

FAYETTEVILLE POLICE DEPARTMENT  
FAYETTEVILLE, ARKANSAS 72702

**GENERAL ORDER # 13**

**SUBJECT:** Pepper Aerosol Restraint Spray

**CROSS-REFERENCE:** 1.3.1. USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS, CALEA 4.1.4, 4.3.2, 4.3.3, 4.1.5, 4.2.1



**DATE APPROVED BY COP:** November 19, 2020

**Chief Mike Reynolds**

**PURPOSE:** The purpose of this general order is to establish specific guidelines for the use of oleoresin capsicum (OC) aerosol restraint spray [CALEA 4.1.4].

**ORDER:** All Officers of the Fayetteville Police Department are directed to obtain certification to carry and use oleoresin capsicum (OC) spray. The OC aerosol restraint spray provides officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest, while being detained in jail and other enforcement situations which occur in the line of duty. It is the policy of this department that officers use OC when warranted, but only in accordance with the guidelines of the general order set forth here and in the Fayetteville Police Department's Use of Force and Less Lethal Weapons and Defensive Tactics policies. OC will be used at the same level in the use of force continuum as other intermediate weapons. It will be the officer's discretion as to which device is used.

**PROCEDURES:**

A. Authorization

1. Only certified officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device [CALEA 4.3.2].
2. In-service training will be provided to officers at least biennially [CALEA 4.3.3].
3. Uniformed officers whose normal duties/assignments may require them to make arrests or supervise detainees shall be required to carry departmentally authorized OC while on duty. Plain clothes officers whose normal duties/assignments may require them to make arrests or supervise detainees shall be required to carry or have immediately available departmentally authorized OC while on duty.

4. Uniformed officers shall carry only departmentally authorized OC canisters in the prescribed manner on the duty belt. Non-uniformed officers may carry OC in alternative devices authorized by the agency.

B. Usage Criteria

1. OC spray is considered a use of force and shall be employed in a manner consistent with this agency's use-of-force policy. OC is classified as an intermediate weapon.
2. OC may be used when:
  - a. Verbal dialogue has failed to bring about the subject's compliance, and
  - b. The subject has signaled his intention to actively resist the officer's efforts to make the arrest, and
  - c. The use of empty hand techniques has been, or will likely be, ineffective or not reasonable under the circumstances; or
  - d. Confronted with an aggressive animal.
3. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.
4. An officer may use deadly force to protect himself from the use or threatened use of OC when the officer reasonably believes that deadly force will be used against him if he becomes incapacitated.
5. The use of OC is prohibited from being used on a handcuffed or secured prisoner absent assaultive behavior that cannot be reasonably dealt with or controlled.

C. Usage Procedures

1. Whenever possible, officers should be upwind from the suspect before using OC and should avoid entering the spray area.
2. An officer should maintain a safe distance from the suspect of between two and ten feet.
3. A single spray burst of one second should be directed at the suspect's eyes, nose, and mouth.
4. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders.

D. Effects of OC and Officer Response

1. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung

pain and/or impaired thought process.

2. The effects of OC spray vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspects, to include, if necessary, other force options consistent with agency policy if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.
3. Immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to breathing difficulties, gagging, profuse sweating and loss of consciousness. Appropriate medical aid shall be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained or reported. This includes notifying the Central Dispatch Center (CDC) to alert Central EMS and the Fayetteville Fire Department when obvious severe injuries have occurred, medical distress is apparent, the individual is unconscious or the individual requests medical assistance. [CALEA 4.1.5].
4. Suspects that have been sprayed shall be monitored continuously for the first forty-five minutes. It shall be the responsibility of the officer affecting the arrest to monitor the suspect unless the officer is also injured. In case the officer was injured, the supervisor will assign another officer to monitor the suspect. If after forty-five minutes the effects of the spray have not diminished, the suspect shall receive medical attention at the prescribed medical facility.
5. Officers shall provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
6. Air will normally begin reducing the effects of OC spray within fifteen minutes of exposure. However, once the suspect has been restrained, officers shall assist him/her by rinsing and drying the exposed area.
7. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent. All such incidents shall be reported as soon as possible including the recording of the bystander's name, date of birth, and address to the immediate supervisor.

#### E. Reporting Procedures

1. Accidental discharges as well as intentional uses of OC spray against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.
2. A written report of an accidental discharge, which does not affect an individual, must be completed and turned into the officer's immediate supervisor before the end of shift when accidental discharge occurred.

3. A Use of Force Report shall be completed following all discharges of OC spray except during testing, malfunction or accidental discharge and turned into the officer's immediate supervisor before the end of shift in which the spray was used [CALEA 4.2.1 c.].
4. Off-duty officers discharging OC spray are subject to the same reporting requirements as on-duty officers. The immediate supervisor shall be the shift supervisor at the time of the discharge.

F. Replacement

1. Each officer assigned an OC spray device shall be responsible for maintaining it in an operational and charged state. If an OC device becomes damaged, inoperable, or empty, the assigned officer shall report to their immediate supervisor in writing and request a replacement device [CALEA 4.3.1 d.].
2. Replacements of OC spray canisters shall occur when the unit is less than half full, as determined by weighing the canister or when the canister has reached its expiration date.
3. OC canisters shall be inspected and weighed annually by shift sergeants who will maintain a record of this fact [CALEA 4.3.1 c.].
4. Unexplained depletion of OC canisters shall require an investigation and written report by the officer's supervisor to the Chief of Police.