

# OC SPRAY POLICY

## Patrol Procedure

Subject: Use of Aerosol Restraints

### **I. Purpose**

To establish Public Safety philosophy and policy regarding the use of hand-held aerosol spray for dealing with resistive and combative subjects while minimizing risks of physical injury to officers, staff members and others.

### **II. Policy**

Members of the Public Safety shall use aerosol restraints (OC spray) only within the guidelines of the Force Matrix and Use of Force Guidelines. Officers who have successfully completed the prescribed training course and received proper certification from a qualified instructor which assures safe and proper handling of aerosol restraints shall be eligible to use the product in the performance of their duties. No officer shall carry aerosol restraints without proper training, certification and approval of the Department Director.

### **III. Procedures**

#### **A. Use of Aerosol Restraints**

1. An officer shall use aerosol restraints only within the guidelines of the Force Matrix and Use of Force Guidelines. ( See Use of Force Policy)
2. In addition, aerosol restraint will be used in the following circumstances:
  - a. To defend him/herself or a third party from what is reasonably believed an immediate threat of physical injury.
  - b. To prevent the commission of suicide or self-inflicted serious physical injury.
  - c. To deter a vicious or aggressive animal that threatens the safety of the officer or others.
3. When an officer uses aerosol restraints, he/she shall spray the product only until the threat is neutralized. When the behavior that justified the use aerosol restraints ends, the officer must stop spraying.
4. Aerosol Restraints shall not be used under the following circumstances:
  - a. Near heat sources that could pose a fire hazard.
  - b. As a warning.
  - c. Where serious injury may occur to witnesses.
5. An officer shall not draw or display his/her aerosol restraint product in a public place except when it is to be officially and properly used as noted in subsection 1, or for inspection by a supervisor.

Note: Because the mixture of propellant and product can separate, the canister will be shaken at the start of each shift and if possible, prior to its actual use.

6. An officer shall file a written report upon the loss or theft of a canister of department-issued aerosol restraint. The report shall include all facts surrounding the loss or theft. The officer shall, without further delay, notify the Supervisor or Director of the loss or theft.

#### **B. Notification of Use of an Aerosol Restraint**

1. An officer involved in the discharge of an aerosol restraint product from his/her department-issued canister must report the discharge and use as follows:
  - a. Whenever an officer discharges his/her aerosol restraint product, whether accidentally or in the performance of Public Safety duties (excluding training conditions), the officer must verbally notify his/her on-duty supervisor as soon as time and circumstance permit. The event must be reported no later than the conclusion of the officer's current shift. If a supervisor is not on duty at the time of the discharge and/or use, the officer must contact an off-duty supervisor. A supervisor who discharges his/her aerosol restraint product must contact the Director to advise of the occurrence.
  - b. An officer who has discharged an aerosol restraint product, under any circumstances, must file a Physical Control report with their Supervisor immediately following the event or prior to the conclusion of the officer's current shift. Details will include all officers involved in the incident. A

- supervisor who discharges an aerosol restraint product must file a Physical Control report prior to the conclusion of the current shift. (See Appendix 14)
- c. If an officer who discharged an aerosol restraint is physically affected by the product or injured and incapable of filing the aforementioned required report, the officer's supervisor must file a complete report as soon as possible pending further departmental investigation.
  - d. If a canister of aerosol restraint is removed from its holster during an incident and a report (for whatever reason) is not initiated, a Physical Control report shall be written even if the situation was resolved without the actual use of the product.
2. Supervisors should follow the procedures listed below when investigating the use of aerosol restraints:
    - a. Each discharge of an aerosol restraint shall be investigated personally by a supervisor. If the discharge or use occurs when there is no supervisor on duty, an off-duty supervisor shall be contacted and he/she will determine who will conduct the investigation and when it will occur.
    - b. After conducting a thorough investigation of the circumstances surrounding the discharge of an aerosol restraint, the supervisor must submit a detailed written report outlining the results of the investigation to the Director of PS. The Director shall immediately submit a report to the Vice President for Finance and Administration. In addition to the results of the investigation, the reports shall contain the observations and assessments of the supervisor and the Director regarding the justifiability of the discharge.
    - c. Approval to carry and/or use an aerosol restraint product on duty may be revoked at any point that an officer has demonstrated an inability or unwillingness to strictly adhere to established Departmental policy regarding the use of aerosol restraints.

#### **C. Inspections, Maintenance and Storage of Aerosol Restraint**

1. Each officer who is certified and authorized to carry aerosol restraint will be assigned a canister of the product. He/she is solely responsible for any use or misuse of the product contained in the assigned canister. The assigned canister of aerosol restraint and will not be removed from University property except in an official capacity that is authorized by a supervisor.
2. Any damage to or malfunction of a canister shall be reported immediately to a supervisor.
3. Supervisory personnel may periodically inspect the canisters assigned to their subordinates.
4. Only Departmental issued canisters may be carried or used on duty.

#### **D. Training**

1. All officers who carry an aerosol restraint must first successfully complete certifying training and be accredited by the instructor as being satisfactorily proficient in its use.
2. No officer shall carry an aerosol restraint without proper training and subsequent periodic retraining and certification as required by the department.
3. Each officer must pass a written test as part of the initial training and any periodic training process. Such documentation will be permanently maintained by the department.

#### **E. Safety Concerns**

1. Whenever possible, aerosol restraint should be used in an isolated area or outside the University buildings.
  - a. The totality of the circumstances will dictate whether an officer is justified use inside the University buildings.
  - b. If aerosol restrains are used inside University buildings or related facilities, Facilities will be consulted to decide if fans will be used to facilitate dissipation of the product.
  - c. If aerosol restraints are used inside a building, vehicle or other enclosed environment, windows and doors should be opened as soon as possible to allow the residual spray to dissipate.
2. An officer electing to use this type of restraint in any situation must remain aware that, in an uncontrolled environment, other people and officers may also be affected by the product.
  - a. Any persons affected by use, including the target subject (s), shall be offered medical treatment for any injuries sustained as well as treatment to help alleviate the effects of the product.

- b. If the subject (s) is not injured, treatment to alleviate the effects will be limited to the washing of the face and eyes with water or the application of cool, moist towels to the effected areas.
- c. Officers who spray the product should immediately wash their hands to avoid affecting themselves.

**F. Violation of Policies Contained Herein:**

Violations of this policy and philosophy require an investigation reportable to the Director of PS and will result in appropriate disciplinary action which may include dismissal.

- 1. Accidental, unauthorized, or unnecessary discharges of an aerosol restraint resulting from negligence or misuse will result in appropriate disciplinary action which may include dismissal.