




**WINCHESTER POLICE DEPARTMENT OPERATION ORDER**

**NOTE:** This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

<b>Number</b> 2-4F		<b>Effective Date</b> October 1, 2018	<b>Review Date</b>	<b>Reviewing Division</b> Administration
<b>Subject</b> <b>PepperBall® System</b>	<input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Replaces: <input type="checkbox"/> Revised:		This policy shall apply to personnel assigned to the following divisions: <input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigation Division	
<b>References</b>  VLEPSC:  CALEA				
 _____ Chief of Police or Designee		_____ March 23, 2023 Date		

**I. PURPOSE**

The purpose of this policy is to establish rules and regulations governing the use of the Pepperball® weapons system by officers of the Winchester Police Department.

**II. POLICY**

In some situations officers are faced with having to use a level of force which incapacitates subjects to a degree where officers can establish control. The PepperBall® system is a less-lethal option certified officers of the Winchester Police Department may have in addition to other less-lethal options. Only those who have been trained on the proper use of the weapon system will be authorized to carry and use it in accordance to this policy.

**III. DEFINITIONS**

PepperBall® System

A high-pressure air launcher that delivers projectiles from a distance. Typically, the projectile contains powder which is similar to Oleoresin Capsicum. However, the system has other projectile capabilities.

## IV. PROCEDURES

### A. General

The PepperBall® System may be used in a variety of law enforcement situations that afford the utilization of less-lethal force. Operators can expose subjects to OC pepper dust from extended distances up to 60 yards by striking their bodies or objects in their vicinity with a pepper ball projectile. As with OC sprays, the OC dust from the ruptured projectile causes temporary pain and irritation of the subject's mucous membranes, hence facilitating an arrest with less resistance and risk of injury.

### B. Training/Authorization for Use

1. The Division Commanders shall coordinate training with PepperBall® instructors to familiarize supervisors and designated officers with the operation and deployment of the weapon system. Only these trained personnel are authorized to operate the system.
2. Instructors will coordinate training every two years and be responsible for disseminating new training information and data/analysis to all authorized operators.
3. The instructors will maintain a list of authorized operators which will be provided to the supervisors and the ECC.

### C. Operations

1. Request for the PepperBall® system can be made by any officer or supervisor on scene. The use of the weapon system will be the discretion of the operator once on scene.
2. Operators should aim at the subject's torso or center mass. Operators should try to avoid sensitive areas to include head, groin, neck, and spine unless deadly force is authorized.
3. Instances where the use of the PepperBall® System may be effective would include, but are not limited to:
  - a. Persons who have made active movements to avoid physical control
  - b. Service of an Emergency Custody Order on a person believed to be violent
  - c. Apprehension of persons armed with weapons other than firearms
  - d. Preplanned warrant service with potentially violent persons
  - e. Apprehension of violent persons under the influence of drugs/alcohol

- f. Detention of persons threatening suicide or injury to themselves
  - g. Riot control or an unlawful assembly
  - h. Restoring institutional integrity in a detention facility.
4. Decontamination Procedures
- a. After control over the subject has been established or the subject's resistance has ceased, the officer shall make a reasonable effort to allow the affected subject relief from the discomfort associated with OC application. The subject shall be offered medical assistance as soon as possible after the incident.
  - b. Immediately after an individual is struck with an OC Pepperball or indirectly exposed to OC Pepper dust, operators and other officers at the scene shall be alert to any indications that the subject may require medical care. Concerned behavior includes, but is not limited to:
    - Breathing difficulties
    - Gagging
    - Profuse Sweating
    - Loss of Consciousness
5. Other authorized projectiles will be used only by trained personnel and only in accordance with the training received.

Upon observing the above or other medical problems, the operator shall immediately summon emergency medical assistance.