

OLEORESIN CAPSICUM (OC) SPRAY – FIELD SERVICES

- AUTHORITY:** Administrative Directive
Sections 830.5 and 12401 through 12402 of the California Penal Code
- RESCINDS:** Procedure Manual Item 1-4-106, dated 10/26/18 (Major Revision)
- 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 set forth procedures for staff to follow in order to obtain training and/or authorization to possess and use OC spray in the course and scope of employment. Further, to regulate possession, use and storage of personal or County-issued OC spray canisters at the job site, both field and institutional.

I. GENERAL INFORMATION

- A. 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. Designated deputized field supervision employees are mandated to possess and use OC spray during the course of their employment
- B. The training, certification, and authorization to possess and use OC spray in the course and scope of employment is limited by Department policy and law to use as a defensive tool, either for self defense, or the defense of others against a violent, aggressive act, which occurs in the direct course of duty as a deputized employee. Staff who have a reasonable cause to believe that the person to be arrested has committed a public offense, may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Staff are expected to approach all dangerous situations skillfully so as to avoid unnecessarily provoking aggressive acts, which require a defensive response. Staff are referred to Procedure Manual Item (PMI) 1-4-105 (Use of Force [Field Services]) for further guidance.
- C. The decision to carry OC spray as a private citizen is an individual one. The peace officer status of deputized employees, coupled with successful completion of the Peace Officer Standards and Training (P.O.S.T.) approved training 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.

- D. 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 deputized staff 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, deputized staff must complete the P.O.S.T. approved tear gas course. Currently, this is an 8-hour course.

1. For deputized staff, P.O.S.T. 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 a P.O.S.T. certified training course presented elsewhere.
 - b. Deputized staff who have completed P.O.S.T. 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 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. Deputized staff 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 approved by the Department of Justice and purchased and maintained by the Probation Department. 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, staff 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

The specific instructions given to the authorized employee during the P.O.S.T. and Department training are to serve as the specific guides for performance. Generally:

1. Unless exigent circumstances exist, OC spray should not be used at a range of less than three (3) feet.
2. After use, any individual who has had contact with the spray should flush the eyes or other contacted body areas with cold running water for several minutes. Maximum exposure of the contaminated areas to fresh air is helpful.
3. As soon as practical, ensure those exposed to chemical agents are afforded appropriate first-aid. In most cases, this will entail flushing the affected areas with clear, cool water. Creams, salves, or other ointments are not to be applied to the skin. Maximum exposure to fresh air will speed recovery. If ingested, allow the subject to rinse their mouth and drink cool water. In the event water is not available to flush the affected areas, the local fire department and/or paramedics shall be summoned for assistance.
4. Immediate reporting of the OC spray exposure to medical staff at the local jail, Orange County Jail, Juvenile Hall, or other detention facility is required if the exposed individual is taken into custody.
5. 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.

- D. 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. A SIR

shall be completed including 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, tactics attempted prior to the use of force, and why force appeared necessary.

1. A DPO may consult with their union representative when writing/submitting the SIR.
2. Except as specified in D.4. below, any DPO involved in a use of force shall have the opportunity to review available audio/video recordings prior to submitting an SIR.
3. A DPO involved in a use of force incident shall submit his/her SIR to their assigned SPO or CIM promptly.
4. If circumstances delay the submission of the SIR past 48 hours, approval must be granted from the assigned SPO or CIM. The assigned SPO or CIM will consider the circumstances of the incident, injuries sustained (e.g. serious bodily injury or death), ability review audio/video recordings, etc. when granting an extension for the submission of the report.

E. 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.
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. The level of the contents of the canister shall be properly monitored and maintained.

F. 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.

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

H. 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]).

I. Withdrawal of Authorization at Chief Probation Officer's Discretion

Authorization to possess and use OC spray may be withdrawn at the discretion of the Chief Probation Officer or a Chief Deputy Probation Officer and will be accomplished as follows:

1. To avoid delay, a withdrawal notice may initially be given verbally via the chain of command when a withdrawal order is made.
2. The directive withdrawing authorization will follow in writing and will specify the reasons for withdrawal.
 - a. A copy of the withdrawal directive shall be given to the individual via the chain of command.
 - b. A copy will be routed to the PSD Division Director, who will have a designee enter the directive into the Department OC spray records and ensure that departmental weapons are collected.
 - c. The deputy whose authorization has been withdrawn may reapply for authorization. The deputy must complete all the steps outlined in Section II.

REFERENCES:

Procedures:	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: