

JACKSONVILLE POLICE DEPARTMENT

Policy: 9-2
Effective: 01-01-09
Revised: 01-13-21

CHEMICAL AGENT - OLEORESIN CAPSICUM SPRAY

PURPOSE: To give guidelines to officers for the use of O.C Spray/Foam.

POLICY: Following approval by the Chief of Police and the satisfactory completion of qualification training, Law Enforcement Officers may be armed with the Chemical Agent Oleoresin Capsicum (OC). The primary purpose of the OC is to create a visible deterrent to potential offenders. If deployed, the projector shall be held in the hand that is not used to hold the service weapon. The OC is a non-lethal weapon.

PROCEDURES:

I. WEAR AND USAGE

- A. The OC device shall be worn externally and in a holster. A certified user shall not normally pocket an OC device.
- B. Law Enforcement Officers shall use only that force that is objectively reasonable, given the totality of the circumstances, to effectively bring an incident under control, while protecting the lives of the officer or another.
- C. The OC device should not be drawn and used against an individual holding a firearm.
- D. When all reasonable efforts have failed to calm a person who is acting violently and presenting a definite danger to himself or others, a minimum burst or one (1) second stream may be fired at the person.
- E. When dealing with a passively resistant subject, the officer will attempt to gain compliance by giving the subject verbal instructions. If the subject refuses to comply with the verbal instructions given by the officer, the officer will use soft empty hand control on the subject to attempt to gain compliance. If the subject resists the officer's physical attempt to gain compliance, the subject will be considered to be actively resisting and other less lethal means may be used as circumstances dictate.
- F. The OC device will *not* be discharged in the immediate vicinity of an infant, unless the infant's life is endangered, because their respiratory system is small and especially sensitive to irritant vapors.
- G. The OC device will normally be discharged from a distance of at least six feet (6').
- H. The aiming point is the eyes.
- I. Firing will be limited to one successful hit, not exceeding one (1) full second on target and the termination of the violent or threatening behavior.

II. MEDICAL AID REQUIRED

- A. Following use, the affected arrestee will:
 1. Be hand-cuffed;
 2. Be assisted to a wash-up area;
 3. Flush contaminated area with water repeatedly in a ventilated area. The time between OC exposure and decontamination should, if possible, not exceed fifteen (15) minutes;
 4. If possible, replace contaminated clothing after wash-up;
 5. Only under conditions that represent an extreme hazard (immediate threat of serious injury or death to the officer or others) will the OC be used in the following manner:

Discharge in the close proximity of an infant and/or a person who takes oxygen or a breathing inhalant, and is in a confined space such as a small room or closed automobile. Regardless of the circumstances, these incidents require that an ambulance be immediately contacted to offer the affected person medical assistance.

6. No officer shall apply, nor permit another person to apply, oil or grease medications such as butter, cold cream, lanolin, Vaseline, lotion, or salves, to the contaminated area which will trap the irritant to the skin and cause blistering unless authorized by a physician to do so.
 7. Exposed areas should not be bandaged; the areas should be exposed to fresh air for evaporation.
- B. Failure to provide appropriate care after exposing a person to chemical agents is considered excessive force by this Department.

III. REPORTING RESPONSE TO RESISTANCE

- A. Officers utilizing the OC device shall prepare a Response to Resistance Report (JPD Form 9-6), follow File Format and Procedures as prescribed in Policy 9-6: Reporting Response to Resistance, and include the following:
1. The clear justification for use;
 2. Date and time of exposure;
 3. Time lapse before wash-up;
 4. Time change of clothes provided after wash-up;
 5. Any injuries observed during wash-up procedure; and
 6. Any medical attention given.

NOTE: A photograph showing lack of injury may be as important as one showing an injury.

- B. The officer will notify his Supervisor of the incident as soon as possible. If the officer's supervisor is not on duty, the officer will notify an on-duty Supervisor as soon as possible.

IV. ADMINISTRATIVE REVIEW

All OC exposure incidents will be reviewed for compliance with Department policies at each level of the officer's chain of command. The purpose of this review is to determine:

- A. If training methods or policies need to be changed or developed.
- B. If the involved officer needs remedial training or corrective action.
- C. If there is the need for additional in-service training.
- D. The Division Commander will review the recommendations for concurrence and, if needed, make any additions or changes to them. The results of the review and any recommendations will then be forwarded to the office of the Chief of Police.
- E. Every use of force incident will be reported as outlined in Policy 9-6: Reporting Response to Resistance.
- F. The Office of Professional Standards will conduct an annual analysis of the Use of Force reports submitted the previous year. This will be done so as to reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications that should be addressed by the Department.

V. POLICY DISTRIBUTION

- A. Prior to being authorized to carry the OC device, all Department personnel will be issued copies of this policy and be instructed on it.
- B. Issuance and instruction will be documented in Department training records.

VI. TRAINING

- A. All Department personnel who are authorized to carry the OC device will receive training annually on the Department's Use of Force policies and demonstrate proficiency with the OC device.
- B. All proficiency training must be monitored by a certified instructor.
- C. All training and proficiency shall be documented and kept in the Department training records.

ALEAP: 3.04; 6.07

A handwritten signature in black ink that reads "Brett Hibbs". The signature is written in a cursive style with a horizontal line underneath the name.

Brett C. Hibbs
Chief of Police