

**POLICY
803**

**EFFECTIVE
DATE
11-16-18**

**Eugene
Police Department**



Oleoresin Capsicum Aerosol

803.1 PURPOSE AND SCOPE

This agency has issued OC aerosol restraint spray to provide officers and CSOs with an additional use-of-force option for defending themselves or gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is our policy that employees authorized to use OC use it when warranted, in accordance with the guidelines and procedures set forth here and in Policy 800 – Use of Force.

803.2 AUTHORIZED USE OF AEROSOL

Only personnel who have completed the prescribed course of instruction on the use of OC are authorized to carry or use OC spray while on duty. Any use of OC spray while off duty and acting in an official capacity must comply with *Policy 800 – Use of Force*.

Pursuant to this policy, and *Policy 808 – Handcuffing, Control Holds, and Impact Weapons* uniformed officers must carry at least two less-than-lethal force options on their duty belt at all times in uniform.

Uniformed personnel who elect to carry OC spray as one of those force options will carry only departmentally authorized OC canisters in the prescribed manner on the duty belt/external vest. Non-uniformed officers may carry departmentally authorized OC in department approved alternative devices.

803.3 USE CRITERIA

OC spray is considered a use of force and shall be employed in a manner consistent with *Policy 800 - Use of Force*.

Although not required, officers should consider issuing a verbal warning prior to using OC against an individual. Consider the likelihood that a warning will convince a person to comply with instructions against the likelihood that the warning may cause him or her to cover their face or otherwise try to defeat the use of the spray.

Once a suspect is incapacitated or restrained and no longer is a threat to persons or property, the use of OC is no longer justified. OC spray will not be used punitively.

You may use deadly force to protect yourself from the use or threatened use of OC when you reasonably believe that deadly force will be used against you if you become incapacitated.

OC spray should not generally be used as a means to disperse crowds.

OC spray may be used when reasonably necessary to defend persons or to assist in effecting an arrest, or to subdue a particularly disorderly element of a crowd.

OC spray should not be used against persons engaged only in passive resistance. For purposes of this policy, "passive resistance" means non-compliance with an officer's orders unaccompanied by any active or physical resistance. (An example of passive resistance would be a person who was limp on the ground, or who is trapped/locked into a protestor device but not exhibiting any other assaultive or resistive behavior).

OC spray can be effective against animals, and it should be considered as an option when dealing with hostile animals.

803.4 PROCEDURES FOR USE

Use OC only in a manner consistent with the department training you have received.

Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders. OC spray should not be used in the vicinity of infants unless absolutely necessary, and then care should be taken to minimize exposure of the infant to the spray to the extent reasonable under the circumstances.

Consider any information you know about a person's pre-existing medical or physical conditions which might exacerbate the effect of OC spray in determining whether and how to use it.

803.4.1 INDIVIDUAL OC CONTAINERS

Whenever possible, you should be upwind from the suspect before using OC and should avoid entering the spray area.

You should maintain a safe distance from the suspect, preferably between 2 and 10 feet.

Direct a single spray burst of between one and three seconds at the suspect's eyes, nose, and mouth. Multiple applications should be avoided. A single application, based on a burst of one to three seconds in duration that contacts the suspect's face, is normally sufficient. While multiple applications will not increase the effectiveness of the chemical agent, additional applications are permissible if the first or subsequent burst(s) are not observed to strike the face of the suspect. You should discontinue the use of OC when you reasonably believe that further applications will likely be ineffective.

803.4.2 FOGGERS

Foggers may be deployed in situations where there may be a need to use OC against multiple subjects, where delivery of OC may be required from a greater distance, or where a greater

quantity of OC is needed to achieve the needed result (e.g., a suspect barricaded inside a vehicle).

Unless emergency circumstances exist, do not use a fogger to direct spray at a person's face from a distance of less than 3 feet.

803.5 EFFECTS OF OC SPRAY AND FOLLOW UP CARE

When OC Aerosols are used on individuals:

- a. Within several seconds of being sprayed by OC, a person may display symptoms of temporary blindness, difficulty in breathing, burning sensation in the throat, nausea, lung pain, and/or impaired thought processes.
- b. Immediately after spraying a person, be alert to any indications that the individual needs medical care (e.g., breathing difficulties, gagging, profuse sweating and loss of consciousness). Upon observing these or other medical problems, or if the person requests medical assistance, immediately summon emergency medical aid.
- c. The effects of OC vary among individuals and OC may not be immediately effective (or effective at all) when applied to persons who are highly intoxicated by drugs or alcohol, or who are in an altered state of consciousness due to chemical or mental impairment. Officers must be aware of the possibility of limited effectiveness of chemical agents and be prepared to accomplish custody by other means. Additionally, all arrestees shall be handcuffed as soon as safely possible after being sprayed.
- d. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure (although the length of time will vary with different individuals). However, once the person has been restrained, assist him/her as you can by rinsing the exposed area with water as soon as practicable. Do not apply, or allow others to apply, oil-based substances (e.g., Vaseline, cold cream) to the exposed area unless authorized by a physician or paramedic.
- e. Continue to monitor arrestees who have been sprayed for indications of medical problems. Do not leave them alone while in police custody.
- f. Provide assurance to persons who have been sprayed that the effects are temporary.
- g. As you are able, offer assistance to any individuals accidentally exposed to OC spray and who feel the effects of the agent. Report all such incidents to your immediate supervisor as soon as possible and detail them in an incident report.

In situations where multiple persons are exposed to OC spray, ensure that reasonable steps are taken to contact those exposed and assist them in any needed treatment to the extent that the circumstances and situation allow.

When lodging a person at a correctional facility (e.g., juvenile detention facility, jail), notify personnel there if he or she has been sprayed with OC.

803.6 REPORTING USE OF OC SPRAY

Use of OC spray in the performance of police duties is a reportable incident under department policies on use of force and a supervisor must be notified as to its deployment. The supervisor will complete the Blue Team Use of Force Incident Report entry and route it through the chain of command as soon as possible.

In the case of an accidental discharge or equipment malfunction, notify your supervisor.

803.7 REPLACEMENT AND INSPECTION

Employees are responsible to maintain all OC spray devices issued to them in an operational and charged state, and to request a replacement for a damaged, inoperable, or empty device.



**Chris Skinner
Chief of Police**