

<b>NUMBER:</b> <b>12-003</b>	<b>Original Issue:</b>	<b>Revised Date:</b> June 24, 2013	<b>Effective Date:</b> July 26, 2013
<b>SUBJECT: OLEORESIN CAPSICUM SPRAY</b>			<b>Pages:</b> 4

### **I. Oleoresin Capsicum Spray (“OC”) Policy**

All uses of OC are governed by the Use of Force Policy 96-007, and the additional requirements of this policy. All OC uses must be objectively reasonable, as set forth in the Use of Force Policy 96-007. The definitions set forth in the Use of Force Policy 96-007 apply to this policy.

The Department issues OC to all officers to provide them with additional use-of-force options for gaining compliance of actively resisting individuals in arrest and other law enforcement situations. Officers should only use OC when warranted against subjects who are exhibiting Active Resistance or who are actively resisting in a manner that is likely to result in injury to themselves or others.

### **II. Qualification Procedure**

- A. WPD shall train all officers on proper use of departmentally issued OC at least once per year.
- B. Upon the completion of training and qualification, each officer shall carry a departmentally issued OC when on duty.
  - 1. Departmentally authorized OC canisters are required to be carried on the duty gun-belt.
  - 2. The Chief of Police may exempt officers from carrying a departmentally issued OC only while on plain-clothed assignment.
- C. No officer shall carry or use any chemical agent other than departmentally issued OC while on duty.

### **III. Usage Criteria**

- A. Each application of OC is a separate use of force requiring independent legal justification.
- B. OC usage is a use of force. If feasible, the officer should only use OC as a force option after the subject has failed to comply with verbal compliance tactics and lesser force options are not feasible, and the subject is actively resisting the officer’s efforts to make the arrest or use for other lawful law enforcement situations.
- C. Whenever practical and reasonable, officers should issue a warning to the subject of OC’s impeding use and allow time to comply.

- D. Once a subject is incapacitated or restrained, use of OC is no longer justified.

#### **IV. Tactical Usage**

- A. Whenever possible, officers should be upwind from the subject before using OC and should avoid entering the spray area.
- B. Officers should maintain a safe distance from the subject of between two and ten feet.
- C. Officers should direct a single spray burst of between one and three seconds at the subject's eyes, nose, and mouth. Officers may use additional burst(s) if objectively reasonable and the initial or subsequent burst proves ineffective.
- D. Use of OC spray should be avoided, if possible, under conditions where it may affect innocent bystanders.

#### **V. Effects of OC and Officer Response**

- A. To decrease the risk of positional asphyxia, officers should not use a restraint technique that impairs the subject's breathing following an OC use.
- B. Within several seconds of being sprayed with OC, a subject will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain, and/or impaired thought process.
- C. The effects of OC vary among individuals. Officers shall handcuff subjects as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the subject to include, if necessary, other force options consistent with this Department's Use of Force Policy 96-007, if the subject does not respond sufficiently to the spray and cannot otherwise be subdued.
- D. Subjects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.
- E. Immediately after spraying a subject, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness. Upon observing these or other medical problems or if the subject requests medical assistance, the officer shall

immediately summon emergency medical aid.

- F. Officers should provide assurance to subjects who have been sprayed that the effects are temporary and encourage them to relax.
- G. Officers should provide the subject with copious amounts of water on scene or transport the subject as quickly as possible to the Trumbull County Jail to flush their eyes of OC.

## VI. Reporting Procedures

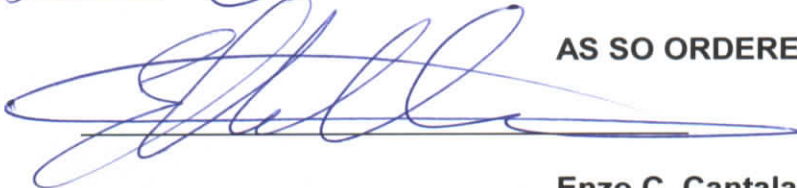
- A. Officers shall report all accidental discharges as well as intentional uses of OC against an individual in an enforcement capacity to their immediate supervisor as soon as possible.
- B. Officers shall complete a Use of Force Report for all discharges of OC spray except during testing, training, malfunction, or accidental discharge.

## VII. Replacement

- A. All OC devices shall be maintained in an operational and charged state. Officers to whom OC devices are issued are responsible to obtain replacements for damaged, inoperable, or empty OC devices.
- B. Officers can obtain replacement OC devices from the Weapons Unit.

## END OLEORESIN CAPSICUM SPRAY POLICY 12 – 003

The aforementioned rules, regulations, policy, procedure, to wit; PO/PR 12-003, be and the same, are ratified, prescribed, adopted, approved, made and promulgated, by me, on this 11th day, of July, at 2:00 AM/PM

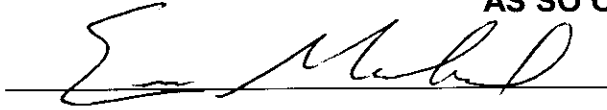


AS SO ORDERED,

**Enzo C. Cantalamessa**  
**Director of Public Service and Safety**

The aforementioned rules, regulations, policy, procedure, to wit; PO/PR 12-003, be and the same, are ratified, prescribed, adopted, approved, made and promulgated, by me, on this 11<sup>TH</sup> day, of JULY 2013 at 2:00 AM/PM

**AS SO ORDERED,**

A handwritten signature in black ink, appearing to read "Eric J. Merkel", is written over a horizontal line.

**Eric J. Merkel  
Chief of Police**