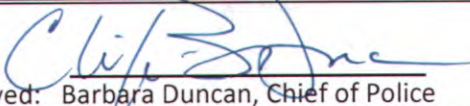
	SALISBURY POLICE DEPARTMENT
	Written Directive: Oleoresin Capsicum Spray
	Publication Date: June 22, 2018
	 Approved: Barbara Duncan, Chief of Police
Related CALEA Standards: 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.2.5, 4.3.1, 4.3.2, 4.3.3, 4.3.4	Oleoresin Capsicum Spray Section #1003

Oleoresin Capsicum Spray

1. **Purpose:**

The purpose of this policy is to provide departmental guidelines to trained officers of the Salisbury Police Department in the use and carry of less lethal weapons, specifically oleoresin capsicum spray or OC, as well as when medical attention is needed after the use of such weapons.

2. **Policy:**

It is the policy of the Salisbury Police Department to regulate the types of authorized less lethal weapons officers are issued and permitted to carry and use. It is imperative that officers are properly trained and qualified in the use of all authorized weapons and the proper inspection and maintenance are conducted to ensure that they meet minimum safety standards.

3. **Agency Approved Less Lethal weapons:**

Officers shall use less lethal weapons in a manner consistent with the provisions of this policy. Agency approved less lethal weapons shall be used to defend against violent attack when the use of firearms would not be appropriate or advisable. The force must be proportional, used to overcome the active resistance or active aggression of a suspect when making an arrest or used to restrain a combative subject who is already in custody and to restrain a subject who suffers from a mental or developmental disorder and is aggressive or combative to the point where it becomes necessary to provide for their safety or the safety of others. The deployment and use of agency approved less lethal weapons to affect an arrest is to be considered a seizure of that particular person. Therefore, probable cause shall be required. However, a person being seized pursuant to a civil commitment order or for some reason other than the commission of a crime the probable cause element is not required. The department has recognized the following as being an agency approved less lethal weapon:

4. **General:**

Oleoresin Capsicum is a natural inflammatory agent derived from the pepper plant. As an inflammatory agent, aerosol OC Spray causes a near immediate inflammation of the eyes and breathing passages. There is an intense burning sensation of the eyes, throat, and other exposed areas of the skin. When OC is inhaled, the respiratory tract becomes inflamed and breathing might become restricted. Physical effects might include involuntary closing of the eyes, coughing, choking, discharge of mucous, lack of coordination and nausea. Psychological effects such as disorientation and fear might also occur. When properly used, OC Spray is usually effective on both humans and animals and will incapacitate most subjects for a period of 30 minutes without permanent injury. Due to the natural and biodegradable elements contained in OC, physical cleansing procedures include proper ventilation, removal of contact lenses by qualified personnel and providing access to cool water. Psychological effects can be reduced through reassurance and support.

5. **Definitions:**

Less-Lethal Alternatives: It is the policy of the Salisbury Police Department to equip sworn members with less-lethal alternatives, such as Oleoresin Capsicum (OC) Spray, to resolve encounters with aggressive subjects.

Active Resistance/Aggression: The subject displays the intent to harm the officer, himself/herself, or another during a violent attack or while resisting arrest. Examples of Active Resistance/Aggression are displaying or implication of a weapon, fighting stance, punches, kicks or other actions that present a reasonable and immediate threat of physical harm and/or immediate safety risk to the officer, the suspect or others.

Passive Resistance: Subject fails to obey verbal direction via non-violent means; thereby preventing the officer from taking lawful action.

Not for Compliant or Passively Resistant Subjects: It is never appropriate to use OC Spray on subjects who are compliant or who are exhibiting only passive resistance.

Use of Force Policy: The discharge of OC spray by a member in the performance of his/her duties is considered a use of force, and must therefore conform to the policies and procedures of the Salisbury Police Department. As always, any use force must be objectively reasonable, necessary, and proportional

Applicability: This policy applies to all members of the Salisbury Police Department who are authorized to carry OC Spray.

De-escalation: The use of OC Spray is not intended to replace tactics or training that can be utilized to calm or control a person, or to de-escalate a situation and avoid the use of force.

OC Dispenser: Manufactured to deliver OC particulates in a liquid form.

OC Fogger / MK9 Pepper Fogger: Hand-held device manufactured to deliver substantial OC particulates in aerosol form over a large area, causing exposure to large groups.

6. Prerequisites To Carrying Lethal And Less Lethal Weapons

During an orientation phase after being hired, entry level sworn officers and animal control officers that will be authorized to carry less lethal weapons will be granted electronic access to all agencies policies related to less lethal weapons that are approved for use by the department. These same entry level personnel will also be instructed in the policies directly related to use of force before being authorized to carry a less lethal weapon. The issuance and instruction will be documented and forwarded to the Administrative Commander for review.

7. Procedural Guidelines for Carrying OC Dispensers:

- A. Uniformed sworn officers and animal control officers will carry the departmentally issued dispenser on their gun belt.
- B. Sworn officers are accountable for their issued dispenser and are responsible for its care and upkeep.
- C. Plain clothes sworn members shall also be issued an OC dispenser and shall have it readily accessible while on duty.
- D. When off-duty, OC Spray dispensers must not be accessible to civilians.
- E. Depleted, outdated or damaged OC spray dispensers will be exchanged in the quartermaster's office.

8. OC Usage:

The use of OC spray constitutes a use of force. Therefore, officers shall only use OC spray when it is objectively reasonable, necessary, and proportionate to effectively and safely resolve an incident, based on the totality of circumstances, and in accordance with the department's use of force policy. Officers are reminded that the effectiveness of OC spray varies from individual to individual. The deployment and use of OC spray to affect an arrest is to be considered a seizure of that particular person. Therefore, probable cause shall be required. However, a person being seized pursuant to a civil commitment order or for some reason other than the commission of a crime the probable cause element is not required.

The use of OC spray is authorized if, in the opinion of the officer, the use of empty hand techniques or other less lethal weapon options would pose unnecessary risk of injury to the offender and/or the officer or if empty hand technique would be ineffective in gaining control of the offender. The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for agency personnel is the oleoresin capsicum (OC) or "pepper spray." In addition:

- A. Do not use on compliant subjects or passive resisters: OC spray shall be considered an intermediate level of force that may be used only, if at all, on subjects who are exhibiting active resistance or active aggression and any such use must be objectively reasonable, necessary, and proportionate.
- B. Persons under the influence of drugs or alcohol: OC Spray may not be affected by the disabling properties of the chemical irritant. However, by maintaining a safe distance, there should be ample time to resort to other means to control the situation.
- C. Compliant subjects and passive resisters: It is never appropriate to use OC spray on subjects who are compliant or who are exhibiting only passive resistance.
- D. Unarmed Persons: This device may be used for subduing unarmed persons who are resisting arrest or persons who are armed with less-than-lethal weapons of opportunity.
- E. De-escalate: Officers should, wherever possible and appropriate, use de-escalation techniques, including defusing the situation through warnings and verbal persuasion.
- F. Avoid unnecessary escalation: Officers shall not use tactics designed to intentionally escalate the level of force.
- G. Use verbal warnings: Officers shall, whenever practical and reasonable, issue a verbal warning prior to using OC Spray on a subject and allow a reasonable amount of time for the subject to comply with the warning. If dialogue has failed to bring about a subject's compliance, AND the subject indicates the intention to actively resist the officer's efforts to arrest him or her, then deploy the OC spray. If there is no immediate danger, officers should consider making additional attempts at verbal persuasion prior to deploying OC spray.
- H. Use of deadly force by officers in response to OC spray: An officer may use deadly force to protect him or herself from the use or threatened use of OC spray toward the officer, when the officer reasonably believes deadly force will be used against them if they become incapacitated from the effects of the OC Spray.

- I. Use of OC spray on handcuffed or restrained subjects: Officers shall not ordinarily use OC spray on a person who is handcuffed or otherwise restrained. If such a person, however, is still combative and/or violent, and presents an imminent threat to the safety of the officer or others, officers must first attempt to exercise additional control over the individual by using hands-on control measures or arrest control techniques before the use of OC spray is justified. Any officer who uses OC spray on an already restrained person must be able to articulate the facts and circumstances that justified the deployment of OC spray on the subject.
- J. When the threat ceases: Once an individual is no longer a threat and the law enforcement objective is achieved, the use of OC spray is no longer justified.
- K. Crowd Control: Officers are prohibited from using OC spray to disperse crowds or others unless those crowds or others are committing acts that endanger officer or public safety and security, participants refuse to obey lawful orders to disperse and the use of OC spray is objectively reasonable, necessary, and proportional.
- L. Supervisors take control: If there is a supervisor on the scene where there is a violent or resisting subject, he or she shall direct and control all activities by subordinates.
- M. Reportable Force: Deployment of OC spray is considered a use of force and must only be deployed in a manner consistent with the department's use of force policy.

9. Deploying OC Spray:

- A. Aim for the eyebrows/eyes of the individual. The canister should be pointed at the facial area and discharged in wide, sweeping motions to assure contact with the subjects face. Pinpoint accuracy is not necessary due to the shotgun pattern of release of the propellant.
- A. Do not deploy OC spray from a distance that is less than 2 feet or more than 10 feet from the subject, unless absolutely necessary.
- B. The recommended dosage is one half second per burst.
- C. Use extreme caution when handling a subject who is not affected by the use of OC Spray.
- D. Neither chemical spray nor physical force will be used in an attempt to prevent a suspect from swallowing evidence or to retrieve evidence that a suspect attempts to swallow. An attempt to manually remove an object from a suspect's mouth or throat, places both the suspect and officer at risk of injury. The officer will order the suspect to spit out the contraband and advise the suspect of the severe health consequences of

swallowing objects or controlled dangerous substances. Persons in custody who swallow evidence will receive medical attention.

10. Procedures following the deployment of OC Spray:

- A. Subjects who have been exposed to OC spray should be provided the opportunity to wash the affected areas as soon as practical. *In most cases this should occur within 20 minutes.*
- B. Officers shall provide verbal instructions on how to wash affected areas and reassurance that the symptoms will subside over time.
- C. Officers shall not provide any creams, ointments, or bandages to be used on affected areas.
- D. Officers may not keep an OC sprayed subject in a face-down position any longer than reasonably necessary to take the subject into custody, in order to avoid positional asphyxia.
- E. While subjects are on their stomach they should be monitored for breathing difficulties. Subjects are to be re-positioned from the face down position as soon as possible to avoid positional asphyxiation.
- F. Placing a person face down in restraints causes the body weight to be placed on the diaphragm and inhibits the ability to breathe. Placing a person on their back while handcuffed can cause radial nerve damage to the wrist and forearm area.
- G. A safer position is to roll the restrained person over on his/her side, thus eliminating pressure on the diaphragm and still controlling the person on the ground as may be necessary.

11. Duty to provide medical assistance:

- A. Officers shall immediately render aid consistent with his/her training and experience, and notify the communications center of the deployment. Additionally, the officer shall request immediate medical attention if:
 - a) Subjects who complain of or exhibit continued effects after having flushed the affected areas; or
 - b) Subjects who indicate they have a pre-existing medical condition, for example, asthma, emphysema, bronchitis, heart ailment, that may be aggravated by OC spray; or

- c) At any point after exposure the subject displays a reaction not consistent with the expected reaction to aerosol OC spray; or
- d) If the subject requests medical attention via hospital or paramedic; or
- e) Evidence exists that makes the officer believe that the subject has swallowed CDS evidence.

12. Prohibited Uses of OC Spray

- A. Officers shall not use OC spray on compliant or passively resistant subjects.
- B. Officers should not use OC spray against the elderly or children unless exceptional circumstances are present that pose an immediate threat of harm to the member or another party and no reasonable alternative is available.

13. Training:

At least annually, all agency personnel authorized to carry weapons are required to receive in-service training on the department's use of force policies. At least biennially, all department personnel authorized to carry Oleoresin Capsicum (OC) shall receive recertification training on the department's use-of- force policies and demonstrate proficiency with each less lethal weapon, to include OC spray.

Qualification standards for the Oleoresin Capsicum (OC)/ Baton less lethal weapons are reviewed by the Maryland Police Training Commission on a yearly basis. This training will be monitored by a certified OC Spray instructor and the training coordinator will maintain all training records related to initial certification and re-certification.