

*Maryland-National Capital Park Police
Prince George's County Division*

DIVISION DIRECTIVE

TITLE		PROCEDURE NUMBER	
OLEORESIN CAPSICUM/O.C. SPRAY		PG403.0	
SECTION	DISTRIBUTION	EFFECTIVE DATE	REVIEW DATE
Operational Procedures	A	08/01/04	08/01/06
REPLACES			
PG403.0 " Oleoresin Capsicum/O.C. spray" issued 11/12/01			
RELATED DIRECTIVES	REFERENCES	AUTHORITY	
PG400.0, 1500.0	CALEA 1	Commander Larry M. Brownlee, Sr.- Division Chief	

I. PURPOSE

To establish policy and procedures for the training, certification, availability, use, decontamination, maintenance and storage of Oleoresin Capsicum (OC) Aerosol Sprays by members of the Division.

II. POLICY

It is the policy of this Division to provide the tools necessary for it's personnel to do their job in a productive, effective and safe manner. The use of OC Spray is classified as a use of force and will be governed by this policy. Officers are issued OC Spray so they may successfully defend themselves from combative, resisting and/or violent individuals while reducing the risk of inflicting or receiving injury. OC Spray is not necessarily a replacement or substitute for other authorized devices and techniques and therefore should be only used when it is the best choice, in the officer's opinion, for the circumstances. OC Spray is another tool that can be used at the discretion of the officer when the decision is made that the use of force is objectively reasonable under the circumstances. As with any use of force the officer shall be accountable to this agency for the use of OC Spray.

The use of Oleoresin Capsicum (OC) Spray can only be justified to subdue a person engaged in an unlawful act of violence or threat of violence against other persons or the police, or when other means of apprehension would be through the use of physical or deadly force.

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III. DEFINITIONS

- A. Oleoresin Capsicum (OC) Spray- Derivative of cayenne pepper, OC Spray is classified as an inflammatory. OC Spray exposure generally has the following characteristics:
 - 1. Works immediately;
 - 2. Symptomatic effects may last up to 45 minutes; and
 - 3. There are no documented long lasting harmful effects to the person who is sprayed with OC Spray.
- B. Non-Flammable Propellant - Propellant or delivery system that will not enhance an open flame or cause a fire from a spark.

IV. APPROVED O.C. AEROSOL SPRAYS

- A. Officers shall only carry OC Spray products which are issued by the Division and which do not contain unreasonably flammable propellants or known carcinogens.

V. OC SPRAY TRAINING

- A. Officers shall be trained and must successfully complete a Division approved OC Spray training program prior to being issued OC Spray. Re-certification will be conducted annually by Division certified instructors during in-service training. This training will include but not be limited to:
 - 1. Tactical use and applications of OC Spray, including:
 - a. Body contact, specific contact points and contact duration; and
 - b. Effects of OC Spray use.
 - 2. Specific tactics (including hands-on training) including:
 - a. Basic defensive tactics;
 - b. Duration of application;
 - c. Use against attacks;
 - d. Vehicle extractions;
 - e. Fight intervention; and
 - f. Simunitions.
 - 3. OC Spray use on animals
 - 4. OC Spray safety considerations (officer and suspect)

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- a. Officers shall exercise caution when using OC Spray in the immediate vicinity of infants and the elderly.
 - b. Officers should make every attempt to avoid discharging large amounts of OC Spray into a confined space.
 - c. Violators exposed to OC Spray shall be afforded decontamination procedures as soon as possible.
5. OC Spray vicarious liability
 6. OC Spray maintenance considerations
- B. OC Spray training will be documented and include:
1. names of trainers;
 2. date of training;
 3. hours of training;
 4. names of program participants;
 5. training location; and
 6. written test scores.

VI. EFFECTS OF O.C. SPRAY USAGE

- A. The general effects of OC Spray exposure include:
1. Inflammation of the eyes and mucus membranes causing:
 - a. involuntary closing of the eyes, and
 - b. uncontrollable coughing and hacking;
 2. Impairment of the person's breathing;
 3. An intense burning sensation of the affected areas; and
 4. Emotional anxiety.
- B. Generally the subject experiencing OC Spray exposure will:
1. immediately be rendered helpless through temporary blindness;
 2. drop whatever might be in his/her hands;
 3. bend forward at the waist; and
 4. immediately cover the face with his/her hands.
- C. OC Spray exposure is generally instantaneous and effective against:

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1. drug abusers;
2. emotionally disturbed persons;
3. intoxicated persons;
4. enraged persons who have a reduced sensitivity to pain;
5. domestic and wild animals; and
6. others.

VII. PROCEDURES

A. Use

1. OC Spray will routinely be carried by all trained and certified officers while on duty.
2. OC Spray may be used in situations where:
 - a. verbal direction is ineffective or inappropriate; or
 - b. passive resistance techniques have failed and officers may have to use physical force to maintain control.
 - c. examples of acceptable OC Spray use include:
 - 1) where an officer could reasonably use deadly force.
 - 2) where an officer could reasonably use an impact weapon as a striking tool and not merely as a restraint device.
 - 3) where an officer is confronted by a suspect or assailant with an edged weapon and the suspect/assailant is not moving toward the officer or another person where the use of deadly force may be more appropriate, and is refusing to drop the weapon.
 - 4) where an officer reasonably believes that he/she will become engaged in a fight with a suspect/assailant.
 - 5) OC Spray may be used to effect the removal of a person or persons who voluntarily lock themselves in a vehicle and refuse to exit when lawfully ordered to do so.
 - 6) OC Spray may be released into an enclosed area (such as a house or other building) to effect the removal of persons who refuse to voluntarily exit or when a forced exit is necessary.
3. Officers should avoid the use of OC Spray in areas where the use of OC Spray could cause a panic (e.g., a darkened room).
4. OC Spray will only be used as a control and compliance measure and shall never be used for any illicit/unlawful purpose (e.g., as a means of punishment and/or interrogation).

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5. The use of OC Spray shall be consistent with the guidelines for the Division's use of force policy in accordance with Division Directive PG400.0 - "Use of Force/Report" and the manufacturer's specific guidelines for use.

B. Guidelines for usage

1. For maximum effect, OC Spray may be used at a distance of 2 to 15 feet. The effective range will be determined by the type of aerosol being used and the environmental factors of the OC Spray use (ventilation, wind, rain, snow, etc.).
2. Officers should only use the amount of OC Spray reasonably needed to achieve the desired effects. Once the desired effects are achieved, the officer shall discontinue usage.
3. Primary OC Spray application targets include:
 - a. face,
 - b. eyes,
 - c. nose, and
 - d. mouth.
4. Intentionally spraying a person's groin area with OC Spray is not permitted except in confrontations where deadly force would be justified.
5. Officers shall only use OC Spray when appropriate in accordance with PG400.0, Use Of Force.
6. Officers shall not intentionally or knowingly create a situation whereby a person sprayed by OC Spray who is temporarily blinded would or could walk into the path of oncoming traffic or walk off an elevated area causing unreasonable injury.

C. When an officer is confronted by a person holding OC Spray

When an officer is confronted by an attacker/suspect/assailant holding, wielding or threatening him/her with an OC Spray aerosol, the officer shall make reasonable efforts to minimize the amount of self defense force applied. The officer shall consider the following (as allowed by duration and circumstances of the incident):

1. The officer understands that if the person is successful in spraying him/her with OC Spray he/she will be at the mercy of that person, or others, for an extended period of time (up to 45 minutes). It is foreseeable and

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reasonable that during this time the officer may be disarmed, killed or seriously injured.

2. If the officer can reasonably retreat safely to a distance outside the foreseeable range of the OC Spray, a minimum of twenty-five (25) feet, the officer should do so, provided that his/her retreat does not cause substantial additional risk of harm or injury to others.
3. The officer should consider the following incident factors (among others as known to the officer) based upon the totality of the circumstances:
 - a. the OC Spray attacker's age, sex, known history, etc.;
 - b. the number of OC Spray attackers, or companions, present and known to the officer;
 - c. the perceived demeanor of the attacker(s) and other hostile parties;
 - d. the make-up of the surroundings; and
 - e. whether there are other officers present who could reasonably and safely protect the officer if incapacitated by OC Spray exposure.
4. If an officer, confronted by a suspect/assailant wielding or threatening the officer with OC Spray, cannot reasonably and safely retreat from the scene, or if there are not sufficient backup/support officers present to reasonably and safely protect the officer from attack or injury after OC Spray exposure, the officer may use reasonable force up to and including deadly force against the attacker.

D. OC Spray decontamination procedures - humans

1. After control has been established, and/or resistance has ceased, the officer will make reasonable efforts to allow the OC Spray affected subject relief from the discomfort associated with the application of OC Spray.
2. Severe symptoms of OC Spray exposure are expected to disappear in 45 minutes or less with only minor aftereffects (red skin, mild burning sensations, etc.).
3. Reasonable OC Spray decontamination efforts may include, as practical under the circumstance of the exposure:
 - a. removing the person from the spray area to an area of fresh air or providing some other form of ventilation;
 - b. keeping the person calm by calmly informing the person of the anticipated effects of OC Spray exposure;
 - c. instructing the person to blow his/her nose to remove lodged OC Spray particles;
 - d. if the person is not breathing, give artificial respiration;

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- e. if the person is having difficulty breathing arrange for him/her to be given oxygen;
 - f. allowing the person to flush the affected area with saline solution or clear water (if available) to relieve the inflammation to the eyes and skin;
 - g. if practicable, the person should be allowed to wash all exposed skin areas with soap and water;
 - h. arrange for professional medical attention (ambulance/hospital) if the person complains of injury or if the officer reasonably believes that the person needs medical attention; and
 - i. allow the person to wash affected clothing, if practical.
4. Do not apply any salve or similar substance to the affected areas. This will trap the particles that are present against the skin.
 5. Secondary contamination or effects on the user are generally negligible. The subject may be handled immediately after being subjected to the OC Spray. The user should exercise caution to avoid contact between their hands and face.
- E. Medical treatment
1. Symptoms of OC Spray exposure should disappear within 15 to 45 minutes with no severe aftereffects.
 2. If symptoms, other than mild after effects, persist beyond the normal forty-five (45) minute recovery period without significant relief to the eyes, skin and respiratory system, the officer should arrange for prompt medical attention.
 3. Officers shall not withhold medical attention from the person, whether requested or not, if the officer reasonably believes that the affected person is in need of such attention.
- F. OC Spray decontamination procedures - buildings
1. Reasonable efforts to decontaminate buildings after OC Spray exposure may include, as practical under the circumstances of the exposure:
 - a. opening doors and windows as soon as possible for at least thirty (30) minutes;
 - b. washing affected areas with soap and water;
 - c. washing all food containers and disposing of any unwrapped, exposed food.
- G. Documentation

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Pursuant to the provisions of Division Directive PG400.0 - "Use of Force/Report", every use of OC Spray in other than a training session shall be documented in a Use of Force Report, in addition to any crime/incident reports, to their immediate supervisor describing the conditions and circumstances surrounding the use of OC Spray, and the decontamination procedures provided.

1. Affected supervisor's shall make an immediate investigation as to justification and submit a written report, via the chain-of-command, to the affected Area Operations Assistant Chief.

H. Storage safety

Officers should not:

1. Store OC Spray in direct sunlight;
2. Store OC Spray in areas where the temperature may exceed 120 degrees Fahrenheit, such as a vehicle trunk or dashboard; or
3. Incinerate.

I. Maintenance

1. Officers shall regularly inspect their OC Spray canisters for signs of erosion, leakage, and dirt in the nozzle and/or damage.
 - a. Each member of the Park Police will be responsible for the care and security of any issued OC Spray canister.
 - b. The canister will be handled with the same caution given the service weapon and should be stored out of the reach of children.
 - c. Anytime OC Spray is used, the canister will be turned into the immediate supervisor for replacement.

J. OC Spray inventory storage and availability

1. Sergeants or shift supervisors will keep a supply of OC Spray canisters to re-supply their officers when needed.
 - a. Officers are to replace used canisters as soon as practicable after use by turning it in to a sergeant and receiving a new canister.
 - b. The sergeants will obtain replacements for the used canisters from the Property Specialist.
2. The Property Specialist shall be responsible for maintaining stock levels of OC Spray to accomplish this process.

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