



Series 300 Support Services	Effective Date 8/1/2024	Review Date Five Years	Directive Number 304.9
Chapter 304 - Training			
Reviewing Office Office of Field Support			<input checked="" type="checkbox"/> New Directive <input type="checkbox"/> Revised
References			

Pepperball Launcher

304.9 - 1 PURPOSE

The purpose of this directive is to establish acceptable applications of the Pepperball Launcher and training to the use of the Pepperball Launcher.

304.9 - 1.1 Proper Use of Force Decision Making

1. In *Graham v. Connor*, the United States Supreme Court explained that the objectively-reasonable standard 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 crime at issue;
 - b. Whether the suspect poses an immediate threat to the safety of Department members or others; and
 - c. Whether the suspect is actively resisting arrest or attempting to evade the arrest by flight.
2. 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 particular incident.

304.9 - 2 POLICY

1. The use of the Pepperball Launcher is to facilitate the safe and effective response to situations that may jeopardize the life and safety of personnel and citizens. The Pepperball Launcher shall be deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense techniques (Refer to Directive 304.2 [Use of Force] and Training Directive 04-03 [Use of Force Continuum]).

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2. Only members who have successfully completed department approved training may be issued and carry the Pepperball Launcher.
3. Subject to the objectively reasonable standard set forth in *Graham v. Connor* and discussed above, the Pepper Ball Launcher may be utilized against persons who are **actively resistant, actively aggressive, or self-destructive.**

304.9 - 3 Definitions

304.9- 3.1 Application / Applied

When a Pepperball Launcher is discharged.

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.

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Less lethal force weapon which utilizes high-pressure air to deliver Pepperball projectiles. The projectiles burst on impact and release the Oleoresin Capsicum (OC) powder. Pepperball projectiles subdue suspects by inflaming the mucous membrane in their nose, lungs and respiratory tract. When inhaled, Pepperball projectiles OC powder leads to coughing, shortness of breath and involuntary closing of the eyes. Response to inhaling Pepperball projectile OC powder varies greatly among individuals. In most cases the symptoms last for a few (five to twenty five) minutes. The Pepperball Launcher can deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises and/or welts.

304.9 - 3.4 Pepperball Operator

An officer assigned a Pepperball Launcher.

304.9 - 3.5 Proficiency

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

304.9 - 4 Procedure

It is the intent of this policy that the Pepperball Launcher shall be used in compliance with the Detroit Police Department's Use of Force 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.

304.9- 5 Authorization

304.9 - 5.1 General

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

304.9 - 6 Usage Criteria**304.9 - 6.1 General**

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;
 - c. The charging handle is pulled to the rear of the launcher;
 - d. Whenever possible, the operational status of the launcher should be verified by another qualified officer prior to use.
2. Officers 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; and / or
 - b. Upon the order of a supervisor on the scene, to disperse unruly or rioting crowds threatening unlawful property damage or physical force.
3. Once the Pepperball 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:
 - 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); and
 - d. The hopper has an adequate supply of Projectiles.

304.9 - 6.2 Suspect Care

1. Officers who have used the Pepperball 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.
2. 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.

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3. During riot situations or when an unruly crowd is encountered, it may not be possible to arrest or provide medical attention to all Pepperball Launcher deployments, as the subjects struck may wander off or be carried off within the crowd.

304.9 - 7 Exposure to OC Powder and Member Response

1. Within several seconds of being exposed to OC powder, a subject will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
2. The effects of chemical spray vary among individuals. Therefore, all subjects shall be handcuffed as soon as possible after being sprayed. Members should also be prepared to employ other means to control the subject including, if necessary, other force options consistent with Department 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).
3. Whenever a subject is affected by OC 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. If a subject displays breathing difficulties, gagging, profuse sweating, loss of consciousness, or any other indication that medical attention is needed, members shall immediately request EMS;
 - c. Subjects affected by OC powder shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody. Members shall render first aid and request EMS, if needed, in the event that an innocent person is inadvertently sprayed or exposed to a OC powder;
 - 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 to ensure adequate ventilation;
 - f. Provide assurance to subjects who were sprayed that the effects are temporary, encourage them to relax and not 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) with plenty of cold water within twenty (20) minutes of exposure to OC 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,

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bronchitis, or heart ailment) that may be aggravated by a OC powder, the person shall immediately be conveyed to an approved medical facility for medical treatment.

304.9 - 8 Reporting Requirements

304.9 - 8.1 General

1. Members shall immediately notify dispatch and request a supervisor to respond to the scene for the following:
 - a. Any use of force or detainee injury;
 - b. Any visible sign of injury; or
 - c. A complaint of injury.
2. Members shall refer 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 - 8.2 Use of Force Report

1. A Use of Force Report shall be completed following all discharges of the Pepperball Launcher except during testing, training, malfunction or accidental discharge.
2. Officers 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. All Use of Force Reports shall specify the actions of the subject that necessitated the use of force, the reasons why the officer used force, any complaints of injury, medical treatment received, or refusal of medical treatment.
5. The Use of Force Report shall be submitted as soon as possible following the incident but prior to the end of his or her tour of duty. [Refer to Directive 201.11 (Use of Force Reporting)] for complete use of force reporting and/or investigative requirements.

Related Procedures:

- Directive 201.11 – Use of Force Reporting and Investigation
- Directive 202.1 – Arrests
- Directive 304.2 – Use of Force
- Training Directive 04-2 - Use of Force Continuum
- Training Directive 05-4 – Positional Asphyxia
- Training Directive 04-7 – Use of Force Reporting

Form and Reports:

- Use of Force Report (UF-002)

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- Supervisory Investigation Report (UF002a) Form (SIR)
- Use of Force/Detainee Injury Investigation Guide
- Investigation Checklist