

# O.C. Spray

**Index Code: 404**

**Effective Date: 10/01/02 (Revised: 1/18/2022)**

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## **I. Purpose**

The purpose of this directive is to establish guidelines for the use of oleoresin capsicum (OC) aerosol restraint spray.

## **II. Policy**

The Office of the Sheriff issues OC aerosol restraint spray to provide deputies with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of the Office of the Sheriff that deputies may use OC spray when warranted, but only in accordance with the guidelines and procedures set forth here and under the use of force directive.

## **III. Procedures**

### **A. Authorization**

1. Only deputies who have demonstrated proficiency with the use of OC spray are authorized to carry and use it. Following the initial training, in-service training on OC spray is required biennially.

2. Authorized personnel whose normal assignments/duties require them to make arrests or supervise arrestees are required to carry the issued OC spray while on duty.

3. Only OC spray meeting authorized specifications and issued by the Office may be carried and used by deputies, both on and off duty.

### **B. Usage**

1. OC spray is considered a use of force and will be employed in a manner consistent with the use of force policy. OC spray is a force option following verbal commands and empty-handed control and restraint tactics on the use-of-force continuum.

2. OC spray may be used when verbal dialogue has failed to bring about a subject's compliance, and the subject indicates the intention to actively resist the deputy's efforts to arrest him/her.

3. Whenever practical and reasonable, deputies must issue a verbal warning prior to using OC spray on a person.

4. Deputies may use deadly force to protect themselves from the use or threatened use of OC spray, when the deputy reasonably believes that deadly force will be used against them if they become incapacitated.

5. Once a person is handcuffed or otherwise restrained, and they are still combative and/or violent, deputies must first attempt to exercise additional control over the individual by using empty handed or non-striking impact tool techniques before the use of OC spray is justified. (Any deputy who uses OC spray on a restrained person must be prepared to justify that use). Once an individual is incapacitated, the use of OC spray is no longer justified.

### **C. Procedures**

1. Whenever possible, deputies should maintain a safe distance upwind from the suspect before using OC spray, and should avoid entering the spray area.

2. A single spray burst of one to three seconds should be directed at the suspect's eyes, nose, and mouth. Additional bursts may be used if the initial burst(s) prove ineffective.

3. Use of OC spray should be avoided, if possible, under conditions where it may affect innocent bystanders.

### **D. Effects**

1. Within several seconds of being sprayed by OC spray, a suspect will normally display symptoms of temporary blindness, have temporary difficulty breathing, a burning sensation in the throat, nausea, lung discomfort, and/or an impaired thought process.

2. The effects of OC spray vary among individuals; therefore, all suspects will be handcuffed as soon as possible after being sprayed. Deputies should also be prepared to employ other means to control the suspect if necessary, including other force options consistent with Office policy, if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.

3. Immediately after spraying a suspect, deputies will be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness. Upon observing these or other medical problems, or if the suspect requests medical assistance, deputies will immediately summon emergency medical aid.

4. Suspects that have been sprayed will be monitored for indications of medical problems and will not be left alone while in custody, until the effects have subsided.

5. Deputies should provide assurance to suspects who have been sprayed that the effects are temporary, and should encourage them to relax.

6. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. If the suspect is cooperative, deputies should assist him or her by rinsing the exposed area with water.

7. Assistance will be offered to any individuals accidentally exposed to OC spray. All such incidents will be reported as soon as possible to the immediate on duty supervisor, and indicated in their report.

#### **E. Reporting Procedures**

1. Accidental discharges, as well as intentional uses of OC spray, will be reported to the immediate on duty supervisor as soon as possible.

2. A use of force report will be completed following all discharges of OC spray, except during testing, training, or accidental discharges.

#### **F. Replacement**

1. All OC spray devices will be maintained in an operational and charged state. Replacements for damaged, inoperable, or empty devices are the responsibility of the affected deputy.

2. Replacement of an OC spray device will occur whenever it has been activated.

3. OC spray devices will be inspected quarterly.

4. Unexplained depletion of OC spray devices will require a written report.

#### **G. Inspections**

Supervisors shall inspect subordinates' OC spray and document their findings on all regularly required inspection reports.

**IV. CALEA References:** 1.3.4, 1.3.5 & 1.3.6.

**V. Proponent Unit:** Field Operations Division

**VI. Cancellation:** This directive cancels Index Code 404 dated 8/15/16.

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Sheriff Gary Hofmann