

PEPPERBALL/LESS LETHAL MUNITIONS AND LAUNCHING SYSTEMS

Date of Issue: May 17, 2016
General Order: #04-2016
Subject: Pepperball/Less Lethal Munitions and Launching Systems
Issued By: Annette M. Mecklenburg, Chief of Police

PURPOSE:

To provide authorized members of the Police Department guidelines on the use of pepperball and less lethal munitions.

POLICY:

It is the policy of the Cleveland Heights Police Department to accomplish the police mission as efficiently as possible, with the highest regard for human dignity of all persons and with a minimal reliance upon the use of physical force. Recognizing the need in certain situations for less lethal alternatives to the use of deadly force, authorized members shall be trained in the use of pepperball and less lethal munition options. This use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task. The level of force used will depend on what members perceive as reasonable and necessary under the circumstances and in conformity with departmental **Use of Force Policy – General Order #09-1995** and this Policy.

DEFINITIONS:

Force - Power, violence or pressure directed against a person or thing.

Reasonable - Fair, proper, or moderate under the circumstances.

Less Lethal Munitions – Any law enforcement approved munitions (with or without a chemical irritant) deployed either by hand, fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential for causing death.

Pepperball – A frangible projectile containing a powdered chemical that is intended to irritate the eyes and nose

GENERAL:

Unless extreme emergency circumstances would dictate otherwise, only trained and authorized members of the Police Department may use less lethal munitions. Less lethal munitions may be deployed only in situations that cannot be adequately addressed by a lower level of force and where deadly force is not authorized. Further, a deploying officer must first evaluate the situation and have a reasonable belief that using less lethal munitions will bring the incident or situation under control.

The reasonable use of less lethal munitions includes, but is not limited to:

- To protect the officer or another from physical harm, including harm to self;
- To restrain, subdue, or disarm a resistant individual who is violent or threatening imminent violence;
- To subdue a vicious animal; or
- As otherwise directed by the Chief of Police

A departmental record will be kept of less lethal munitions, all delivery systems, and their assignment to qualified members. Once assigned, the authorized member has sole responsibility for the care and custody of each less lethal munition and delivery system.

When practical and if circumstances allow without risk to safety, authorized members should use verbal commands directed at the subject to obey police orders and cease illegal or dangerous behavior prior to the use of less lethal munitions.

Less lethal munitions shall be used according to manufacturer's instructions and in conformity with training provided by the department before issuing munition.

PROCEDURE:

Unless emergency circumstances would dictate otherwise, the qualified member deploying any less lethal munitions will obtain approval of its use in all situations from the Chief of Police or Officer-In-Charge (OIC). Less lethal munitions shall be fired, launched, or otherwise propelled using specifically designated departmental issued delivery systems, as assigned to qualified members.

After a less lethal munition has been used, the Chief of Police shall be notified and the member who deployed the munitions shall file a report describing the less lethal munitions used, the reason for its use, and the delivery system utilized.

MEDICAL PROCEDURE

- Any person, in police custody, directly affected by a deployed less lethal munition will be treated on scene, nearby location or transported to medical facility and photographed before being transported to any jail or holding facility
- If a subject, now in police custody, is contaminated by a chemical irritant, first-aid procedures should be initiated within a reasonable amount of time. First-aid should include:
 - Expose subject to fresh air/open windows
 - Request EMS to respond to incident scene or nearby location to flush subject's eyes, face, and hands with large amounts of fresh water
- Subject will then be transported back to jail/holding facility where:
 - Subject will remove all contaminated clothing
 - Subject will shower with warm water and soap
 - Subject will be issued clean clothing
 - Subject will be observed every 15 minutes for one hour
 - Officer-in-Charge (OIC) will determine whether subject is in need of emergency medical care and will arrange transport to a medical facility for treatment if necessary.

Whenever practical:

- Any person, not in police custody, directly affected by a deployed less lethal munition will be treated on scene, nearby location or transported to a medical facility and photographed. A written statement from that person and a police report will be completed documenting the incident.
- Any person, not in police custody, directly affected by a deployed less lethal munition who refuses medical treatment must still be photographed and a police report is to be completed documenting how they were affected and that treatment was refused.

Approved by the order of

Annette M. Mecklenburg, Chief of Police
(GENERAL ORDER #04-2016)

Date