



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # PepperBall System	Related Policies: Response to Resistance
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	

I. **PURPOSE:** The PepperBall System provides deputies with a safe and effective compliance systems. PepperBall Projectiles combine a safe level of kinetic impact with oleoresin capsicum (OC). These powdered filled plastic frangible spheres are accurately delivered at distances to 30 feet using compressed air pistol and/or rifle launchers. Area saturation with OC can be achieved at distances up to 100 feet. As the projectiles impact and break apart, the OC cloud envelopes the eyes and enters the breathing passages.

PepperBall projectiles subdue suspects by breaking on impact thereby releasing the O.C. contents. Response to inhaling the OC powder varies greatly among individuals. In most cases the symptoms last for a few (five to ten) minutes. The PepperBall system is a non-lethal weapon that can deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts.

II. **POLICY:** Only qualified, trained personnel shall be allowed to deploy and use the PepperBall system. PepperBall system may be less than lethal at point blank range, however NEVER shoot at the face, throat or groin. The PepperBall systems (to include the air fill tank) will be inspected by The Pawnee County Sheriff's Office's Armorer at least quarterly to ensure proper working order and that it is in a state of readiness. Instructor/armorer must have certifications up to date in accordance with PepperBall standards.

III. **DEFINITIONS:**

A. **Area Saturation:** Deployment of a PepperBall projectile at a fixed object that allows the projectile to break open and create a cloud of OC. This OC 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 is designed to impact anyone in the immediate area of deployment. Area saturation is not to be used on passive resistant subjects.

- B. Direct Deployment:** 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 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
- C. Passive Resistance:** Nonviolent opposition to authority, such as a protester going limp and having to be carried away or a person not following verbal commands.
- D. Active Resistance:** Affirmative steps taken by an individual to defeat an deputy's ability to arrest or control them.

IV. PROCEDURE:

- A.** Only qualified, trained deputies shall be allowed to deploy and use the Pepperball System. All users of the PepperBall System will attend and successfully complete an approved course of instruction including, but not limited to; familiarity, application, deployment, use of force, and maintenance.
- B.** Deputies will receive training and re-certification on the Pepperball system every two years.
- C.** Deputies shall only use Pepperball Technologies, Inc. launchers and projectiles.
- D.** In determining the appropriate level of force deputies should apply the levels of force under The Pawnee County Sheriff's Office's trained use of force options along with the following three factor test:
 - a.** How serious is the offense the deputy suspects at the time the particular force is used?
 - b.** What is the physical threat to the deputy or others?
 - c.** Is the subject actively resisting or attempting to evade arrest by flight?
- E.** The Pepperball system will not be used on passive resistant subjects.
- F.** Active Resistance is required before the Pepperball system may be used.
- G.** The Pepperball system may be used to defend one's self or another from an aggressive and/or attacking animal,
- H.** The Pepperball system may be used to disperse unruly or rioting crowds threatening unlawful property damage or physical force.
- I.** Although classified as a non-lethal device, there is potential for Pepperball Projectiles to inflict injury when they strike the face, eyes, neck and groin. Therefore, personnel

deploying the Pepperball system shall avoid intentionally striking those body areas unless a life-threatening situation exists. Deputies will target the center mass of the body, unless the suspect is wearing heavy clothing, then he will target less padded areas such as legs and arms, as well as the surfaces around the suspect.

- J.** Deputies will give a verbal warning, loudly and clearly before dispensing projectiles. Deputies hearing this warning should immediately break contact with the intended target and create distance while the projectiles are deployed.
- K.** Persons exposed to the contents of Pepperballs shall be provided with decontamination assistance in a reasonable amount of time.
- L. Injury:**
 - a.** Any observable injuries to an individual caused by the Pepperball system shall be documented in the report and photographed.
 - b.** The deputy will evaluate the need for medical attention or treatment and arrange for such treatment when that person has a visible injury;
 - c.** Deputies will seek medical evaluation when the subject experiences:
 - i.** breathing difficulties,
 - ii.** gagging,
 - iii.** profuse sweating,
 - iv.** loss of consciousness;
 - v.** the person complains of injury or discomfort and requests medical attention
 - vi.** The person is having difficulty in recovering
- M.** Any person deemed in need of immediate medical attention shall be transported in accordance with departmental policy on Transporting Prisoners to the nearest available medical facility or hospital. All medical treatment received shall be noted in the deputy's report.
- N.** Deputies who become involved in an incident that required any reportable force option are required to immediately notify their supervisor. The involved deputy will provide a detailed documentation of the use of force utilized in the official police report prepared for the incident involved.
 - a.** Response to Resistance form shall be prepared by a supervisor whenever a deputy of The Pawnee County Sheriff's Office utilizes reportable force.
 - b.** The Response to Resistance form will be completed in detail including a narrative account of the following:
 - i.** The actions of the subject that necessitated that use of force as a response to overcome the active resistance of the subject.
 - ii.** The reasons why force was required and the type of force the deputy utilized in overcoming the resistant subject.

