1. PURPOSE

This policy provides Mesa Police Department (MPD) members with guidelines for the authorized use of the PepperBall Tactical Semi-Automatic Launcher (TAC-SA). It also specifies authorized equipment and operators as well as requirements for carrying, maintenance, and training.

2. DEFINITIONS

Area Saturation: Discharging a PepperBall TAC-SA 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 person or persons to the PAVA.

Deployment: A member has deployed a PepperBall for reporting purposes if the member has:

- Pointed the PepperBall TAC-SA at a subject; and/or
- Discharged projectile(s) from a PepperBall TAC-SA.

Direct Impact: Discharging a PepperBall TAC-SA projectile directly onto the body of a subject.

Immobile Vehicle: A vehicle that is disabled or unable to drive away due to police intervention by methods such as Impaired Driver Block, Grappler, Precision Immobilization Technique (PIT), or vehicle damage caused by the driver. This may include a vehicle at a high risk stop where the driver has removed the keys and tossed them from the vehicle.

Pelargonylvanillylamide (PAVA): PAVA is one of six major compounds (capsaicinoids) found naturally in pepper plants. PAVA is one of the “hottest” of these compounds. PepperBall PAVA is non-oil based, pure and non-flammable. The PAVA contained in PepperBall projectiles is in a powder form (with inert carriers and dispersion agents) with a pungent and irritating odor that may cause temporary acute pain and rubefacient (redness) effect.

For reference, Oleoresin Capsicum (OC) is a blend of these six compounds (capsaicinoids), which includes PAVA. The active (hot) ingredient in both OC and PAVA are capsaicinoids, and they affect the human body in the exact same way.

PepperBall Semi-Automatic Launcher (PepperBall TAC-SA): A proprietary, semi-automatic launching system that uses compressed air to launch projectiles from a hopper that can hold up to 180 rounds. The PepperBall launching system combines inflammatory agent (PAVA) exposure with kinetic impact.

PepperBall TAC-SA Projectiles: The PepperBall TAC-SA discharges plastic, frangible (breakable), spherical projectiles. The authorized projectiles contain one of several color-coded powder payloads.

3. GUIDELINES

3.1 Authorized Operators

A. Affected Division Commanders select the operators authorized to carry a PepperBall TAC-SA.
B. The Advanced Training Sergeant has final approval of PepperBall TAC-SA operators.
C. PepperBall TAC-SA operators in the Patrol Divisions should be distributed among the various work shifts so there is one available at all times.
D. PepperBall TAC-SA operators will retain the PepperBall TAC-SA until they leave patrol, at which time the PepperBall TAC-SA will be returned to the Advanced Training Sergeant or designee for reassignment.

3.2 Authorized Equipment

A. Department-issued PepperBall TAC-SA.
B. Members shall only use Department-issued PepperBall TAC-SA factory projectiles. Authorized PepperBall projectiles include:
   1. **Training/Inert**.
      a. Inert, harmless scented powder.
      b. White/purple projectile.
   2. **Sabre 7.5% PAVA**.
      a. Designated as the primary projectile for operational use.
      b. Gray/white projectile.
   3. The following projectiles are being phased out and are authorized until inventory is depleted:
      a. **Live-X**.
         - Powder containing 5% PAVA.
         - Black/red projectile.
      b. **Live-MAXX**.
         - For use by **Special Operations Units** only.
         - Powder containing 5% MAXSAICINPAVA.
         - Black/white projectile.
C. All other projectiles are prohibited.

3.3 Authorized Use [ALEAP 1.8A]

A. Authorized operators are authorized to use the PepperBall TAC-SA when objectively reasonable in accordance with provisions outlined in this policy and DPM 2.1.1 Use of Force.
B. The PepperBall TAC-SA may be used when de-escalation techniques are not effective or appropriate, and force is authorized in the following circumstances:
    1. **Area Saturation**: Deployment of PepperBall TAC-SA projectile(s) may be used to:
        a. Disrupt or defuse a **subject** who is displaying **active resistance** or a higher level of resistance. Some examples for use may include, but are not limited to, when there are articulable facts to support that hands-on control tactics would be ineffective, or other force options would be likely to cause greater injury to the officer or subject.
        b. Disperse a **crowd** that is violent or causing significant property damage, ordered to disperse and repeatedly instructed on how to comply, and given reasonable time to comply.
    2. **Direct Impact**: PepperBall TAC-SA projectile(s) may be discharged directly onto the body of a subject when:
        a. Displaying **active aggression or greater** levels of resistance;
        b. Placing an officer or a third party in reasonable apprehension of immediate or imminent (non-deadly) physical injury, per DPM 2.1.1 Use of Force.
            - Some examples for use may include, but are not limited to, when there are articulable facts to support:
                - Empty-hand techniques have failed; or
                - If hands-on control tactics or other force options would be likely to cause greater injury to the officer or subject than the use of the PepperBall TAC-SA.
    3. **Immobile Vehicle**: Deployment of PepperBall TAC-SA projectile(s) may be used on an immobile vehicle when:
        a. Subjects display **active resistance or greater**, and subject(s) will not exit an immobile vehicle.
        b. Articulatable facts warrant a government interest for the safety of the public, and other means would not be safe or practical. This is not a replacement for proper notification and deployment of the Tactical Team for a vehicle barricade.
C. PepperBall TAC-SA projectile(s) may be discharged in a **Direct Impact** technique against a vicious animal to deter an attack or to prevent harm to others.
D. PepperBall TAC-SA projectile(s) may be discharged in an **Area Saturation** technique to disrupt or defuse a suicidal individual who is displaying active resistance or higher and cannot be reasonably dealt with in any other safer fashion. PepperBall TAC-SA projectile(s) may be discharged in a **Direct Impact** technique to disrupt or defuse a suicidal individual who is armed or believed to be

armed, is an immediate or imminent threat, and who cannot reasonably be dealt with in any other safer fashion.

E. PepperBall TAC-SA projectile(s) may be discharged in an **Area Saturation** technique to prevent escape of a person or deny access to an area when a person is displaying active resistance or higher.

F. Each PepperBall TAC-SA projectile discharged at a subject is considered a use of force. Members should reassess after discharging each projectile and make every effort to give additional verbal commands, when feasible, providing the subject an opportunity to comply.

G. The PepperBall TAC-SA is not authorized to be used on passive/non-violent subjects or subjects who are disobeying a police officer's orders but otherwise pose no threat to officers or others.

4. DEPLOYMENT

4.1 Verbal Warnings

A. When feasible, members shall make every reasonable effort to identify themselves as law enforcement and give commands and warnings before deploying the PepperBall TAC-SA in order to:
   1. Provide the subject with a reasonable opportunity to voluntarily comply.
   2. Provide other members and individuals with a warning that the PepperBall TAC-SA may be discharged.

4.2 Deployment

A. The effective range of the PepperBall TAC-SA for **Area Saturation** is up to **150 feet**.

B. The effective range of the PepperBall TAC-SA for **Direct Impact** is up to **60 feet**.

C. PepperBall TAC-SA operators should utilize a minimum standoff distance of **6 feet** whenever possible to reduce the chance of the suspect grabbing the PepperBall system and to reduce officer exposure to the PAVA.

D. When practical, have another officer present with available deadly force when utilizing the PepperBall TAC-SA. Members should be prepared for a coordinated response if the subject does not respond sufficiently to the PepperBall TAC-SA and cannot otherwise be subdued.

E. Members should not leave cover or put themselves in an otherwise tactically unsafe position in order to deploy the PepperBall TAC-SA.

F. PepperBall operators should use extreme caution when considering to use **Direct Impact** of PepperBall TAC-SA projectile(s) on subjects in elevated positions, and/or when the subject is known to be or is visibly pregnant, elderly, very young, frail, or physically disabled.

4.3 Target Areas

A. **Area Saturation**:
   1. For Area Saturation, the primary target area is a fixed object that allows the projectile to break open and create a cloud of PAVA. Some examples include but are not limited to walls, trees, doors, or other solid structures.
   2. Members should attempt to ensure the projectiles are discharged in a manner to avoid Direct Impact with a subject.

B. **Direct Impact**:
   1. Primary targeting areas include the abdomen, chest below the sternum, thighs, back, and extremities.
   2. Within the close quarters range of **6 to 12 feet**, operators should attempt to target below the sternum, while avoiding sensitive areas such as the pelvic, groin, and breast areas.

C. **Immobile Vehicle Deployment**:
   1. Target areas include:
      a. At the seams of doors and window seals.
      b. At ventilation areas for HVAC systems, and fresh air vents.
      c. Areas inside the vehicle where possibility of ricochets and injury to occupants is limited. This includes:
         - A and B pillars.
         - Windshield, dash area.
         - Areas where there is a very small likelihood that the projectile will strike subjects inside the vehicle in the face, neck, groin, and/or breast area.

4.4 Restrictions

A. The PepperBall TAC-SA shall not be:
   1. Used to intentionally target the head, neck, face, eyes, spine, and/or groin unless the force is authorized in DPM 2.1.1 Use of Force.
   2. Applied after compliance has been achieved.
   3. Used on subjects as a form of punishment, retaliation, undue coercion, or to gain compliance where less intrusive methods could be used.
   4. The use of the PepperBall TAC-SA on moving vehicles is prohibited.
   5. Units within the Special Operations Division may deviate from this section of policy based on the seriousness of the crime, the suspect's actions, and in compliance with approved tactics and training.

5. POST-DEPLOYMENT

5.1 Restraint

A. Do not approach subjects until it can be done safely and in accordance with any other high-risk arrest.
B. Handcuff the subject as quickly and safely as possible after the contaminated area clears.
C. Place the subject in a seated position or recovery position on their side as soon as possible.
D. If maximum restraints are necessary, do not leave the subject on their stomach.

5.2 Decontamination

A. After deploying PepperBall TAC-SA PAVA projectile(s), members should try and facilitate decontamination by:
    1. Removing the subject from the contaminated area.
    2. Reassuring and encouraging the subject to remain calm.
    3. Placing the subject into fresh air.
    4. Cool water may also be used to wash the PAVA powder from the skin if necessary.

5.3 Medical Attention

A. **PAVA Exposure**:
    1. When a subject has been exposed to PAVA powder, members shall be alert to any indications the subject needs immediate medical care. This includes, but is not limited to, breathing difficulties, gagging, profuse sweating, or loss of consciousness.
    2. Upon observing these or other medical problems, or if the subject requests medical assistance, the member shall immediately request the Mesa Fire & Medical Department (MFMD) or emergency medical aid to respond.
    3. Remain with the subject and continue to monitor closely.
B. **Direct Impact**:
    1. When members Direct Impact a subject, they shall have medical personnel examine the subject as soon as practical.
        a. The PepperBall TAC-SA projectile can occasionally cause minor injury like breaking of skin and some minor bleeding as a result. This is more likely to occur if the subject is not wearing clothing over the impacted area.

5.4 Notification & Documentation

A. The launching of projectile(s) from the PepperBall TAC-SA does not constitute the discharge of a firearm for Department policy purposes.

B. Pointing of the PepperBall TAC-SA launcher at a subject shall be documented in a departmental report or supplement but does **NOT** require a Use of Force Report.
C. Anytime PepperBall TAC-SA projectile(s) are launched at a subject (except in training activities), whether a subject is struck or not, officers shall notify a supervisor and document the incident in a departmental report or supplement. This is a reportable use of force and shall be documented by a supervisor in a Use of Force Report. See DPM 2.1.1 Use of Force. [ALEAP 1.6B]
D. When PepperBall TAC-SA projectile(s) are launched at an animal, members shall notify a supervisor and document the incident in a departmental report or supplement, but no Use of Force Report is necessary.

6. PEPPERBALL TAC-SA LAUNCHER PROGRAM

A. The Advanced Training Section is responsible for managing, updating, ordering, and distributing PepperBall TAC-SA launchers, projectiles, optics, lights, and related equipment.
B. Each respective Division Coordinator or designee is responsible for maintaining and filling station SCUBA tanks.

7. CARRYING & MAINTENANCE

7.1 Care

A. Trained operators who are issued a PepperBall TAC-SA are responsible for the care of the launcher, including the accessories and projectiles.
B. The PepperBall TAC-SA and projectiles should not be stored in vehicles for an extended length of time as temperature extremes may cause pressure changes in the compressed air tanks.

7.2 Security

A. The PepperBall TAC-SA will be secured and handled as outlined in DPM 1.6.15 Firearms Handling & Security.

7.3 Inspections

A. The PepperBall TAC-SA shall be inspected annually by members of the Advanced Training Unit.

7.4 Maintenance & Repairs

A. Operators shall not alter, adjust, or modify the PepperBall TAC-SA in such way as to change the pressure, the velocity of rounds, or the basic design of the launcher.
B. The addition or removal of PepperBall TAC-SA lights, optics, or sights must be conducted by an Advanced Training Unit Instructor/Armorer.
C. A PepperBall TAC-SA requiring maintenance or repair must be taken to the Advanced Training Unit.

8. TRAINING & RECORDS [ALEAP 1.8B,C]

A. Selected PepperBall TAC-SA operators shall attend, and successfully complete, a Department-approved training course covering proper use and deployment of the weapon.
B. Additional training/recertification for PepperBall TAC-SA operators is held annually.
    1. Training attendance is mandatory.
        a. Failure to attend mandatory training will result in the operator being removed from the PepperBall TAC-SA Program.
C. The Advanced Training Sergeant or designee shall verify and record the initial training and required qualifications.
D. The Advanced Training Section maintains records on the PepperBall TAC-SA through Use of Force Reports and completes an annual status report for the Chief of Police.

REFERENCES

- DPM 1.6.15 Firearms Handling & Security
- DPM 2.1.1 Use of Force