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| PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i> | | SUBJECT: "PEPPER AEROSOL RESTRAINT SPRAY" | ORDER NUMBER: 12-9 |
| | | PLEAC STANDARD: 1.3.4, 1.3.5, 1.3.6, 1.3.8, 1.3.9, & 1.3.10 | PAGE 1 OF 5 |
| REVISE DATE: 02/02/2017 | EFFECTIVE DATE: 5/1/2012 | ANNUAL REVIEW DATE: FEBRUARY | RESCINDS: ALL PREVIOUS |
| | | | AMENDS: ALL PREVIOUS |

1.0 POLICY OR PURPOSE

- 1.1 The purpose of this policy is to establish guidelines for the use of Oleoresin Capsicum (OC) and to establish guidelines for officers to record instances where OC has been discharged intentionally or unintentionally.
- 1.2 The Pittsburgh Bureau of Police has approved the use of OC aerosol defense sprays to provide officers with an additional use of force option for gaining compliance of resistant or aggressive individuals in arrest and other law enforcement situations. It is the policy of the Bureau of Police that officers use OC when warranted, but only in accordance with the guidelines and procedures of the Bureau of Police.

See also General Order 12-6 Use of Force

2.0 APPROVED DEVICES

- 2.1 Only OC dispersal devices and holsters authorized by the Chief of Police through written order shall be carried or used by members of the PBP.
- 2.3 An Officer shall carry only the OC Spray device that has been issued by the Pittsburgh Bureau of Police through the Quartermaster.

3.0 AUTHORIZATION

- 3.1 Only officers that have completed the prescribed course of instruction at the Pittsburgh Police Training Academy are authorized to carry an approved OC device.
- 3.2 Officers whose normal duties/ assignments may require them to make arrests or supervise arrestees shall be authorized to carry a departmentally approved OC device while on duty after completion of the prescribed training course.
- 3.3 Uniformed officers shall carry only a departmentally approved OC device and holster in the prescribed manner of carry on their duty belt. Non-uniformed officers may carry OC devices in an approved holster or in an alternate manner as expressly authorized by the Bureau of Police.

4.0 OC USAGE CRITERIA

- 4.1 The use of Oleoresin Capsicum (OC) sprays constitutes physical force under the Pennsylvania Crimes Code, section 508 (Use of Force in Law Enforcement). The use of OC spray is authorized when used in accordance with the Rules and Regulations of the Bureau of Police, in particular, policies on use of force and use of OC and applicable laws of the Commonwealth of Pennsylvania and the United States, in particular the Constitution of the United States.
- 4.2 Situations in which OC spray may be authorized include, but are not limited to the following:
 - [REDACTED]
 - [REDACTED]

- [REDACTED]
- OC may be used, when feasible, to control aggressive and violent animals before resorting to the use of a firearm.

4.3 Under no circumstances shall an officer resort to the use of OC spray where such a use of force is in violation of General Order #12-6, "Use of Force" policy. Nothing in this policy is intended to conflict with/ or replace the provisions of the "Use of Force" policy.

4.4 It is also the policy of this Bureau that personnel will not necessarily or unreasonably endanger themselves in applying these guidelines. Furthermore, it is the policy of this Bureau that OC spray is not intended to be used as a substitute when the officer is justified in the use of deadly force in accordance with the policy outlined in the Pittsburgh Bureau of Police Manual of Procedural Orders, General Order #12-6.

4.5 [REDACTED]

5.0 DEPLOYMENT PROCEDURES

5.1 Positioning – [REDACTED]

5.2 Spray – A single one second burst of OC, directed at the eyes, nose, and mouth of the subject. Additional bursts may be used if the target area was not directly hit with the first burst.

- Due to the force of the ballistic/ heavy stream devices, spraying a subject directly in the eyes from a distance of less than 3 feet could cause permanent eye damage. Under no circumstance shall a ballistic/ heavy stream device be deployed when the officer is less than 3 feet from the subject.
- Because of OC's effects on the respiratory systems and their susceptibility to breathing difficulties, care should be taken to minimize exposure to infants, children and elderly people.

5.3 Move – [REDACTED]

5.4 Evaluate – Evaluate the subjects' reaction to the OC spray. If there appears to be no notable effects to the OC spray, the officers needs to be prepared to use other means of gaining control.

5.5 Command – Verbally command the subject to stop resisting and to get down on the ground. Once the subject has complied with the officer's verbal commands, the officer will then order the subject to stay on the ground and move out of the contaminated area. The decontamination process has not begun.

5.6 Control – Stabilize the subject on the ground and apply appropriate restraining device(s).

5.7 Medical Check – The officer should be alert to any indication that the subject needs **immediate** medical attention. This includes, but is not limited to gagging or difficulty breathing for longer than 4 minutes after exposure to OC spray, profuse sweating, loss of consciousness, respiratory failure, cardiac arrest, or if the subject requests medical attention.

5.7.1 Some individuals may fall into the "High Risk Sudden In-Custody Death" category, if they exhibit one or more of the following:

- Violent or bizarre behavior
- Obesity, especially bigbellied individuals
- Drug or alcohol impaired individuals
- Individuals that are unaffected by OC spray
- Individuals who are having difficulty breathing approximately 4 minutes after being exposed to OC spray (Acute Hyperventilation Syndrome)

5.7.2 Individuals who fall into the "High Risk Sudden In-Custody Death" category require **IMMEDIATE** medical attention.

5.8 Medical Release – All subjects that are exposed to OC spray shall be transported to the nearest medical facility for a medical release prior to transferring custody to Allegheny County Jail, Schumann Center, Western Psychiatric Hospital, or any other Detention/ Medical Facility.

5.8.1 A subject is considered "exposed" to OC if either;

- the OC has been sprayed into the subject's face, or
- the OC has been sprayed onto the subject's clothes and/or exposed skin and the subject is exhibiting signs of a reaction to the OC on the contaminated skin, or
- the OC has been sprayed onto the subject's clothes, exposed skin, or near the subject and the subject is exhibiting signs of repertory distress.

5.9 If a subject has been exposed to OC spray and it is determined that the charges against the subject will proceed by summons or citation (i.e. the subject will be released and **not taken to the ACJ or another detention facility**), the subject will be **offered** medical treatment at a local medical facility.

5.9.1 If the subject agrees to treatment, the subject will be transported to a medical facility by the PBP and dropped off. The transporting officer will ensure that the subject, at a minimum, checks in at the medical facility before leaving. The subject will be responsible to procure transportation from the medical facility to the subject's home, vehicle, etc.

5.9.2 If the subject refuses treatment, officers shall notify a supervisor and dispatch via the radio so as to leave recorded documentation of the subject's refusal. Officers shall also document the subject's refusal in their reports.

5.9.3 If the actor is exhibiting symptoms that a reasonable officer would conclude are a sign of medical distress, the officer shall immediately summon medical personnel. The officer shall ensure that the subject is transported to a medical facility either by PBP vehicle or by ambulance.

5.9.3.1 At the medical facility, if the subject refuses treatment, that refusal must be made to medical facility personnel and not Pittsburgh EMS. The officer shall document the subject's refusal as well as the attending physician's name for their report. Once the subject has been released from the medical facility, the officer shall explain to the subject that he/she is no longer in police custody.

5.9.3.2 At the medical facility, if the subject accepts treatment, the officer may leave once the subject has been admitted, or the medical facility has otherwise accepted the subject into its care.

5.9.4 Officers will use the nearest medical facility to the incident unless they have approval from a supervisor to use a different facility.

6.0 DECONTAMINATION PROCEDURE

6.1 Only Decontamination Agents authorized by the Chief of Police through written order shall be carried or used by members of the PBP.

6.2 Decontamination agents, shall be carried in the patrol cars with a supply of absorbent towels. Every Officer who has in his or her possession OC spray shall carry on his or her person an approved decontamination agent, if available. Replacement decontamination agents will be provided by the quartermaster.

6.3 Decontamination of Subject – To prevent further injury to the actor and in the interest of officer safety, officers should not attempt to decontaminate the actor until he or she is fully compliant. The actor is fully compliant when he or she follows the officer's verbal commands. The officer shall begin decontaminating the subject by:

- Removing the person from the contaminated area, ideally using verbal commands.
- Exposing the person to fresh air and have them face downwind.

- Asking the subject: "Are you wearing contact lenses?" If the answer is yes, have the subject remove the contact lenses. For hard lenses normal cleaning will remove OC particulate. Hard lenses can be stored in clean tap water for approximately 24 hours. Soft contact lenses must be discarded. If the subject is wearing contact lenses and is unable to remove them, he or she shall be taken to the hospital to have the contact lenses removed.
- Asking the subject, "Do you have any medical problems?" If the answer is yes, the subject must be immediately transported to a medical facility. Transporting officers must advise the hospital that the subject has been exposed to OC spray.
- Having the subject blow his or her nose to remove OC particles.

- 6.3.1 The officer will begin the final decontamination process, i. e. using decontamination agents and blotting the subject's face with absorbent paper towels. This shall occur when the officer feels that he or she is in a safe area and the subject has been properly restrained, i. e. handcuffed and/or shackled.
- 6.3.2 During transport of the subject the vehicle must be adequately ventilated so as to allow the subject to further decontaminate and also to reduce the risk of secondary exposure to the officers.
- 6.3.3 Do not attempt to decontaminate the subject by using water. Water will not neutralize the effects of the OC, rather it may potentially carry the OC to other unaffected parts of the subject's body thereby increasing the contamination.
- 6.3.4 Constantly monitor the subject's medical condition (refer to Section 5.4 of this policy).
- 6.3.5 Determine functional consciousness before releasing the subject from custody to transferring custody to Allegheny County Jail, Schumann Center, or a general release from custody.
- **Functional Consciousness** – The ability to follow simple directions. If a subject fails to exhibit functional consciousness after approximately 7 to 10 minutes after OC exposure, this subject must be transported immediately to the hospital.

7.0 REPORTING USES OF OC SPRAY

- 7.1 All discharges of OC spray that are either intentional or result in any physical contact with any individual, regardless of whether injury results to the individual, shall be reported on the PBP Form 10.1 "Subject Resistance Report Form" and submitted to the officer's supervisor for review. A copy of the PBP Form 3 "Offence/ Incident Report" and PBP Form 6.1 "Arrest Report" will also be completed.
- 7.2 All unintentional discharges which do not result in physical contact with an individual will be reported through a PBP Form 54 "Special Report" outlining the specific circumstances of the discharge. This Special Report shall then be forwarded through the shift supervisor and up the chain of command to the reporting officer's commanding officer.
- 7.3 A copy of all reports of unintentional and intentional OC sprays will be forwarded to the Training Academy so that the Academy can track the performance of the selected OC products as well as the adequacy of the Bureau of Police training program.
- 7.4 Any time an officer experiences a failure of an OC Spray canister, the canister along with a PBP Form 54 "Special Report" describing how the canister failed, will be sent to the Quartermaster immediately.

8.0 PROHIBITED USES OF OC SPRAY

- 8.1 Inflammatory agents were designed to enable officers to perform their duties in a more efficient and humane manner when dealing with physical resistance or the threat of physical resistance. If used properly OC can reduce the risk of injury to the officer, the subject and members of the community.
- 8.2 Once a person has been subdued and brought under control, there is "**No Further Justification**" to continue the use of OC spray against the subject.

8.3 Indiscriminate sprays should not be utilized. For example, a mass spray of a group, consideration's need to be made prior to spraying a group of individuals. [REDACTED]

9.0 EQUIPMENT MAINTENANCE

- 9.1 All OC devices shall be maintained in an operational and charged state by assigned personnel. Replacement for damaged, inoperable, or empty devices is the responsibility of the individual officer who will complete a PBP Form #81, "Lost/Stolen or Damaged Uniform Claim" report form and forward through the chain of command.
- 9.2 The Quartermaster will maintain a supply of OC devices and will provide a replacement for damaged, inoperable, or empty devices upon approval of the officer's Assistant Chief.
- 9.3 Unexplained depletion of OC canisters shall require an investigation and written report by the officer's supervisor to the commanding officer.

10.0 SAFE STORAGE OF OC SPRAYS

- 10.1 Always treat OC equipment as a weapon and store in a secure place when not on duty.
- 10.2 Do not store in temperatures above 120 degrees Fahrenheit

11.0 DEADLY FORCE OPTION vs. ATTACK

- 11.1 A Pittsburgh Police Officer may use deadly force to protect himself or herself from the use or threatened use of OC, when the officer reasonable believes that such force is necessary to prevent serious bodily injury or death and such force is used in accordance with Bureau of Police Policy and Procedures as well as applicable law.

Approved By:



Scott Schubert
Chief of Police