

OLEORESIN CAPSICUM (OC) SPRAY – FACILITIES

- AUTHORITY:** Administrative Directive
California Penal Code (CPC) Sections 830.5, 13514, and 22820
Welfare and Institutions Code 871.5
Title 15 Minimum Standards for Juvenile Facilities Section 1357
- RESCINDS:** Procedure Manual Item 3-1-056, dated 04/13/21
- FORMS:** Use of Force Report (F057-10034)
Special Incident Report (SIR) (F057-7018)
- PURPOSE:** To establish procedures for the use of Oleoresin Capsicum (OC) spray by Deputy Juvenile Correctional Officers (DJCOs) and Senior Juvenile Correctional Officers (Senior JCOs) in the course and scope of duties. For the purposes of this PMI, the term DJCOs and/or staff will be used to refer to both DJCOs and Senior JCOs.

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. Departmental policy regulates training, possession, and use of OC spray by employees of the Orange County Probation Department in the course and scope of their duties.
- C. Use of OC spray is considered a use of force event. By statute, deputized staff 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. DJCOs are referred to Procedure Manual Item (PMI) 3-1-015 *Use of Force – Facilities* for detailed information regarding force options available.
- D. In addition to the above restrictions, OC spray may only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible.
- E. 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 **Standard and Training in Corrections (STC) certified Use of Chemical Agents course**, meet the legal requirements for possession and use of tear gas as a private citizen. However, WIC 871.5 prohibits any person from bringing any weapon, including OC spray, tear gas, or tear gas weapon into any county juvenile facility except as authorized by law, or when authorized by the person in charge of that facility. All Probation Department employees who possess OC spray, tear gas, or tear gas weapon as a private citizen are prohibited from bringing said weapon onto any facility grounds.

- F. Only department-issued OC spray canisters shall be used in the course and scope of employment.

II. PROCEDURE

A. Training and Authorization

- 1. The Chief Probation Officer or a Chief Deputy Probation Officer shall designate those persons authorized to carry and use OC spray. Approved staff must:
 - a. Be sworn as a peace officer.
 - b. Have successfully completed the Board of State and Community Corrections (BSCC) Standards and Training for Corrections (STC) certified **Use of Chemical Agents** course. This course is provided during the Juvenile Correctional Officer Core course.
 - c. Be on duty.
 - d. **Attend and successfully complete Facility Safety Training (FSR) (8 hours-biennially) and Defense and Control Tactics (8 hours-biennially) for the following updates:**
 - (1) **The limitations of OC spray**
 - (2) **Potential dangers of OC spray**
 - (3) **Techniques in using OC spray**
 - (4) **Recertification to use OC spray**
 - e. **Each DJCO will be scheduled for mandatory training and notified electronically by the Strategic Support Division. It is the responsibility of the DJCO to attend all mandatory training or reschedule any missed training.**
 - f. All DJCOs, Senior JCOs, and Supervising Juvenile Correctional Officers (SJCOs) are authorized to carry departmentally issued OC spray while on duty, contingent on compliance with sections II.A. 1.a., b., c., and d., above.
- 2. Authorization to possess and use OC spray may be withdrawn at the discretion of the Chief Probation Officer, **or designee.**

B. Storage, Tracking, and Replacement

- 1. Authorized OC spray **canisters** will be stored in specific designated areas only. **DJCOs shall not carry OC spray while outside a probation facility or off duty, unless supervising youth on a field trip, work crew, during transportation, at a hospital or other approved activity. The department facilities quartermaster will establish and maintain a master list for all**

OC spray canisters in the facilities that includes the unit assigned, serial number, and expiration.

2. At the beginning of each shift, DJCOs will conduct an equipment check and account for all **department issued equipment, including but not limited to** OC spray canisters and will document in ICMS, as noted in PMI 3-1-049. Unit SJCOS shall arrange for monthly testing of OC spray canisters, and document on the monthly security equipment form.

C. Use of OC Spray

1. **During the orientation process, youth housed at Juvenile Facilities are advised that DJCOs are authorized to use OC spray and the conditions in which it can be deployed.**
2. When possible, DJCOs shall provide a clear warning that OC Spray may be deployed if voluntary compliance is not accomplished. However, if the youth continues to be physically aggressive **and** it is reasonable to believe that even a momentary delay would result in injury to the youth or another, then OC spray can be **deployed** without warning.
3. Prior to the dispensing of OC spray, when possible, allow an opportunity for non-involved persons to leave the area.
4. Ensure that no greater amount of OC spray is used than is necessary to subdue the youth.
5. **As noted in Section I. D. of this PMI, OC spray may only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible. If OC spray is utilized, the following parameters must be followed:**
 - a. **OC spray should not be deployed at a target any less than three (3) ft. away or any greater than ten (10) feet away.**
 - b. **The target area is the subject'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.**
 - c. **DJCOs shall deploy OC spray per departmental training.** Press actuator to fire at subjects face in ½ second to 1 second bursts. To stop firing, release pressure from the actuator.
 - d. **If may be necessary to deploy additional ½ second to 1 second bursts if the subject continues to present an imminent threat to self or to others. The DJCO shall assess the efficacy of use following each burst.**

D. Medical Considerations

1. **DJCOs** should avoid deploying OC spray against youth who have the following medical histories or profiles:
 - a. Youth under the influence of PCP, cocaine, or methamphetamines.
 - b. Youth who are currently taking psychotropic **and/or** stimulant medications.
 - c. Youth who have a history of asthma or limited lung capacity disease and are currently, or within the last six months, using an inhaler and/or prescription medication.
 - d. Youth who have a history of heart disease.
 - e. Youth who are known to be pregnant.
 - f. Youth who have a current seizure disorder that is being treated with anticonvulsants or youth who have a history of seizure within the last year.
 - g. Youth with severe skin disorders in which they have severe dermatitis, or multiple large open draining lesions.
2. All individuals who admit to any of the above medical histories or those who the arresting officer and/or a booking staff recognizes as being present should be identified upon booking and tagged with a colored medical alert ID bracelet. The purpose of this bracelet will be to alert staff of a "no OC profile." All reasonable efforts should be made to avoid spraying these youth with OC spray. However, because staff and non-aggressive youth safety is our primary responsibility, there may be occasions where OC spray may have to be used on medical alert youth to prevent serious injury.

E. Notification and Documentation

1. Use of OC spray in the course of employment is to be verbally reported by the individual discharging the canister as soon as possible to his or her immediate supervisor/Duty Officer. Staff members who use or witness the use of OC spray must also submit a written SIR and Use of Force Report. Staff members may consult with their union representative prior to writing/or submitting a written report regarding the use of OC Spray.
2. An SIR and **Use of Force Report** shall include the following:
 - a. A clear and factual justification for its use.
 - b. Efforts to de-escalate prior to the discharge of OC spray and reasons why de-escalation tactics were not reasonably possible.
 - c. Youth and staff involved.
 - d. Date, time, and location of use.
 - e. A description of how OC Spray was used, and the results obtained.

- f. A complete description of decontamination procedures **including the time when OC spray was discharged, time when decontamination procedures began, and time when the Medical Unit examined the youth.**
- g. Medical treatment and any identification of injuries.
- h. **PMI 3-1-056 Use of Force – Facilities outlines the timeline for the submission of the SIRs and Use of Force reports.**

F. Decontamination/Aftercare Procedures

- 1. Youth who are restrained and handcuffed after an OC spray deployment shall remain handcuffed until they are no longer physically resistive. Please see PMI **3-1-006 Handcuffs, Transportation Belts, Shackles, and Flex Cuffs** for further information on the use of handcuffs.
- 2. If possible, DJCOs who restrain youth exposed to OC spray shall wear gloves to minimize the potential effects of being exposed to a chemical agent.
- 3. Decontamination measures must be undertaken as soon as **reasonably possible** after a youth is subdued and restrained **but no later than ten (10) minutes following exposure. In the event decontamination is started later than ten (10) minutes after exposure the reason for the delay must be articulated in the SIR and Restraint Report.**
- 4. Place the youth, fully clothed, into a shower, at a sink, or on the patio with the garden hose. **Use cold water to flush out any contaminants until the youth no longer feels the effects of the OC spray.**
- 5. If the OC spray deployment occurred inside a building/unit/room, staff may escort a youth outside of the contaminated location for fresh air.
- 6. Subsequent to decontamination, sanitize the area used.
- 7. **If sprayed, youth shall remove contaminated clothing and be issued clean clothing. The contaminated clothing shall be disposed of in a marked plastic bag.**
- 8. In the event of over spray to other youth in the area, they will receive the same decontamination **and aftercare procedures.**
- 9. Any staff contaminated with OC spray should follow the same procedure.
- 10. **Staff shall maintain direct supervision of the youth throughout the entire decontamination process.**
- 11. Juvenile Hall Court Holding decontamination procedures:
 - a. Court Holding staff will keep one spray bottle of water marked in red "OC" in the staff restroom.

- b. Staff will start the decontamination process by spraying water on the youth's face while in route to the IRC/Y/Z showers.
12. Observe the youth in 5-minute intervals for one hour. **Staff shall document the 5-minute intervals in ICMS.**
 13. All youth exposed to OC spray at Juvenile Hall or the Youth Leadership Academy must be seen by the Medical Unit immediately. The staff member who sprayed the individual is responsible for advising medical personnel or others of the decontamination procedures. The Medical Unit will respond to the decontamination location.
 14. At the Youth Guidance Center when a camp nurse is available, **they will respond to the decontamination location.** Any youth exposed to OC spray at the camps must be seen by the onsite camp nurse. **If there is no camp nurse on duty, the youth shall be transported to Juvenile Hall after safely completing decontamination. At any time during the decontamination process, if the youth appears to be in distress, staff shall immediately call 9-1-1.** Any time a youth has been exposed to OC Spray, they must be transported to Juvenile Hall **to be evaluated by the nursing staff.**
 15. Symptoms should disappear within 15 to 45 minutes without aftereffects.
 16. If OC spray is ingested, allow the youth to rinse his/her mouth and drink water.
 17. Immediately following decontamination, the youth must be referred to Mental Health staff. A licensed clinician from the Health Care Agency (CEGU) will determine if the youth needs to be seen and if so, will see the youth within 72 hours and submit a report to the Director of the involved institution.
 18. The SJCO/Duty Officer or designee will contact the youth's parent or legal guardian **specifically addressing any injuries and the medical care provided.** This call should be made at the earliest time possible, no longer than 24 hours from the incident, and be **documented in Unit Activities (Prob-Net →Home →ICMS (Integrated Case Management System) →Institution →UA – Unit Activities) and Use of Force Report.**
- G. Reporting Lost or Damaged OC Spray Canisters
1. Any loss of a Department-issued OC spray canister is to be reported to the respective supervisor and/or duty officer immediately as a loss of OC spray presents a danger to the safe and orderly operation of the facility. Additionally, the DJCO must complete a SIR and submit to their respective supervisor and/or duty officer.
 2. Any damage, leakage, or other maintenance problems with a Department-issued OC spray canister is to be reported immediately to the immediate supervisor and/or duty officer.
- H. Use of Force Review Board

Whenever OC spray is discharged, either accidentally or intentionally (except for testing) 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 Physical Restraint (Field Services)
	1-4-108	Use of Force Review Board
	1-4-110	Threats, Harm, or Danger to Employees and Others
	3-1-015	Use of Force – Facilities
Policies:	D-1	Threats, Harm, Danger to Employees and Others
	D-9	Tear Gas

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APPROVED BY: