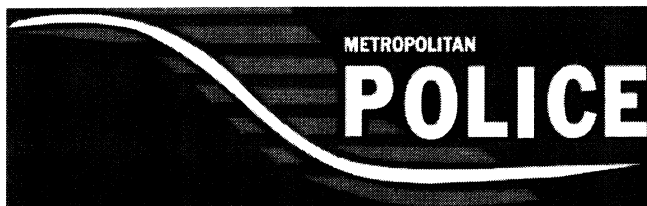


GENERAL ORDER



Title	
Oleoresin Capsicum (OC) Spray Dispensers	
Series / Number	
GO – RAR – 901.04	
Effective Date	Distribution
October 7, 2002	B
Replaces / Rescinds	
General Order 901.4 (Aerosol Oleoresin Capsicum Spray Dispensers)	

DISTRICT OF COLUMBIA

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I. BACKGROUND

Oleoresin Capsicum (OC) is a naturally inflammatory agent derived from the pepper plant. As an inflammatory agent, aerosol OC Spray causes an almost immediate swelling of the eyes and breathing passages. Additionally, there is an intense burning sensation of the eyes, throat, and sprayed areas of the skin. When OC is inhaled, the respiratory tract becomes inflamed and breathing is restricted, limited to short and shallow breaths. Physical effects may include involuntary closing of the eyes, coughing, choking, lack of upper body strength and coordination and nausea. Psychological effects such as disorientation and fear may also occur.

When properly used, OC Spray is usually quite effective on both humans and animals and will incapacitate most subjects for a period of 30 minutes without permanent injury. Because Oleoresin Capsicum is a natural and biodegradable substance, decontamination procedures include proper ventilation, removing any contact lenses and providing access to cool water. (CALEA 1.3.4)

II. POLICY

The policy of the Metropolitan Police Department is to consider the use of aerosol OC Spray dispensers by members as a Use of Force governed by appropriate directives of the Department and as constrained by District of Columbia law and the standards set forth by the United States Supreme Court. See General Order RAR - 901.07 (Use of Force)

Further, the policy of the Metropolitan Police Department is to value and preserve human life when exercising lawful authority to use force. Therefore, officers of the Metropolitan Police Department shall use the minimum amount of force that an objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of members or others.

III. RULES AND REGULATIONS

A. Use of Force Continuum

1. The Department recognizes and employs the Use of Force Continuum. Members in response to resistant or dangerous individuals may apply escalating options of force (see Use of Force Continuum Chart). The options include:
 - a. Cooperative Controls, such as verbal persuasion;
 - b. Contact Controls, such as hand control procedures, firm grip, escort and control holds;
 - c. Compliance Techniques, such as Oleoresin Capsicum (OC) Spray (non-deadly);
 - d. Defensive Tactics, such as less-than-lethal weapons, including impact weapons, such as a baton, or ASP, and including less-than lethal projectiles used by the Emergency Response Team and during times of civil disobedience (e.g., 12 gauge shotgun, 37mm gas guns, and rubber bullets), and canines.
 - e. Deadly Force, defined as any use of force likely to cause death or serious physical injury, including but not limited to the use of a firearm or a strike to the head with a hard object (including potentially lethal applications of less-than-lethal weapons).
2. In determining what level of force to use, it is important to consider the seriousness of the crime, the level of threat or resistance presented by the suspect, the imminence of danger, and the suspect's mental state. Members shall use only the minimum level of force needed to obtain control that an objectively reasonable officer would use in light of the circumstances.
3. Members who encounter a situation where the possibility of violence or resistance to a lawful arrest is present should, if possible, defuse the situation through warning and verbal persuasion.
4. Members shall not use tactics designed to intentionally escalate the level of force, e.g., taunting, verbal abuse, or ignoring a reasonable citizen request for information.
5. If there is a supervisor on the scene where there is a violent or resisting subject, he or she shall direct and control all activity by subordinates.

B. Prohibited Uses of OC Spray

1. Officers shall not use OC Spray unless the officer has legal cause to detain, take into legal custody or maintain custody of a subject who is, at a minimum, actively resisting the officer.
2. Officers shall not use OC Spray against children (under the age of 8) absent exceptional circumstances (e.g., where the officer's only alternative is to escalate the level of force used).
3. Officers shall not use OC Spray against elderly persons (65 or older) unless exceptional circumstances are presented.
4. Officers are prohibited from using OC Spray to prevent property damage unless the officer has probable cause to detain, take into legal custody or maintain in custody a subject who is, at a minimum, actively resisting the officer.
5. Officers are prohibited from using OC Spray to disperse crowds or others unless those crowds or others are committing acts of disobedience that endanger public safety and security.

C. Penalties for Violation of OC Spray Prohibitions

Officers shall be subject to disciplinary action and potential criminal prosecution for violating the above prohibitions or for otherwise misusing OC Spray.

IV. PROCEDURAL GUIDELINES**A. Carrying Aerosol OC Spray Dispensers**

1. The Department-issued aerosol OC Spray dispenser for uniform personnel shall be carried by all members while on patrol duty. (CALEA 1.3.9)
2. The aerosol OC Spray dispenser for uniform personnel shall be carried in the specially designed holster provided by the department, which shall be worn on the Sam Browne belt on the opposite side from the service pistol.
3. Members of the plainclothes force shall carry the Department-issued miniature aerosol OC Spray dispenser when such action would not interfere with practical police functions. (CALEA 1.3.9)
4. The miniature aerosol OC Spray dispenser for plainclothes personnel shall be carried with its protective cap in place and clipped to the shirt,

blouse or coat pocket. It shall not be carried in any other place since the unit may be accidentally discharged.

5. Each member who is issued an aerosol OC Spray dispenser shall be held accountable for the equipment.
6. MPD vehicles will be equipped with Department-issued bottles of flushing solution by the Fleet Management Division.

B. Use of the Aerosol OC Spray Dispensers

1. OC Spray may be used when cooperative controls are insufficient to control or stop an aggressive act or act of resistance. Members of the force are reminded that the effectiveness of OC Spray varies from individual to individual.
2. When using OC Spray, members shall:
 - a. Issue a warning that OC Spray is going to be used against the subject, unless resistance ends provided that a warning would not endanger the officer or others.
 - b. Ensure that, prior to discharging the OC Spray, the member permits a reasonable period of time to allow compliance with the warning, when feasible.
 - c. Use the aerosol OC Spray dispenser only as prescribed by Department training. The dosage when utilizing the spray is two (2) one-second bursts.
 - d. Not use the dispenser at any distance less than 3 feet from the subject unless absolutely necessary. (i.e. struggling with a suspect, etc). Effective range is approximately 12 feet.
 - e. Aim for the individual's face. OC Spray is most effective when it comes in contact with the skin of the face and eyes. Upon facial contact, the spray will cause an intense burning sensation to the subject's face and eyes, resulting in profuse tearing and temporary loss of vision.
 - f. Use extreme caution when approaching or handling a subject who has been sprayed with the OC Spray dispenser and is obviously not affected by its use.
3. When OC Spray has been used on a subject, the following procedures should be followed:
 - a. The subject shall be provided the opportunity to wash the affected areas within 20 minutes after the application of the spray, absent exceptional circumstances.

- b. Members shall not use any creams, ointments, or bandages on affected areas.
- c. Officers may not keep a sprayed subject in a face-down position any longer than necessary to end the threat of harm or escape and handcuff the subject, in order to avoid positional asphyxia.
- d. Members shall transport subjects on whom the OC Spray has been used to a hospital for medical treatment in accordance with Department orders regarding treatment of injured prisoners, under the below listed circumstances: (CALEA 1.3.5)
 - (1) Subjects who complain of or exhibit continued effects after having flushed the affected areas;
 - (2) Subjects who indicate that they have a pre-existing medical condition (asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by OC Spray;
 - (3) If at any point after exposure the subject displays a reaction not consistent with the expected reaction to aerosol OC Spray, medical attention is to be summoned immediately.

C. Maintaining Aerosol OC Spray Dispensers

- 1. Members of the force shall periodically check the fluid levels of their aerosol OC Spray dispensers. This can be accomplished by shaking the dispenser.
- 2. If as a result of this check or for any other reason, a member suspects that the dispenser is not working properly, he or she shall ask their supervisor to test the dispenser.
- 3. Supervisors are authorized to test the dispenser by firing a short one-second burst in an appropriate area outside of the station house.
- 4. Defective or expended OC Spray dispensers shall be submitted to the Range for replacement.

D. Reporting the Use of Aerosol OC Spray Dispensers1. Initial Response

- a. When OC Spray is used, the first responsibilities of the officer shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
- b. District Watch Commanders and/or appropriate element supervisors shall respond immediately to the scene of the use of OC Spray, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified. The SOCC shall notify the Force Investigation Team if appropriate.

2. Member Responsibilities

- a. When a discharge of OC Spray, whether intentional or unintentional, affects an individual so that first aid or treatment is needed, the occasion requires the filing of a PD Form 901-e (Use of Force Incident Report) by the involved member and a chain of command investigation.
- b. Members shall notify their supervisor and complete a PD Form 901-e (Use of Force Incident Report) immediately following any use of OC Spray requiring first aid or treatment.

3. Supervisor Responsibilities

When a member has declined to complete the Use of Force Incident Report immediately following an incident, the supervisor shall compel the member to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning.

E. Investigating the Use of Aerosol OC Spray Dispensers

Members shall be guided by GO RAR-901.08 (Use of Force Investigations) as to investigative responsibilities when a use of OC Spray occurs.

- a. The Force Investigation Team (FIT) shall be responsible for investigating all incidents involving serious use of force or the use of force indicating potential criminal misconduct by an officer as defined by GO-RAR-901.08. When the discharge of OC Spray results in admittance of the subject to a hospital, FIT shall investigate.

- b. The Office of the Superintendent of Detectives shall be responsible for investigating the underlying offense that led to the use of force, where applicable.
- c. The member's chain of command officials (of higher rank than the involved member) shall be responsible for the investigation of all use of force incidents not involving a serious use of force or a use of force indicating potential criminal misconduct by an officer.
- d. The affected Watch Commander shall notify OPR and obtain a tracking number within one hour of the incident and shall fax a copy of the preliminary report and any supporting documentation to OPR prior to being relieved from duty.
- e. At the discretion of the Chief of Police or his designee, any incident that may be investigated by chain of command supervisors may be assigned to the Force Investigation Team.

F. Training Requirements

The Director, Institute of Police Science, shall ensure that:

- a. Copies of and instructions on the Department's Use of Force policy are provided to members prior to being authorized to carry Department-issued OC Spray.
- b. The Institute of Police Science documents that members have received proficiency training on the use of OC Spray before they are certified to carry and/or use the spray.

G. Review and Analysis of OC Spray Incidents

- 1. The Use of Force Review Board shall conduct timely reviews of all use of force investigations pursuant to GO RAR – 901.09 (Use of Force Review Board).
- 2. The Office of Professional Responsibility (OPR), in conjunction with the Use of Force Review Board, shall be responsible for conducting an annual analysis of the Use of Force Incident Reports to determine any patterns or trends that indicate the need for retraining, policy revisions and/or equipment needs involving the use of OC Spray. (CALEA 1.3.13)

V. CROSS REFERENCES

A. Related Directives

1. GO RAR-901.07 (Use of Force)
2. GO RAR-901.08 (Use of Force Investigations)
3. GO RAR-901.09 (Use of Force Review Board)

B. Related Forms

1. PD Form 901-e (Use of Force Incident Report)
2. MPD Use of Force Continuum Chart

// SIGNED //
Charles H. Ramsey
Chief of Police

Attachment: PD Form 901-hc (Use of Force Incident Report) [interim hard-copy version]

CHR:NMJ:JE:MAR:NM:AFA:afa