



Policy Revision Request

Requestor Name Jason Ferrera Emp # 6967

This revision applies to Existing Policy 11-9-23

If new, recommended section _____

This revision is necessary to comply with Less Lethal Shotgun Cease Order/ PepperBall Update.

Whom does this revision affect? Department

This revision has an unbudgeted financial impact of \$ 0

Brief reason for the revision:

1. The Chief, based on the actions of the Travis County DA's office has suspended the use of the LL shotgun department wide. All mentions of the LL shotguns use need to be deleted from policy.
2. In the same policy the word "PepperBall" is used to describe a .68 caliber projectile launcher. "PepperBall" is the copyrighted/trademarked name of a projectile launcher company. The description needs to be changed from "PepperBall" to the overarching term for the low-kinetic energy device that is a ".68 caliber projectile launcher."

Document the changes or additions to the policy below. Please include the specific policy number. **Red strikethroughs** are used for deletions and **blue underlined** for text insertions. Please email completed forms to APDPolicy@austintexas.gov. Use this email for any related questions or issues for policy.

206.5 LOW KINETIC ENERGY PROJECTILES (~~PEPPERBALL~~) (.68 caliber projectile launcher) Chemical agents are devices used to minimize the potential for injury to employees, offenders, or other subjects. They should be used only in situations where such force is reasonable under the circumstances. The compressed air .68 projectile launcher (e.g. PEPPERBALL®) delivery system is an extended range impact and chemical agent deployment tool designed to minimize the adverse effects of chemical agents to innocent bystanders. ~~Pepperball~~ The .68 projectile launcher is a low kinetic energy system making it less likely to result in serious physical injury to persons struck by a ~~Pepperball~~ projectile launcher. ~~Pepperball~~ Projectiles are approved by the Department and are launched from compressed air delivery systems that are clearly identified as ~~Pepperball~~ .68 projectile launcher delivery systems. Certain ~~munitions~~ projectiles can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for serious physical injury.

206.5.1 DEPLOYMENT

(a) Only employees trained and certified as ~~Pepperball~~ .68 projectile launcher operators may use the system to deliver chemical agents or impact when it's objectively reasonable to:

1. Subdue or control a violent or physically resisting subject.
2. Subdue or control a subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to imminently harm him/herself or others.
3. Apprehend a subject fleeing lawful arrest or detention for a serious crime.
4. Address situations where there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.
5. Repel physical attacks from humans or animals.
6. Compel subjects to leave an enclosure or deny access to an area, after reasonable methods have been exhausted or deemed unreasonable.
7. Disperse violent crowds or riots with supervisor approval prior to deployment.

The ~~Pepperball~~ .68 projectile launcher system will not be deployed on non-violent crowds or protestors.

(b) Employees must be able to articulate the reasons for their use of the ~~Pepperball~~ .68 projectile launcher system.

(c) Officers are not required or compelled to use ~~Pepperball~~ the .68 projectile launcher in lieu of other reasonable tactics or devices.

206.5.2 VERBAL WARNINGS A verbal announcement of the intended use of the ~~Pepperball projectile~~ .68 projectile launcher should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

(a) The purpose of the warning is for the following:

1. Provide the individual with a reasonable opportunity to voluntarily comply.
2. Provide other officers and individuals with warning that a chemical agent/kinetic energy weapon may be deployed.

(b) The fact that a verbal and/or other warning was given, or the reasons it was not given, shall be documented in any related reports, as well as any responses by the subject.

(c) When the ~~Pepperball projectile~~ .68 projectile launcher is deployed on scene, the officer carrying the launcher shall announce over the air as soon as practicable that the ~~Pepperball~~ projectile launcher system was deployed and be acknowledged by the dispatcher.

(d) Prior to deployment, the term "PEPPERBALL" should be audibly verbalized to prevent any confusion as to which weapon system is being deployed.

206.5.3 ADDITIONAL DEPLOYMENT CONSIDERATIONS

(a) Before launching ~~Pepperball~~ projectiles with the .68 projectile launcher ~~projectiles~~, the officer should consider the following factors:

206.5.4 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

(a) Examples of situations where use of the ~~Pepperball~~ .68 projectile launcher system would be appropriate may include, but are not limited to, circumstances where the subject:

(b) Except in unusual or extreme circumstances, ~~Pepperball projectiles~~ the .68 projectile launcher will not be used on individuals who are handcuffed or otherwise restrained, or individuals whose position or activity may result in serious collateral injury (e.g., falls from height, operating vehicles), unless the totality of the circumstances indicate that other available options reasonably appear ineffective,

impractical, and the officer reasonably believes that the need to control the individual outweighs the risk of using the **Pepperball** projectile [launcher](#).

(c) The use of **Pepperball** glass breaking projectiles must be approved by a supervisor prior to their use. The decision to use the glass breaking projectiles will be based on the totality of the circumstances, and the reasonable belief that the need to control the individual outweighs the risk of harm posed by using the **Pepperball** glass breaking projectiles.

1. As a breaching tool for windows in vehicles, especially when the vehicle is occupied.
2. As a breaching tool for windows of a structure, especially if it places occupants at risk of injury.

(d) Only an officer who is assigned to a unit authorized to deploy **Pepperball** glass breaking projectiles and has been trained in the use of those projectiles as a breaching tool may use that technique. A list of units authorized to use **Pepperball** glass breaking rounds shall be maintained by the Learned Skills Unit.

206.5.8 REPORT OF USE All **Pepperball** projectile [launcher](#) use shall be documented in the related incident report/supplements and notification made to a supervisor in compliance with General Order 211 (Response to Resistance Inquiry, Reporting and Review).

(a) Specific information on the use of a **Pepperball** projectile [launcher](#) should include, but is not limited to, the following:

1. Reasons for the use of the **Pepperball** [projectile launcher](#) system.
2. If reasonably known, relevant demographic information of the subject impacted by the **Pepperball** projectile(s) (e.g., age, sex, health conditions).
3. Any special circumstances surrounding the use of the **Pepperball** projectile(s).
4. Whether the **Pepperball** projectile(s) application was successful in achieving the officer's objective.
5. Where the projectile(s) impacted the subject's body.
6. Number and type of **Pepperball** projectiles deployed.
7. Number of times subject was impacted by **Pepperball** projectile(s).
8. Approximate distance between the subject and the officer at the time the officer deployed the **Pepperball** projectile(s).

206.5.9 DOCUMENTATION

The **Pepperball** [.68 projectile launcher](#) system is designed to quickly deploy a "volley" of projectiles in certain types of situations. In each case, the single, continuous "volley" of projectiles should be considered a single "Response to Resistance."