



# POLICY & PROCEDURES

## HOLMEN POLICE DEPARTMENT

SUBJECT: **OLEORESIN CAPISCUM (OC, PEPPER SPRAY)**

NUMBER 1.5

SCOPE: ALL DEPARTMENT PERSONEL

ISSUED: 05/15/2000

DISTRIBUTION: POLICY & PROCEDURE MANUAL

REVIEWED: 02/14/2017

### **POLICY**

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The use of oleoresin capsicum commonly referred to as "OC" or "pepper spray" is a tool used to gain control of a violent subject(s) who are either making verbal threats of harm and/or are physically combative. The use of OC has the potential to reduce injury to officers, civilians, and subject(s). Only Officers who have either completed Basic Law Enforcement Recruit school or attended the 4 hour in-house OC certification course shall be permitted to use Department issued OC spray while on-duty or acting in a law enforcement capacity while off-duty.

OC spray as with any use of force shall only be used when it meets the law enforcement objectives of the Department listed in the [Use of Force Policy 1.1](#). The criteria for OC spray use is "active resistance or its threat from a subject". As with any force option, actual use of OC spray depends on an officer's tactical evaluation of the situation. OC is not a replacement or substitute for other authorized techniques or law enforcement tools, therefore, should only be used when it is the best choice for the circumstances.

OC spray shall never be used as a form of punishment or retaliation towards a subject(s). Prior to deployment of OC spray, verbal direction shall be used until it is proven ineffective or inappropriate. Officers should only use the minimum amount of OC to achieve the desired effects. Once the desired effects are achieved or the OC has proven ineffective, the Officer should discontinue its use. After OC spray is used, when tactically feasible, follow-thru procedures shall be followed. This will include stabilizing the subject(s), initial medical assessment, searching, decontamination, escorting, transportation and long term monitoring when necessary. All Officers involved in the incident shall complete an incident report. A supervisor shall also be notified when OC spray has been used.

OC spray issued to uniformed Officers shall be carried in department approved holder on their duty belt. Non-uniformed personnel have the option of carrying the OC unit in their pockets or placed on their belt.

### **PURPOSE**

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The purpose of this policy is to establish guidelines in the following areas for the use of OC spray:

- Authorization
- Justification
- Guidelines for usage
- Decontamination
- Documentation
- Handling/Storage
- Review

## DEFINITIONS

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- *Oleoresin Capsicum*: Oily based resin derived from processing organic hot peppers, most commonly cayenne pepper is used as the active ingredient. OC is classified as an inflammatory.
- *OC units*: OC spray units come in varying types of dispersion methods, sizes and OC percentages. Spray types include stream, mist, fog, foam and blast dispersion. Holmen Police Department currently uses 1 type of OC, First Defense MK-3 (stream dispersal). The MK-3 unit should be sprayed no closer than 3 to 4 feet from the subject.

NOTE: The use of First Defense MK-3 sprays doesn't limit the department's use of other types of OC dispersion methods that may be needed for a given situation.

- *Active Resistance*: A subject(s) that is physically aggressive; verbally and/or visually threatening to assault an officer or other person(s); or trying to aggressively escape.

## AUTHORIZATION

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Only Officers who have completed Basic Law Enforcement Recruit School or completed a department approved training course and maintained an annual refresher course may use department issued OC while acting in a law enforcement capacity.

## JUSTIFICATION

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The criteria for the use of OC spray is active resistance or its threat from a subject. As with any force option, actual use of OC spray depends on the officer(s) tactical considerations and evaluation of the situation based on the officer's training and experience.

OC spray may be used under the following situations, but not limited to:

- Where verbal direction or persuasion is ineffective or inappropriate and the subject is verbally threatening physical assault.
- The subject is exhibiting pre-attack postures (shoulder shift, boxers stance, clenched fists, target glance, thousand yard stare) and verbal direction or persuasion is ineffective or inappropriate.
- Where passive resistance techniques have failed and the next option may be to escalate to physical force options (active countermeasures) to gain or maintain control.
- The subject physically attacks officer.
- To ward off a dangerous animal.
- Selected examples of acceptable use of OC:
  1. The officer reasonably believes she/he will be engaged in a fight or assaulted by a subject.
  2. Encounter with subject that has armed him/herself with an edged weapon or blunt instrument, but does not have the means to deliver the weapon. Note: When there is justification for deadly force, OC spray should not be used as an option for deadly force.
  3. Barricaded subjects in which a force entry may be required. Note: Team tactics should be utilized. In cases of barricaded armed subject(s) supervisor shall be contacted and the supervisor will determine whether the Emergency Response Team should be dispatched.

## GUIDELINES FOR USAGE

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- For maximum effect, OC spray should be used at a distance recommended by the manufacture for the type of aerosol being used.

- Officers should only use the minimum amount of OC to achieve the desired effects. Once the desired effects are achieved or the OC has proven ineffective, the officer should discontinue use.
- Primary OC application targets include:
  1. Face
  2. Eyes
  3. Nose
  4. Mouth
- Intentional spraying of the groin area is not permitted.
- Officers shall not use OC spray to punish a subject(s).
- Officers must take officer/subject factors into account before considering spraying a subject.
- Officers must take into consideration environment before using OC spray. Examples:
  1. Crowded enclosed areas, particularly when using fog or mist dispersal OC sprays.
  2. Inside passenger compartments of motor vehicles. Not recommended to use OC spray unless vehicle is disabled and cannot be operated.
  3. Elevated areas when there is a danger subject can fall if not immediately subdued.
- Officers shall not engage in horseplay with OC spray.

## **DECONTAMINATION**

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After control has been established and/or resistance has ceased, the officer will make reasonable efforts to provide relief from the discomfort associated with being sprayed with OC for the subject. Severe symptoms of OC exposure are expected to disappear in 45 minutes or less with only minor effects afterwards (red skin, mild burning sensation, etc..)

Reasonable OC decontamination should include:

- Removal of the subject from sprayed area, provide fresh ventilation.
- Keeping subject calm by calmly informing the subject of the anticipated effects of OC exposure.
- Instruct subject to blow his/her nose to remove lodged particles and to blink eyes.
- Allow the subject to flush the affected area with cool water. This should be done as soon as tactically feasible. Officers may use spray bottles equipped in squads, water at current location (if present), and or take subject to nearest Police/Fire/first responder location.
- Ask subject if he/she is wearing contact lenses. If so and it is tactically feasible have the subject remove them. If the subject cannot, only medical personnel can remove them. Make arrangements
- If the subject continues to resist or refuses to be decontaminated the subject should be closely monitored and advise the jail staff once subject is turned over to their custody.
- At turn over, notify Jail staff that subject has been sprayed with OC, even if subject no longer suffers from the severe effects of being sprayed with OC. Jail staff will give the subject opportunity to wash with soap and water and give change of clothing.
- Symptoms of OC exposure should disappear within 15 to 45 minutes with no severe after affects. If symptoms other than mild after effects persist beyond 45 minute recovery period without significant relief to eyes, skin, and respiratory system, the officer or jailer shall arrange for prompt medical attention.
- If subject requests medical attention, Officers shall provide prompt medical service (transport to hospital/clinic/activate EMS).
- If subject is having severe reaction or stops breathing, activate EMS and provide CPR as necessary. Notify supervisor.

## **DOCUMENTATION**

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When OC spray is used by an officer, like any use of force incident, a complete incident report shall be completed. The report shall include the following, but not limited to:

- Date/time of incident.
- A list of participants, including supervisors, staff, witnesses, suspect(s).
- An accounting of the events leading to the use of OC spray:
  1. Reason for the contact with the subject(s).
  2. Subject's action.
  3. Early/danger signs exhibited by the subject.
  4. Threats made by the subject.
  5. Past history of the subject known to the deputy(s).
  6. Officers approach to the situation.
  7. Officers verbal direction given to the subject.
  
- Description of injuries suffered, and treatment given or received to the subject and/ or officer.
- Documentation of decontamination, and follow-thru considerations provided to the subject.

### **HANDLING / STORAGE**

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OC spray aerosol units generally have a shelf life of 4 years. The OC spray units should be stored in a cool dry area. The units should not be exposed to prolonged exposure to direct sunlight and should be kept away from heat sources.

The OC spray units should be shaken daily and prior to use.

The OC spray units should be checked for leakage and turned into a supervisor for replacement.

### **REVIEW**

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Follow [Use of Force policy # 1-1 procedures](#).

### **DISCLAIMER**

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This policy is for internal use only and is not intended to enlarge or expand the officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care with respect to any possible claims. Violations of this policy may form a basis for departmental administrative action, but is not intended for use in civil or criminal courts.

Chief of Police  
Shane Collins