

OLEORESIN CAPSICUM (OC) SPRAY – FIELD SERVICES

- AUTHORITY:** Administrative Directive
Sections 830.5, **13652 – 13652.1, and 22820** of the California Penal Code
- RESCINDS:** Procedure Manual Item 1-4-106, dated 07/23/20
- FORMS:** Authorization to Possess and Use Oleoresin (F057-9175.5)
Capsicum (OC) Spray Canister/Field
Oleoresin Capsicum (OC) Spray Inventory Form (F057-6844.2)
[Special Incident Report \(SIR\)](#)
- PURPOSE:** To **establish** procedures for the use of Oleoresin Capsicum (OC) spray by **Deputy Probation Officers (DPOs), Senior Deputy Probation Officers (Senior DPOs), Supervising Probation Officers (SPOs), and sworn administrators** in the course and scope of employment. **For the purposes of this PMI, the acronym “DPO” and term will be used to refer to all of the above noted classifications.**

I. GENERAL INFORMATION

- A. Oleoresin Capsicum (OC) spray is a chemical agent that can rapidly produce sensory irritation of disabling physical effects in humans, which disappear within a short time following termination of exposure.**
- B. Use of OC spray is considered a use of force event. By statute, DPOs who have a reasonable cause to believe that a person has committed a public offense, may use objectively reasonable force to effect arrest, prevent escape, or to overcome resistance. DPOs are referred to Procedure Manual Item (PMI) 1-4-105 *Use of Force – Field*.**
- C. State law provides for restrictions on the possession and use of OC spray within California. Additionally, departmental policy further regulates possession and use of OC spray by employees of the Orange County Probation Department while they are on duty. Such possession or use is strictly prohibited by this department during the course and scope of employment unless specific prerequisites have been met, and specific written authorization has been granted by the Chief Probation Officer.
- D. The decision to carry OC spray as a private citizen is an individual one. The peace officer status of DPOs, coupled with successful completion of the **Standards and Training in Corrections (STC) approved “Use of Chemical Agents” course** meet the legal requirements for possession and use of tear gas as a private citizen. Deputies or others who have met the legal requirements to possess tear gas canisters for use as a private citizen and who wish to carry tear gas to and from their work location generally may do so, with the exception of employees entering onto facility grounds. Tear gas (CN, CS) is not to be carried when "on duty." When on duty, authorized personnel are to carry only their departmentally issued OC spray canister.

- E. Because state law prohibits any person from bringing any "weapon," including OC spray, into an institution or within the grounds of an institution except where authorized by the person in charge, all Probation Department employees who possess tear gas as a private citizen are prohibited from bringing said "weapon" onto any facility grounds unless specific prerequisites are met.

II. PROCEDURE

Designated field supervision deputies are mandated to carry an approved OC spray canister when conducting field operation duties. Authorization for these mandated positions is at the discretion of the Chief Probation Officer and may be withdrawn upon transfer to a non-field supervision assignment. All other DPO(s) may be authorized to possess and use OC spray upon request of and approval from the Chief Probation Officer (CPO).

A. Training

In order to possess and use an OC spray canister while on duty, DPO(s) must complete the **Board of State and Community Corrections (BSCC) Standards and Training in Corrections (STC) approved "Use of Chemical Agents" course.**

1. For DPO(s), **STC** training will be arranged by the Professional Standards Division (PSD).
 - a. If it is impractical to provide this training at the Probation Department, the Employee Development and Support Division's Assistant Division Director may approve attendance at an **STC** certified training course presented elsewhere.
 - b. DPO(s) who have completed **STC** certified training shall:
 - (1) Complete and submit the Authorization to Possess and Use Oleoresin Capsicum (OC) Spray Form (F057-9175.5), and the Oleoresin Capsicum (OC) Spray Inventory Form (F057-6844.2) to the PSD Division Director through their immediate supervisor up the chain of command, along with proof of training.
 - (2) The PSD Division Director shall forward said documents to the Chief Probation Officer, **or Chief Deputy Probation Officer**, for final authorization to possess and use OC spray.
 - (3) The original authorization form will be forwarded to PSD, who will maintain a centralized file of all those authorized to possess and use OC spray within the scope of employment. A copy will be forwarded to the individual deputy at his or her work site.
 - (4) If authorization is not granted, a copy will be returned to the individual deputy, and the original will be sent to the PSD.
2. The Oleoresin Capsicum (OC) Spray Inventory Form (F057-6844.2) will be completed prior to delivery of the Department-issued OC spray canister. A permanent copy will be maintained by the PSD Division Director or designee.

B. OC Spray Canisters

1. DPO(s) who have met all prerequisites; and are departmentally authorized to possess and use OC spray on duty, will be issued an aerosol OC spray canister. Upon receipt of an authorization signed by the Chief Probation Officer, the PSD Division Director or designee will contact the individual deputy and ensure timely issuance of an OC spray canister.
2. Consistent with County and Department policy, County-issued equipment is not to be used outside the course and scope of employment. However, authorized field deputies may carry the OC spray canister to and from their residence in case they are called upon to assume an "on duty" status during non-traditional working hours. In this instance, DPOs shall take special precautions to assure that the OC spray canister is safely secured.
3. Only Department-issued or the Department-authorized OC spray canisters will be approved for use in the course and scope of employment.

C. Use of OC Spray

1. **When possible, DPOs shall provide a clear warning that OC Spray may be deployed if voluntary compliance is not accomplished. However, if the individual continues to be physically aggressive and it is reasonable to believe that even a momentary delay would result in injury to the individual or another, then OC spray can be deployed without warning.**
2. **Prior to the dispensing of OC spray, when possible, allow an opportunity for non-involved persons to leave the area.**
3. **Ensure that no greater amount of OC spray is used than is necessary to subdue the individual (s).**
 - a. **OC spray shall not be used on individuals who are resistive, but not physically aggressive.**
 - b. **Unless exigent circumstances exist, OC spray should not be used at a range of less than three (3) feet or any greater than ten (10) feet away.**
 - c. **The target area is the individual's face but specifically the area from ear to ear across the subject's eyes. If the impact area is different than the target area it may be necessary to deploy another burst of OC spray to gain compliance.**
 - d. **To deploy OC spray, the DPO shall press the actuator to fire at the subject's face in ½ second to 1 second bursts. To stop firing, release pressure from the actuator.**
 - e. **It may be necessary to deploy additional ½ second to 1 second bursts if the subject continues to be physically aggressive. The DPO shall assess the efficacy of use following each burst.**

D. Decontamination/Aftercare Procedures

- 1. Decontamination measures must be undertaken as soon as possible after the subject is subdued and restrained. Any delay longer than ten (10) minutes following exposure shall be documented in the SIR and articulated as to the why the delay occurred.**
 - a. After exposure to OC spray, the subject(s) shall have their eyes and any other contacted body part rinsed with clean and cold running water for several minutes and/or until the subject no longer feels the effects of the OC spray. If OC spray was ingested, the subject shall be allowed to rinse their mouth and drink cool water.**
 - b. If possible, the subject should be given exposure to fresh air in order to speed recovery.**
 - c. Do not apply creams, salves, or other ointments to the skin.**
 - d. If cold water is not available or decontamination is not possible, emergency response services shall be promptly summoned for assistance.**
 - e. Any DPO or other individual contaminated with OC spray should follow the same decontamination process.**
- 2. If the subject is booked into the Orange County Jail, Juvenile Hall, or other detention facility, immediate notification shall be made to the intake staff and noted on the booking paperwork.**
- 3. If the individual is not taken into custody, he or she should be advised to seek follow-up medical treatment at an emergency room of a local hospital, should the stinging or other irritation continue after properly washing the exposed areas with cold water for several minutes.**

E. OC Spray Limitations

- 1. While DPOs are not generally asked to disperse assemblies, protests, or demonstrations, they shall not use OC spray to disperse the crowd. However, the following are exceptions to the prohibition of using OC spray while providing crowd control.**
 - a. The DPO has received training on the proper use of OC spray by the Commission on Peace Officer Standards and Training for crowd control.**
 - b. Use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:**

- (1) **De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.**
 - (2) **Repeated, audible announcement are made announcing the intent to use chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.**
 - (3) **Persons are given an objectively reasonable opportunity to disperse and leave the scene.**
 - (4) **An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and OC spray is targeted toward those individuals engaged in violent acts.**
 - (5) **OC spray is used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.**
 - (6) **DPOs shall minimize the possible incidental impact of OC spray on bystanders, medical personnel, journalists, or other unintended targets.**
 - (7) **An objectively reasonable effort has been made to extract individuals in distress.**
 - (8) **Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.**
2. **OC spray shall not be used solely for a violation of an imposed curfew.**
 3. **OC spray shall not be used solely in response to a verbal threat.**
 4. **OC spray shall not be used solely for noncompliance with a law enforcement directive.**

F. Documentation

1. In all incidents involving the use of OC Spray on a person, the deputy shall verbally report the incident to their CIM/immediate supervisor as soon as possible.
2. **After an OC spray discharge, the DPO is required to submit an SIR detailing the use of force and consistent with the requirements and timelines established in PMI 1-4-105 *Use of Force – Field*. As noted in the referenced PMI, a DPO may consult with their union representative prior to writing and/or submitting a written report regarding the use of OC spray. The SIR shall include all relevant facts related to the circumstances leading**

up to the incident, the DPO's perceptions at the time of the incident, level of resistance, **de-escalation and other tactics attempted prior to the use of force, and why force was objectively reasonable. Additionally, the SIR shall include all decontamination efforts and first-aid provided.**

G. Security and Care of an OC Spray Canister

1. The security of the OC spray canisters is the responsibility of the individual to whom it is issued or approved. At a minimum, it:
 - a. Must be under the deputy's immediate control (i.e., on his/her person or that is held or within easy reach) or in a locked drawer, compartment, or other secure place so as to ensure that no unauthorized person will have access to the device;
 - b. Should not be stored near a furnace or heater or in an automobile where the temperature could go over 120 degrees as, like all aerosols, there is a danger of accidental discharge or explosion;
 - c. Should be carried, stored, and used only in accordance with instructions provided during required training **and in accordance with this and other force-related policies.**
2. Periodic testing of the canister is an approved method of determining the effectiveness of the weapon. Such tests need not be reported to the PSD Division Director unless the weapon is found to be defective.
3. The level of the contents of the canister shall be properly monitored and maintained.

H. Replacement of OC Spray Canister

Since aerosol OC spray canisters have a limited shelf life, PSD will maintain a record of the expiration date of all canisters issued to or approved for use by authorized personnel.

1. Authorized employees will be notified in writing by PSD when an exchange or replacement of an Oleoresin Capsicum (OC) spray canister is appropriate.
2. Upon receipt of such notifications, the deputy has ten (10) working days to respond and complete the exchange of the Department-issued canister.

I. Damage or Loss of an OC Spray Canister

1. Any loss of a Department-issued OC spray canister is to be reported verbally to the immediate supervisor as soon as possible. An SIR shall be completed within 48 hours, unless directed otherwise by a supervisor.
2. Any damage, leakage, or other maintenance problems with a Department-issued OC spray canister is to be reported immediately to your chain of command via SIR. DPOs shall report the damage/loss to range staff for a replacement OC spray canister.

3. DPOs shall report the damage/loss to range staff for a replacement OC spray canister and provide a copy of the SIR.

J. Use of Force Review Board

Whenever an OC spray canister is discharged (except for testing) during the course of employment, the Use of Force Review Board will review the incident (Refer to PMI 1-4-108 [Use of Force Review Board]).

REFERENCES:

Procedures:	1-3-105	Maintenance and Release of Employee Discipline Records
	1-4-105	Use of Force (Field Services)
	1-4-108	Use of Force Review Board
	1-4-110	Threats, Harm, or Danger to Employees and Others
Policies:	D-1	Threats, Harm, Danger to Employees and Others
	D-9	Tear Gas

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APPROVED BY: