be operated with compressed air 1500 to 3000 PSI;

    B.   PepperBall® launchers shall only be deployed with Office approved PepperBall® projectiles;

    C.   PepperBall® launchers shall maintain a muzzle velocity within the current manufacturer specifications.

    D.   PepperBall® launchers shall be certified and inspected annually by an Office PepperBall® Launcher Armorer.

8. **PepperBall® Launcher Maintenance and Inspection:** PepperBall® Launcher Representatives shall ensure Office owned PepperBall® launchers are kept clean and serviceable. All PepperBall® launchers will be inspected by an Office PepperBall® Launcher Armorer for safe operation prior to being authorized for use.

    A.   Employees shall contact an Office PepperBall® Launcher Representative in the Training Division, to request repairs or modifications which are performed by an Office PepperBall® Launcher Armorer.

    B.   In the event an Office owned PepperBall® launcher is damaged or needs to be replaced, the PepperBall® Launcher Representative or the Office PepperBall® Launcher Armorer shall be contacted to complete a *Property Loss Notice* available in Risk Management.