

GENERAL ORDER VI

SUBJECT: OLEORESIN CAPSICUM SPRAY (OC)

EFFECTIVE DATE: 08-05-94

REVIEW DATE: 01-13-12

NOTE: This rule or regulations is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety of care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a nonjudicial administrative setting.

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I. To establish guidelines for the proper use of Oleoresin Capsicum (OC) Spray.

A. Pre-Application Notice

When possible, notifying persons before the use of any force is always important, but it is particularly necessary if chemical spray will be used because the medical effects of chemical spray is different from those that are produced by traditional forms of physical force. The PRE-APPLICATION notification allows subjects time to consider the medical impact on them and to decide to submit before they are sprayed.

1. If an arrestee refuses to comply with directions to cease resistance and submit to handcuffing and the officer believes chemical spray is tactically necessary, the arrestee should be notified (when possible) that he/she will be sprayed with a chemical irritant if they fail to submit.

2. The responsibility for the resulting discomfort from the spray is shifted to the arrestees when they are aware of the consequences of their refusal.

B. Post-Application Requirements

1. Minimize Pain

A. In an enforcement situation, officers have a continuing duty to minimize injury and pain to arrestees after their custody has been secured.

B. After arrestees have been restrained by the use of OC, officers must take action to minimize its physical and emotional effects.

C. If this is not done, arrestees can later claim that the level of pain, AFTER THEY SUBMITTED TO ARREST, WAS UNREASONABLE.

2. Observe Arrestee - Monitor Reactions

A. After spraying and handcuffing, arrestees should be monitored for negative medical reactions. It is particularly important to monitor their breathing.

3. Physical Cleaning

A. Clean water will cool the affected areas and reduce the painful effects of OC. Therefore, to minimize pain, officers should allow the arrestee to continually flush the area with fresh water for up to 30 minutes after exposure and apply OC neutralizer, if suspect allows.

4. Medical Treatment

A. If an arrestee exhibits any negative physical symptoms, trained emergency medical personnel should be summoned.

5. Transport From Arrest Scene

A. When arrestees are transported from the arrest scene, they must be positioned to assure UNRESTRICTED BREATHING.

6. Prohibited Procedures

A. Application of OC spray on arrestees who are handcuffed or otherwise restrained and are in a compliant non-combative state.

B. Application to arrestees who are incarcerated and in a compliant non-combative state.

C. Arrestees who have an OBVIOUS BREATHING IMPAIRMENT.

AUTHORITY

A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

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Charles Brotherton, Jr., Chief of Police