

# Seattle PD Use of Force Policy as it Relates to OC

## **8.300-POL-6 Use of Force – OLEORESIN CAPSICUM (OC) SPRAY**

This policy applies to the use of OC spray by all sworn Department employees.

Oleoresin Capsicum spray (OC spray) is an inflammatory agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. A one second burst applied directly to the face (direct exposure), even with glasses, will usually result in the immediate closing of the eyes. The individual's eyes will likely close, tear, and swell as a result. When inhaled (secondary exposure), the respiratory tract will likely become inflamed and temporarily restrict breathing to short, shallow breaths. The individual may experience choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. The individual may experience nausea, lung pain, or temporarily impaired thought processes. The individual may become disoriented or lose his or her balance.

OC spray may reduce or eliminate the need for substantial physical force to make an arrest or gain custody. It may reduce the potential for injuries to officers and suspects.

### **1. Education & Training Section (ETS) Will Train and Certify Officers in the Use of OC Spray Every Two Years**

The OC spray policy and training will incorporate the evolving guidance contained within the SPD Post-Basic Law Enforcement Academy course on less-lethal force as well as guidance from the medical community.

### **2. Officers Shall Only Use Department-Issued or Approved OC Spray**

### **3. Officers Will Use OC Spray, Including for Crowd Dispersal or Protection, Only When Such Force is Objectively Reasonable. See Manual Section 8.000.**

For use of OC spray in the context of crowd management, see Manual Section 14.090 #10.

#### **a. OC Spray May Be Used Against a Dangerous Animal to Deter an Attack or to Prevent Injury to Persons Present**

#### **b. OC Spray Shall Not Be Used Unless the Use of Physical Force Is Necessary**

### **4. Officers Shall Issue a Verbal Warning to the Subject, Fellow Officers and Other Individuals Present Prior to Using OC Spray**

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that OC spray will be used and defer using OC spray a reasonable amount of time to allow the subject to comply with the warning.

**Exception:** A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

#### **5. Officers Must Justify Each Separate Application of OC Spray**

After the initial application of OC spray, each subsequent spray must also be reasonable and the employee should reevaluate the situation accordingly.

#### **6. Officers are Required to Report the Use of OC Spray, Regardless of the Effect, as Well as the Decontamination Procedures That Followed**

See Section 8.400-POL-1 #5.

#### **7. The Application of OC Spray on Persons in Restraints Such As Handcuffs Must Be to Protect an Officer or Member of the Public from Physical Injury**

#### **8. Officers Shall Direct OC Spray at the Specific Subject(s) Who are Posing a Threat**

Officers deploying OC will attempt to minimize exposure to non-targeted parties.

#### **9. Officers Shall Assist Exposed Subjects with Decontamination and Water- Flushing of Exposed Areas as Soon as Feasible**

If the subject was exposed inside or in a confined space, officers will remove the subject as soon as possible from the contaminated area and expose the individual to fresh air.

Officers shall request medical response or assistance for subjects exposed to chemical spray when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing condition (such as asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by chemical spray.

Officers shall monitor exposed subjects for changes in their condition while in police custody and request medical evaluation as needed.

#### **10. The Department Shall Maintain Written Documentation of the Number of OC Spray Canisters Annually Distributed to, and Utilized by, Each Employee**

8.310 - OC Spray Chain of Custody

Effective Date: 09/01/15

#### **8.310-POL**

This policy applies to the storage, tracking, and accountability of Oleoresin Capsicum (OC) spray through the various channels of custody throughout the Seattle Police Department. This policy does not cover the tracking of OC spray following its use in a force incident, which is covered in POL 8.400.

#### **1. The Quartermaster (QM) Shall Maintain The Department OC Supply**

QM shall maintain an adequate supply of MK-3, MK-4, MK-9, MK-21 and MK- 46 spray units.

QM will also maintain a register of serial numbers for each unit of OC spray.

## **2. Stationmasters Shall Control OC Spray Units at the Precinct/Section Level**

The stationmaster shall control the stock of all types of OC Spray at the precinct level.

Only the stationmaster/designee can issue MK-3, MK-4, and MK-9 OC Spray from precinct supplies.

Each precinct shall have a procedure to obtain OC Spray during non-business hours.

See 8.310-TSK-1 Issuing MK-3, MK-4, and MK-9 OC Spray to Officers

## **3. Non-Precinct Personnel Shall Obtain OC Spray Directly from the Quartermaster**

### **4. Precinct Operation Lieutenants Are Responsible For MK-21 and MK-26 OC Spray Issued to Them**

MK-21 and larger OC Spray Units will be stored in a secured, centralized location.

When officers are issued these units for various reasons, they will fill out the logout and login time for the item on the Less Lethal Deployment Log Sheet (form 1.80)

Operations Lieutenants are responsible for monthly checks of the log sheet to verify accuracy and completeness.

See 8.310-PRO-1 Checking Out MK-21 and Larger OC Spray Units

### **5. Officers Are Responsible For MK-3, MK-4, and MK-9 OC Spray Issued to Them**

Stationmasters shall record the serial number from each MK-3, MK-4, or MK-9 spray when issued to an individual officer.

Officers are responsible for reporting lost or stolen OC spray to their supervisors.

## **6. The Audit, Policy, and Research Section Shall Conduct Audits of OC Spray Registers**

### **8.310-PRO-1 Checking Out MK-21 and Larger OC Spray Units**

#### **Officer**

1. **Requests** to check out OC Spray unit from a Lieutenant or above.

#### **Lieutenant**

2. **Issues** the approved OC Spray unit to the officer.

#### **Officer**

3. **Records** the logout of the unit on the Less Lethal Deployment Log Sheet (form 1.80).

4. **Utilizes** the OC Spray in accordance with Department policy, as needed.

5. **Returns** the OC Spray after use.

6. **Records** return of the OC Spray on the same line previously logged out on the Less Lethal Deployment Log Sheet (form 1.80)

If the OC Spray canister was depleted, **notes** on the log sheet and notifies Lieutenant.

## **Lieutenant**

7. **Verifies** the OC Spray was returned or depleted in the respective use of force report.

### **8.310-TSK-1 The stationmaster when issuing MK-3, MK-4, and MK-9 OC spray to officers**

1. **Obtains** a lot of MK-3, MK-4, or MK-9 OC Spray Units and stores in secured area of the precinct.
2. **Receives** request for OC Spray from an officer.
3. **Records** the serial number from the OC Spray canister on the OC Spray Issuance Record (form 1.85), as well as the officers name and serial number.
4. **Issues** OC canister to the officer.

### **b. The Incident Commander Shall Have Authority to Direct the Use of Blast Balls and OC Spray to Disperse the Crowd (See Manual Section 8.300 – Use-of-Force Tools)**

A lieutenant may authorize the use of blast balls and OC spray to disperse a crowd if an immediate life safety emergency exists that requires this action be taken and there is insufficient time to obtain incident command approval.

- An immediate life safety emergency is an unplanned, dynamic situation where immediate police action is necessary to protect the officers' and/or the public's safety.

- Only personnel trained to deploy patrol CART tools (blast balls and OC spray) are authorized to carry and use these tools under the supervision of a CART-trained supervisor, unless otherwise directed by the Incident Commander.

When feasible, officers will not deploy blast balls and OC spray until a dispersal order has been issued to the crowd and the crowd has been given a reasonable amount of time to comply.

When feasible, officers shall avoid deploying blast balls and OC spray in the proximity of people who are not posing a risk to public safety or property.

The deployment of blast balls away from people (i.e. a "bang out") is reported and investigated as Type I force. Deployments in the vicinity of people may be categorized as Type II or Type III force, depending upon the circumstances of the deployment and the resulting injury. (See Manual Section 8.400 regarding force classification.)

### **c. Each Precinct Will Maintain a Supply of Blast Balls and OC Spray**

Each precinct will maintain a log of the serial number of each blast ball in its supply. Blast balls will be issued, by serial number, to specific officers as needed. Officers will be responsible for each blast ball that they are issued. Officers will return unused blast balls after the event, and will provide the event number related to any deployments.

After a crowd management event, the Department blast ball coordinator will be responsible for ensuring that the precinct log is reviewed to verify whether all deployed blast balls were reported.

## **10. Officers May Make Individual Decisions to Deploy OC Spray, and Blast Balls Consistent with Title 8 – Use-of-Force**

The authorized use of OC in crowd management situations involving violent activity shall have as a primary objective at least one of the following:

- Defend oneself
- Defend someone else
- Prevent significant destruction of property

**a. OC Will be Directed at the Specific Suspect(s) who are Posing a Threat**

When feasible, officers shall issue a verbal warning to the suspect(s), other officers, and other individuals present, that OC spray will be used. When feasible, officers will wait a reasonable amount of time to allow the suspect(s) to comply with the warning before using OC spray.

Officers deploying OC will attempt to limit collateral exposure to non-involved parties.

- If there is probable cause to arrest for a crime, it is a priority for officers to arrest individuals against whom OC has been deployed.

**b. Officers Will Provide Aid to Subjects Exposed to OC and/or Blast Balls, if Feasible**

Officers will request medical response or assistance for subjects exposed to OC when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc) that may be aggravated by OC.

Officers will request medical response or assistance for subjects who appear to have been injured by a blast ball or who complain of pain or injury from having been struck by a blast ball.

The balls are about the size of a pool cue, with a cap similar to a grenade. When police deploy them, a small warning crack precedes an enormous boom. The intended effect is to move crowds, often in response to perceived threats to people or property.

<https://blutube.policeone.com/videos/935703812001-blast-ball-lesslethal-crowd-control/>

<http://www.seattle.gov/police-manual>