



Kern County Sheriff's Office
Policies and Procedures

TITLE: Use of Force-Extended Range Impact Weapons (Pepperball)		NO: F-0820	
APPROVED: Donny Youngblood, Sheriff-Coroner			
REFERENCE: Penal Code 835a & 4023.8; DPPM F-0100, F-0200, F-1100, F-1200, F-1300, P-0600; Government Code 7286 & 7286.5			
EFFECTIVE: January 18, 2019	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026

APPLICABILITY

When used in this policy the terms, “officer,” “peace officer,” “deputy,” or “deputies” shall include Sheriff’s Deputies, Detentions Deputies, and Detentions Officers.

GUIDING PRINCIPLES

In all uses of force, deputies shall adhere to the provisions and Guiding Principles outlined in DPPM F-0100 Use of Force – General and Deadly Force. This policy provides further guidelines regarding approved methods and devices available for the application of force.

POLICY

The purpose of this Policy is to familiarize Kern County Sheriff’s Office personnel with the guidelines for the use of the PepperBall Projectile Launcher (PPL).

The Sheriff’s Office utilizes extended range impact weapons to subdue subjects when the Sheriff’s Office member is acting within the guidelines of Penal Code 835a), and the use of extended range impact weapons munitions reasonably appears necessary to effect an arrest, prevent escape, or overcome resistance. All deputies shall ensure the use of the PPL conforms with the policies and procedures set forth in this manual.

The use of extended range impact weapons on an individual(s) shall meet the use of force policy criteria for the following types of resistance: actively resisting, assaultive, and/or life-threatening. Extended range impact weapons are not intended to produce deadly effects, however, just as with other impact weapons, such as batons, these projectiles can cause serious injury or death, especially if not used appropriately.

DEFINITIONS

- EXTENDED RANGE IMPACT WEAPON** - Means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma.
- IMPACT MUNITIONS** - Refers to a group of projectiles that have a low probability of causing serious bodily injury or death when they strike a human target. Even though these munitions are considered less lethal, they are not to be considered non-lethal. For purposes

of this policy, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

3. **CHEMICAL AGENTS** - Means any chemical agent that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this policy, the term includes, but is not limited to: chloroacetophenone tear gas (CN tear gas), 2-chlorobenzalmalononitrile gas (CS gas); and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum (OC).
4. **PEPPERBALL PROJECTILES** - Are plastic spheres that are designed to burst on impact when delivered by an air-powered launching device, releasing the contents of the projectiles.¹

PROCEDURE A: USE OF FORCE WARNING & DE-ESCALATION

In accordance with DPPM F-0100, deputies shall exercise de-escalation techniques, when feasible, to attempt to resolve tense and evolving incidents without using force whenever possible. This includes giving a verbal warning, prior to using an extended range impact weapon, unless it is not feasible to do so. The deputy(s) assigned to deploy the extended range launcher shall provide an alert by shouting “less lethal, less lethal, less lethal.”

- **Exception:** The warning is not required if deputies are being assaulted and must immediately defend themselves. Also, if the tactical plan requires an element of surprise, a verbal warning is not required.

A warning alerts nearby deputies that use of an extended range impact weapon is about to occur. If the subject is reasonably perceived to be a Spanish speaking, Limited English Proficient (LEP) individual and deputies are fluent in that language, efforts should be made to give the warning in English and Spanish, if feasible. This also gives the subject a reasonable opportunity to voluntarily comply. Warnings shall be documented as outlined in DPPM F-0100.

PROCEDURE B: DEPLOYMENT OF EXTENDED RANGE IMPACT WEAPONS

Only deputies who have successfully completed the required training are authorized to deploy extended range weapons during field or custody-related operations. Consistent with reasonable intermediate force standards, extended range impact weapons may be used to control a subject in the following circumstances:

Detentions Bureau Personnel

Absent exigent circumstances, Detentions personnel shall obtain supervisory approval prior to deploying a PPL. Detentions personnel may deploy a PPL in the following circumstances:

¹ There are several types of PepperBall projectiles, some of which may be used for formal training or by specialized tactical response teams.

EFFECTIVE: January 1, 2021	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026
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- After a verbal warning, when feasible, as an **area treatment** device in situations involving assaultive, aggressive, or rioting inmates.²
- After a verbal warning, when feasible, as a necessary **direct impact** weapon against an actively resisting or assaultive individual.
- In immediate defense of any person.
- The subject(s) actions dictate the need for an immediate response from a position where approach by deputies would be unsafe and availability/effectiveness of other force options is diminished.

Operations Personnel

Personnel assigned to a non-custodial operational assignment may deploy a PPL in the following circumstances:

- It is reasonably believed that a subject(s) is assaultive, combative, or actively resisting arrest.
- A subject(s) exhibits aggressive or potentially violent behavior that threatens the safety of deputy(s) or civilians.
- The subject(s) actions dictate the need for an immediate response from a position where approach by deputies would be unsafe and availability/effectiveness of other force options is diminished.
- It is necessary to defend civilians or deputies against assaultive / life-threatening behaviors.
- It is necessary to prevent a subject from dying by suicide.

PROCEDURE C: GENERAL DEPLOYMENT CONSIDERATIONS

The following guidelines govern use of extended range impact weapons:

- Extended range impact weapons application(s) shall be used only when objectively reasonable and proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.
- Each application of an extended range impact weapons is considered a separate use of force and must be consistent with KCSO policy and separately justified in reporting.
- When deploying an extended range munitions impact weapon, deputies should assess the effectiveness of each round deployed.
- If the application of extended range impact weapons is ineffective, deputies shall consider other objectively reasonable force options proportional to the subject’s resistance level.
- A deputy’s decision to draw, exhibit, or use an extended range impact weapons should be based on the tactical situation and/or the subject(s)’ actions.

² When used in this manner, the PPL will be pointed toward a solid inanimate object, such as a ceiling or wall, to saturate the area.

EFFECTIVE: January 1, 2021	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026
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Extended range impact weapons should be part of an overall plan to safely take an actively resisting, assaultive, and/or life-threatening subject into custody. When feasible possible, this plan should include:

- De-escalation techniques, crisis intervention tactics and personnel, and other alternatives to force.
- Presence of a supervisor or senior deputy on-scene to coordinate the situation.
- Availability of additional personnel.
- Assignment of personnel to deploy less lethal munitions.
- Assignment of Designated Cover Officers (DCO).
- Assignment of personnel to apply restraints.
- Consideration of number of subject(s) versus personnel (numerical advantages).
- Assessment of subject’s clothing (heavy clothing or body armor).
- Assessment of subject’s condition:
 - Whether they appear to be having a mental health crisis or have a disability.
 - Whether they appear to be under the influence of alcohol/drugs.
 - Age and physical condition.
 - Armed or access to weaponry.
- Known history of subject(s):
 - Mental illness.
 - Past violent behavior.
 - Gang affiliation, military service or special training.
- Background and foreground:
 - What and who is behind, in-front of or next to intended target.
 - Bystanders’ involvement and location.

PROCEDURE D: EXT. RANGE IMPACT WEAPONS – SPECIAL CONSIDERATIONS

Vulnerable Populations

The use of extended range impact weapons is prohibited on the following individuals unless deputies can articulate, based on the totality of the circumstances, why they reasonably believe that other options lack feasibility (such as appears ineffective, impractical, or presents a greater danger to the deputy or others) and that the deputy reasonably believes that the need to control the individual outweighs the risk of using the extended range impact weapon:

- Is reasonably believed to be pregnant³.
- Appear to be or are known to be elderly (65 or Older)
- Regardless of age, are believed to have a pacemaker or visibly frail or with obviously low body mass.
- Appears to be or is known to be a dependent adult or has a physical/developmental disability.
- Appears to be or is known to be a minor under the age of 14.

³ See “Procedure E - Vulnerable populations” for specific prohibitions on incarcerated pregnant females.

EFFECTIVE: January 1, 2021	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026
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- Are in a position or conducting an activity that may increase the risk of substantial injury if the extended range impact weapon is deployed. Examples include, but are not limited to:
 - On an elevated platform or other unstable surface where a fall would result in a serious injury or death.
 - Operating motor vehicles or riding a mode of transportation.
 - In physical control of an infant or small child where use of the extended range impact weapon may result in the child being dropped or injured.

Crowd Control Situations

All use and reporting of force including the use of extended range impact weapons, chemical agents, including OC, and conducted energy weapons (CEWs) for crowd control incidents must comply with the Sheriff’s Office Crowd Control Policy F-1300.

PROCEDURE E: PROHIBITED USE OF EXTENDED RANGE IMPACT WEAPONS

The following provisions are unauthorized uses of extended range impact weapons and are prohibited:

- The use of extended range impact weapons against a subject(s) who is passively resisting or merely failing to comply with commands.
- The use of extended range impact weapons against subjects who are handcuffed or otherwise restrained, except where the individual is actively resisting, attempting escape, or poses an imminent threat to or themselves or others.
- Refer to DPPM F-1300 for additional prohibitions in crowd control situations.

Vulnerable Populations

Penal Code Section 4023.8, subdivision (h), and this policy strictly prohibits the use of a CEW, Oleoresin Capsicum (pepper spray), or exposure to other chemical weapons on an “incarcerated” pregnant person. This prohibition shall include the use of an extended range impact munitions (e.g. PepperBall Rounds) containing OC or similar irritant spray.

- Whenever staff has knowledge or reasonably believes that an incarcerated person is pregnant, the use of such rounds will not be used for direct impact or area treatment against that inmate.
- In situations where the use of such rounds may be used in a location where pregnant incarcerated persons may be exposed to the OC or irritant powder, reasonable steps will be taken to remove the pregnant incarcerated person(s) or otherwise avoid exposing them.
- For this policy, an incarcerated pregnant person is a pregnant person who has received a booking number, whether booked into an actual jail facility or absentee booked away from a jail facility.

F-0820-5

EFFECTIVE: January 1, 2021	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026
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PROCEDURE F: OPTIMAL RANGE AND TARGET AREAS

Optimal Range

PepperBall technologies does not require the operator to be a minimum distance away from their intended target when deploying PepperBall projectiles. However, pursuant to this policy, deputies are required to attempt to remain at least three feet (end of barrel to target) away from the intended target, unless exigent circumstances dictate otherwise or for tactical, weapon retention, weapon malfunction, and contamination reasons.

The recommended range for the PepperBall projectile is 0-60 feet for individual target impact purposes and 150 feet for area saturation.

Optimal Target Areas

The primary target area for extended range impact weapons is the lower center mass area (lower abdomen / belt line). If the primary target area is obstructed other areas of the body may be targeted. Secondary target areas are the back, arms, hands and legs. Deputies shall always be aware of their background as well as if their intended target is obstructed.

Prohibited Target Areas

Deputies resorting to using an extended range impact weapon, as with any other impact weapons, shall avoid any intentional striking in the following areas unless necessary to defend against an imminent threat of death or serious injury to the deputy or others, and no other resources or techniques are reasonably safe or feasible as perceived by an objectively reasonable officer.

- Head
- Neck
- Face/Eyes
- Throat
- Chest (specifically over the heart)
- Spine
- Kidney
- Groin

It is recognized that the dynamics of each situation and officer safety may not permit deputies to limit the application of the PPL to a precise target area. As such, deputies shall take prompt and ongoing care to monitor the condition of the subject if one or more of these prohibited areas are struck with an extend range impact weapon and immediately seek medical attention. Deputies shall thoroughly document the circumstances that led to any impact munitions strikes in these areas, which will be thoroughly assessed in the review process by management.

All intentional extended range impact munition strikes to the head shall be considered a lethal use of force and subject to a Category 3 UOF review as outlined in F-1100 and F-1200.

F-0820-6

EFFECTIVE: January 1, 2021	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026
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PROCEDURE G: POST-APPLICATION CONSIDERATIONS

Medical Treatment – Area Treatment

Immediately after use of extended range impact weapons, deputies present shall evaluate and render medical aid as outlined in DPPM F-0100 and DPPM P-0600. Generally, medical treatment is not required for subjects who have been exposed to OC via PepperBall area treatment. There is no immediate cure for pepper spray exposure, but the intensity and duration of the symptoms may be reduced by:

- Moving the subject into an area with fresh air, if possible
- Flushing the affected area with lots of water to wash away the contaminants.
- Removing clothing that may have come into contact with the spray to decontaminate and prevent re-contamination.
- Avoiding touching the affected area, as it is easy to spread the oil-based solution to other areas of the body by doing so.
- Rapid blinking the eyes to help flush out the OC.

Deputies and supervisors shall ensure the subject exposed to PepperBall projectiles shall be evaluated for any adverse effects as soon as practical. When inhaled, PepperBall products lead to eye irritation, coughing, shortness of breath, and, in some instances vomiting. It can also result in swelling and discharge of the mucous membranes, intense feeling of burning at the exposed areas and discoloration of the skin. Response to inhaling OC powder varies greatly among individuals. In most cases the symptoms last for five (5) to ten (10) minutes.

If a subject who has been exposed to PepperBall projectiles experiences continued difficulty in breathing and/or vision impairment for an extended period, officers shall immediately request medical treatment as outlined in DPPM P-0600. Deputies should initiate immediate medical attention when:

- Gagging, or breathing difficulties persist beyond an initial period of two (2) to four (4) minutes.
- The person loses consciousness, sweats profusely, appears to be very sick.
- The person still significantly suffers forty-five (45) minutes after exposure.
- The deputy is aware the sprayed person suffers from bronchitis, asthma, emphysema, or similar respiratory disease.

Medical Treatment – Direct Impact

Evaluate and render medical aid as outlined in DPPM F-0100 and DPPM P-0600. When an extended range impact weapon related use of force has occurred and a subject is impacted by a less lethal munition(s), complains of an injury, and/or has a visible injury, then the subject shall be transported to a medical facility for medical clearance prior to booking. Furthermore, the transport deputy and medical personnel shall be advised that an impact projectile was used.

Any deputy transporting an arrested person on which an extended range impact weapon has been used will advise detentions facility personnel of the circumstances and advise any medical

F-0820-7

EFFECTIVE: January 1, 2021	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026
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treatment or first aid given. The transporting deputy will comply with any requests by detention facility personnel for further medical treatment before booking.

Stage Emergency Medical Services (“EMS”)

When possible, deputies responding to calls for service that include information indicating possible pre-existing conditions, possible overdose, cocaine psychosis, person in crisis, or other signs of medical distress⁴, etc., should request additional deputies and consider having medical units and additional resources staged before using an extended range impact weapon. Subjects experiencing these pre-existing conditions need immediate medical treatment.

Transportation

Persons who have been exposed to OC or PepperBall projectiles spray are to be transported in an upright position and secured with a seat belt. Do not transport subjects who have been sprayed with OC these people lying face down or face up on the back seat. Do not cover the mouth or nose of a subject except with an approved mask according to training. While it is impractical to restrict a deputy’s use of reasonable control methods when attempting to restrain a combative individual, deputies are not authorized to use any restraint or transportation method that might unreasonably impair an individual’s breathing or respiratory capacity or a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into the recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

If the subject must be transported in a recumbent (lying down) position, and it is feasible to do so, the subject shall be transported via ambulance and accompanied by an officer. If an ambulance transport is not feasible or required, the subject will be transported in manner that does not compress their airway or reduce the ability to sustain adequate breathing. The subject shall be monitored for any signs of positional asphyxia or medical emergency.

Any Sheriff’s Office member meeting with medical personnel and/or transporting a person whom an extended range impact weapon has been used shall advise medical and detention personnel of where the subject was impacted and any visible or complained of injuries, of any medical or first aid treatment given; and comply with any requests by detention facility personnel for further medical treatment prior to booking.

Evidence Collection

Per DPPM P-0600, photographs of the affected areas of the subject’s body shall be taken to show the existence or absence of injury following a use of force.

Report of Use

All extended range impact weapon applications, including accidental strikes, shall be documented in the related Incident Report and the Use of Force Reporting System as outlined in DPPM F-0200.

⁴ Refers to indicators of medical distress such as an individual exhibiting extreme agitation, violent or irrational behavior, extraordinary strength beyond their physical characteristics, and imperviousness to pain. These signs may indicate an increased risk of sudden death requiring immediate medical attention. See DPPM P-600 for further details.

EFFECTIVE: January 1, 2021	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026
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Deputies shall thoroughly document the circumstances that led to any intentional or accidental strikes, which will be thoroughly assessed in the review process by management.

Supervisor Notification

In all cases in which deputies use an extended range impact weapon, intentional or accidental, they shall make a notification to the on-duty supervisor or watch lieutenant as soon as safely possible. All supervisors shall conduct a review of the application per DPPM F-0200.

Death or injury likely to cause death in conjunction with an Extended Range Impact Weapon application:

Any incidents involving death or serious bodily injury after the use of an extended range impact weapon will be investigated as outlined in F-1100 and F-1200.

PROCEDURE H: EXTENDED RANGE IMPACT WEAPON – PPL SPECIFICATIONS

The purpose of the PepperBall Projectile Launcher is dedicated to reducing lethality and to facilitate a safe and effective response to situations which may jeopardize the life and safety of Sheriff's Office personnel, inmates, and/or the security of a custody facility.

Full Tactical Carbine PepperBall Launcher

The FTC PepperBall Launcher is designed for use in a wide variety of tactical applications and is designated as a less than lethal weapon. The FTC PepperBall Launcher is a semi-automatic, shoulder fired weapon that projects less than lethal munitions. The FTC PepperBall Launcher uses compressed air (up to 3,000 PSI) to launch the impact projectiles fed by a 180-round hopper.

The FTC PepperBall Launcher projects a .68 caliber, 3 grams, plastic sphere projectile with a weighted payload of 2.5 grams. There are two different authorized color-coded impact projectiles used by the FTC PepperBall:

- **Red/Black PAVA/OC Powder** – This projectile is intended as an irritant for individual subjects, point-specific targets, or small-area denial. The active ingredient is .5% PAVA/OC in a powder form for ease of storage, deployment, and clean-up.
- **Purple/White Inert Powder** – This projectile is intended for training and contains a simulated irritant powder, which is inert has no irritant ingredients.

Modifications

The PPL shall not be altered or modified in any way. Only approved munitions shall be fired from this weapon. All repairs to the weapon shall be made by the Sheriff's Office armorer.

PROCEDURE I: CERTIFICATION AND TRAINING

Sheriff's Office personnel who have successfully completed the certified PepperBall Instructors Course are responsible for training and certifying Sheriff's Office personnel in the proper deployment of the PPL. The PPL will only be used by Sheriff's Office members who have satisfactorily completed the PPL training course.

F-0820-9

EFFECTIVE: January 1, 2021	REVIEWED: January 26, 2026	REVISED: January 26, 2026	UPDATED: January 26, 2026
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