

	RUTGERS UNIVERSITY POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM		12:3
	OLEORESIN CAPSICUM (OC)		
	Effective Date: 07-19-2018	Supersedes: 12:3 (12-03-2010)	

12:3-1 PURPOSE

The purpose of this directive is to set the policy and procedures for the proper use of oleoresin capsicum, aerosol restraint spray (OC).

12:3-2 POLICY

This department has issued oleoresin capsicum, aerosol restraint spray (OC) to provide officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest or other enforcement situations.

OC is considered mechanical force to control a non-compliant subject. It is the policy of this department that officers use OC when warranted, but only in accordance with Attorney General Guidelines and procedures set forth in this directive and in this department's use-of-force directive, see Directive 1:8.

12:3-3 GENERAL

- a. The use of OC is authorized for:
 - **Officer's self-defense**
 - Officer's defense of a victim
 - Officer's subduing of a non-compliant subject who is posing a risk to other officers, or to public safety
- b. *OC should be used prior to attempting a soft empty hand control if the suspect physically resists efforts to be placed under arrest. **Officers are normally justified in using OC when other forms of less-than-lethal force have been exhausted or prove ineffective.***
- c. The only Oleoresin Capsicum (OC) Aerosol Projectors authorized for use by members of this agency are:
 - LE Sensitive [REDACTED]
 - LE Sensitive [REDACTED]
 - LE Sensitive [REDACTED]
- d. Personnel may only utilize those OC Aerosol Projectors which they are issued by this agency.

12:3-4 OPERATIONAL PROCEDURE

- a. **Authorization**
 1. Only officers who have successfully completed the prescribed course of instruction (12:3-5) on the use of OC are authorized to carry the device.
 2. Officers assigned to field duties shall be required to carry the departmentally authorized OC while on duty.

3. Uniformed officers shall carry the authorized OC canister in an approved carrying case on their duty belt. Non-uniformed officers may carry OC in an alternative device approved for use by the Chief of University Police or the Supervising Firearms Instructor.

b. Usage Criteria

1. OC is considered a **use of mechanical force** and shall be employed in a manner consistent with Attorney General's Guidelines and this agency's use-of-force policy, see Directive 1:8.
2. OC may be used when:
 - Verbal dialogue has failed to bring about the subject's compliance; **and/or**
 - The subject has signaled their intention to actively resist the officer's efforts to make the arrest.
3. ***ONCE THE SUSPECT IS INCAPACITATED OR RESTRAINED, THE USE OF OC IS NORMALLY NO LONGER JUSTIFIED.***
4. There may be rare instances where the use of OC is justified when a person is already in custody. Examples include, but are not limited to:
 - When a subject confined to a cell, or holding cell, is combative to the point where verbal commands are useless and there is a substantial risk to officers becoming injured quelling the subject; or
 - When a subject becomes combative while in custody and there is a substantial risk to officers becoming injured attempting to control the subject.

c. Usage Procedures

After it is determined that voice commands are ineffective to gain voluntary compliance and the use of OC is indicated:

1. Whenever possible, officer(s) should be upwind from the subject before using OC and should avoid entering into the spray area.
2. The officer should maintain a safe distance from the subject of between 3 and 8 feet.
3. Do not shake the canister, it is not required. Hold canister upright.
4. Use the thumb to depress the button. The index finger will misaim the product.
5. Be target specific. Spray at the eyes. Use 2 half-second bursts.
6. Additional burst(s) may be used if the initial or subsequent burst proves ineffective, but do not over spray. Use 2-3 second bursts. Note: Over spraying may be construed by the subject, the viewing public, a court or officials reviewing the incident as an unnecessary use of force.
7. After the subject has been sprayed, they should be verbally ordered to a prone position, face down with their arms out to the side for handcuffing.
USE SPECIFIC COMMANDS!
8. ***Officers shall be cognizant of possible positional asphyxia.***

Note: At distances under 3 feet, there is the possibility soft tissue injury, prolonged irritation or possible infection to the eyes. This is referred to as Hydraulic Needle Effect. It is the consequence of particles of OC

penetrating the first few layers of the soft tissue of the eye, due to the correlation of the distance and the amount of pressure that is delivered.

Officer safety should never be compromised by delaying the use of OC in situations under 3 feet. Let the tactical situation determine the tactical response.

d. Officer's Follow-Up Responsibilities

1. Within several seconds of being sprayed by OC, subjects may experience an involuntary shutting of the eyelids, labored breathing, have a burning sensation in the throat, nausea, lung pain, and/or an impaired thought process. Officers should attempt to calm the subject and assure them that they will assist in their recovery.
2. The effects of OC vary among individuals. Therefore, all subjects should be handcuffed as soon as possible after being sprayed. Officers are cautioned against allowing the subject to remain on their stomach after handcuffing. Sit them up and transport while in a sitting position.
3. ***Officers shall be cognizant of possible positional asphyxia.***
4. Subjects that have been sprayed with OC should be continuously monitored for indications of medical problems and shall not be left alone while in custody.
5. Immediately after spraying a subject, officers shall be alert to any indications that the individual needs medical care. These indications may include, but are not limited to:
 - Difficulty breathing;
 - Gagging;
 - Uncontrolled vomiting;
 - Profuse sweating;
 - Complaints of itching;
 - Hives;
 - Difficulty swallowing;
 - Facial swelling, particularly around the eyes, lips or nose;
 - Loss of consciousness.
6. Medical assistance shall be immediately summoned if any of these indicators are present or if the person requests it. Sufficiently document any refusal of medical treatment.
7. If the subject has contact lenses, only medical personnel should remove them. Do not allow the subject to remove the lenses, especially hard lenses. Hard lenses may be thoroughly cleansed, but soft lenses should never be re-used.
8. Officers should be prepared to consider other means to control the subject if they do not respond sufficiently to the OC and cannot otherwise be subdued. Other use-of-force options, consistent with Attorney General's Guidelines and this department's use-of-force policy, may have to be considered.
9. Officers should provide assurance to the subject that the effects are temporary and encourage them to relax.
10. Fresh air will normally begin reducing the effects of OC following exposure. However, once the subject has been adequately restrained, officers should begin decontamination by rinsing the affected area with copious amounts of

water and transporting with radio car windows open. Do not use creams of other chemical agents to decontaminate.

e. **LE [REDACTED] OC Aerosol Projectors**

1. The MK-9 OC Aerosol Projectors can produce a stream of up to 15 feet and a nozzle exit pressure of 165 psi.
2. This projector should only be deployed when authorized by a supervisor and should not be used at a range of less than 10 feet.
3. This unit can project a larger quantity of agent over a broader target area.
4. Caution must be exercised when near innocent persons since the chance of an unintentional exposure is greater than with the smaller units

f. **When Subjects are Armed with Aerosol Projectiles**

OC and other chemical aerosol projectiles are available to the public. There is a real possibility that a subject may use an aerosol projectile against a police officer. When confronted with this possibility, officers should:

1. Attempt to place some distance between you and the subject.
2. When practical, take cover. Adequate cover may consist of any object that could stop or sufficiently deflect the spray. Objects could include a clipboard, summons book, etc.
3. Verbally challenge the subject in an attempt to have them surrender the weapon.
4. If practical, summon immediate assistance.
5. Officers are authorized to use deadly force to protect themselves from the use of OC only when consistent with the Attorney General's Use of Force Policy and Directive 1:8.

g. **Supplemental**

In certain environments and circumstances the use of an aerosol irritant may inadvertently create a greater risk to the public safety as opposed to the officer using conventional physical force to handle the situation. Such circumstances might include attempts to control non-criminal or disorderly conduct in an enclosed area where a large number of bystanders and/or officers might be affected. Officers should employ common sense and sound judgment when utilizing OC in these environments.

12:3-5 TRAINING PROGRAM

- a. Personnel must receive in-service training and demonstrate proficiency at least biennially.
- b. Training in the use of OC shall include, but is not limited to:
 - Attorney General's Guidelines on the Use-of-Force.
 - This agency's Use-of-Force policy, specifically Directive 1:8.
 - Instruction and demonstration on the proper deployment of OC.
 - Instruction in the aftercare of the person sprayed with OC.
 - Decontamination procedures.
 - A written test to ensure an understanding of the use and effects of OC.
- c. Public demonstrations on the use of OC shall be conducted with an inert product.

- d. The manufacturer recommends that officers carrying OC should be exposed to the product for the following reasons:
 - Officers cannot fully comprehend the effects of OC until they have actually experienced it. This controlled exposure serves as an advantage to officers as they can better judge reactions to determine if the subject is playing possum.
 - The experience is important in preparing defensive tactics, including weapon retention, in the event an officer is the target of an OC attack.
 - Having been exposed to OC, officers can better defend their decision in court to deploy OC.
 - Confidence in the product is established.
- e. Proficiency training shall be monitored by a certified OC Instructor.

12:3-6 REPORTING REQUIREMENTS

Use of OC shall be reported on the *Use of Force* report mandated by the Agency Directive 1:8-6 and within the investigative report. Any use of OC, whether intentional or accidental, must be reported detailing the use and the reasons leading to the use. This reporting mechanism is not required when OC is discharged for testing, training, or to clear malfunctions.

Individuals exposed to OC (regardless of whether the exposure is intentional or accidental) shall be provided with a copy of the ***Oleoresin Capsicum Information Sheet (attachment A)***.

12:3-7 INSPECTION/REPLACEMENT

- a. The officer possessing the device shall maintain all OC spray devices in an operational and charged state and shall request replacement when necessary, minimally every five (5) years
- b. An OC instructor shall inspect OC canisters during the twice-annual firearm qualification. These inspections shall be documented on a form approved for use by the Chief of University Police or Supervising Firearms Instructor.
- c. OC canisters that have expired shall be surrendered to a firearms instructor, who shall issue a new one.
- d. The duty road supervisor shall replace OC canisters that have had their contents expended. Upon issue, the road supervisor shall cause an Administrative Event entry **[ISSUE]** documenting the issue including the name of the officer. The
- e. Supervising Firearms Instructor shall ensure that discarded or empty OC canisters are disposed of in accordance with law.
- f. The supervising OC Instructor shall ensure that arrangements are made with the respective vendor to include testing of one or more randomly selected devices from bulk purchases of OC to ensure that the product being procured and deployed conforms to the non-flammability standard established by the June 20, 2012 Directive of the New Jersey Attorney General.

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