

Hamden Police Department General Orders

Policy Number: 025-004
Section: Weapons
Title: Use of Chemical Agents

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Rescinds: August 01, 2005
Approved By: Police Commission
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PURPOSE

To establish guidelines for the training, issue, maintenance, and proper use of Department issued chemical agents.

POLICY

The policy of the Hamden Police Department (“Department”) is to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, the Department has adopted the use of a non-lethal force philosophy to assist with the de-escalation of potentially violent confrontations. With this in mind, the Hamden Police Department will issue guidelines for the use, inspection, training and proper deployment of chemical agents. Oleoresin Capsicum (“OC”) spray will be carried by all sworn members of the Department and will only be issued to those members who have been certified in its use. Any use of chemical agents must comply with the Department’s Use of Force Policy.

Any police officer who makes an unlawful, excessive, or unauthorized use of pepper spray will be subject to disciplinary actions and may be subject to civil and criminal liability.

Definitions

Actively Resisting: When a subject makes evasive physical movements to interfere with an officer’s attempt to control that subject. Evasive physical movements include, but are not limited to, bracing, tensing, pulling away, or pushing.

Contamination: Sprayed, contacted, or affected by pepper spray

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance.

Force: Any physical strike or instrument contact with a person, any intentional attempted physical strike or instrument contact that does not take effect or any significant physical contact that restricts the movement of a person. The term

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includes the discharge of a firearm, pointing a firearm in the direction of a human being, use of pepper spray, chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no resistance. Use of force is lawful if it is objectively reasonable under the circumstances, and the minimum amount of force that is necessary to effect an arrest, or protect the officer or other person, is used.

Oleoresin Capsicum (“OC” or Hot Pepper Restraint Spray): A pepper compound that irritates the eyes and causes tears, pain, and even temporary blindness. OC or pepper spray is an intermediate weapon that is classified as non-lethal. It should only be used, however, when an officer is met with active resistance.

Passive Resistance: When a subject does not cooperate with an officer’s commands, but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

Procedures

A. Use of Force Standard

The following are applicable use of force standards directly related to the deployment of a chemical agent:

1. The use of OC involves the application of force.
2. Each application of an OC spray involves a separate, additional use of force.
3. Multiple applications of an OC spray cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to an officer .
4. Any decision to apply multiple applications of an OC spray must take into consideration whether a subject is capable of complying with the officer’s commands.
5. OC spray is not intended to replace the use of firearms when lethal physical force is necessary, but rather to provide a non-lethal alternative.

B. Authorization to Carry and Use OC Spray

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1. Only OC spray meeting Hamden Police Department specifications and issued by the Department may be used by police officers in the course of law enforcement responsibilities, both on and off duty.
2. The use and carry of OC spray is restricted to officers who are trained and demonstrate proficiency of use.
3. All officers assigned to uniformed patrol shall carry OC spray once they have been issued the OC spray, and have been trained in its proper use.

C. Training Requirements.

1. The Hamden Police Training Division will provide an initial 4-hour block of training covering:
 - a. Classroom on use of force and escalation to OC contamination.
 - b. Application and decontamination methods.
 - c. Restraint techniques to use with OC contaminated suspects.
 - d. Practical applications and officer contamination segment.
 - e. Continuing training will be included with yearly Baton and self-defense training.

D. Authorized Uses of OC restraint spray.

1. The Hamden Police Department authorizes the use of OC products on subjects under the following situations however; officer discretion of the existing threat level will also dictate use.
 - a. Against subjects who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others.
 - b. To incapacitate a subject who poses a threat of imminent physical injury to himself/herself.
 - c. During a physical confrontation with a combative individual and attempts to control the subject by lower levels of force or tactics are ineffective.
 - d. Against aggressive or dangerous animals that pose a threat of physical injury to officers or others.
 - e. Prisoners/subjects attempting destruction to police property or personal property.
 - f. Prisoners/subjects attempting to harm police or other persons.
 - g. Prisoners restrained with physical bonds who are out of control and violent.
 - h. Prisoners acting violently in cell block areas.

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- i. During Department authorized training programs and/or demonstrations.

E. Restrictions on the Use of OC Spray

Department issued OC spray may **not** be used in the following circumstances:

1. To effect the arrest of a person that is only passively resisting (e.g., going limp, offering no physical resistance);
2. On individuals with frail health, young children, the elderly, women believed to be pregnant, or persons with known respiratory conditions. OC sprays may only be used under exceptional circumstances involving an imminent danger of suffering serious bodily harm, and the use of the pepper spray is the **only reasonable method** to control the child or elderly in order to avoid such harm;
3. Once a suspect succumbs, becomes incapacitated, or is restrained;
4. In crowded areas, except with supervisor approval after taking into account all of the circumstances, including possible exposure to involved bystanders;
5. Near an open flame or flammable material;
6. In closed or poor ventilated spaces;
7. To wake up an intoxicated individual; and
8. To threaten or elicit information from a person.

Department members are required to remove a subject exposed to OC spray from a face-down position as soon as it is safe to do so.

F. Verbal Commands

1. A verbal warning, and time to allow the subject to comply, must be given prior to the use of OC spray, unless a warning would present a danger to the officer or others;

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2. Verbal commands before, during, and after the application of the OC spray are important in order to de-escalate any situation and gain compliance and control of an actively resisting or aggressive subject;
3. After resistance has ceased, the subject must be reassured that nothing further will happen to him or her, and that decontamination for the spray application is forthcoming. Without this reassurance, the subject may again become violent from frustration, or in an effort to escape discomfort. Statements such as “No one is going to hurt you” and “Stay calm and we will help you” provide incentive for cooperation and demonstrate the de-escalation of force as the subject’s resistance is reduced.

G. Method of Deployment and contamination.

1. A one or two-second bursts of the department issued OC spray should be directed to the upper facial area.
2. Direct discharge into the eyes should be avoided.
3. Except in an emergency situation, do not discharge a Department-issued OC spray when closer than three feet from the subject due to the increased risk for self-contamination or contamination of other officers at the scene.
4. An additional burst may be used if the initial burst proves ineffective. Allow a brief time for the pepper to take effect before a second application. Be prepared to take other appropriate action should the spray fail to be effective.

H. Post-Use Decontamination and Treatment

1. Once the OC spray has been applied, and/or empty-hand techniques are being used, commands must be given to direct the now confused and distracted subject: e.g., “Kneel down on the ground” or “Put your hands behind your back” and “Stop resisting arrest” tell the subject what is required and how to stop the pain of a compliance technique.
2. Subjects should be assured that the effects of the pepper spray are temporary.
3. After the OC spray has been used and the subject has been restrained and moved to an uncontaminated area, the affected areas of the subject should be flushed with water within 20 minutes, absent exceptional circumstances.

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4. Officers involved in physically restraining the subject should be careful not to contaminate themselves with residue from the arrested subject. Officers should keep their hands away from their facial areas.
 5. Officers should wash as soon as possible after contact.
 6. Field decontamination should be accomplished as soon as practical.
 7. Each police car has a decontamination chemical kit containing spray bottle and wipe pads.
 8. On-scene officers will apply the decontamination chemicals.
 9. Subjects should be asked if they suffer from any respiratory diseases or problems, such as asthma, bronchitis or emphysema. If a subject displays respiratory problems, the subject should be exposed to fresh air if possible and medical attention should be sought immediately.
 10. While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of breathing difficulty, nausea, or other physical discomfort. A subject should never be left unattended until the effects of the pepper spray have completely diminished or the individual indicates that they have fully recovered from the effects of the spray.
 11. Under normal circumstances, all symptoms should disappear within thirty to forty-five minutes. If the symptoms persist beyond forty-five minutes, medical attention should be sought immediately.
 12. Forty-five minutes after use of the pepper spray, subjects shall be inspected to determine whether or not additional decontamination or first aid measures are required.
- I. Custody and Transport of Contaminated Subjects.
1. Officers shall position the subject in a manner that will facilitate free breathing since O.C. spray may affect some respiration functions. Subjects shall not be transported face down.
 2. Officers shall never leave a contaminated, restrained subject alone.
 3. Officers will transport subjects to lockup as soon as possible.

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4. Officers will use positive vehicle vent pressure to alleviate officer contamination by residual O.C. spray that may be in the air.
 5. Officers shall not decontaminate subjects without a backup officer.
 6. Detention facility personnel shall be informed when a subject has been sprayed with OC spray.
- J. Use of Force before and after OC Contamination.
1. After O.C. contamination the following may occur.
 - a. Subject may be partially affected.
 - b. Subject may totally surrender.
 - c. Subject may not succumb to the effects of OC.
 - d. Officer may become contaminated.
 2. In these situations, the involved officer must make the determination as to the escalation of force needed to maintain officer safety and assure apprehension. As in any other situation, the use of force and level of force required will be mandated by the department's use of force policy.
- K. Reporting of OC use during arrest or apprehension situations.
1. After deploying OC spray, the officer shall notify a supervisor as soon as it is practical to do so.
 2. The use of the OC restraint spray requires a case incident report. The following information must be included in the report.
 - a. The facts and circumstances which dictated the officer 's use of force;
 - b. Commands given to the subject, including any appropriate warning;
 - c. Manner in which the subject refused to comply;
 - d. Target (face, upper torso or other)
 - e. Witnesses to the discharge of the pepper spray;
 - f. Number of discharges, and length of each;
 - g. Estimated distance at which the pepper spray discharge(s) occurred;
 - h. Extent, if any, of the subject's injuries;
 - i. Description of first aid provided;
 - j. Decontamination measures;
 - k. The name of the supervisor notified; and
 - l. Time of such notification.

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L. Crowd Control.

1. Departmental issued OC is not designed for crowd control and use is not authorized in those situations unless the offender is to imminent harm or exigent circumstances. Crowd control demands a different delivery system and supervisory discretion.
2. Supervisor vehicles will be outfitted with OC fogging canisters in case of large civil disruption. Deployment of such devices will be under scene Commander's discretion.

M. Issue and Re-issue.

1. The Hamden Police Department issues OC spray only to those sworn officers who are trained and subsequently certified by the Hamden Police Training Division in the use OC restraint sprays.
 - a. Only departmental issued OC spray will be carried by officers.
 - b. Weight of the can will indicate product amount in the canister.
 - c. A list of weight to ounce conversions will be posted on the wall at the main desk along with an electronic scale.
 - d. It will be the officer's responsibility to weigh his/her OC canister after use to determine if replacement is necessary.
 - e. If replacement is necessary supervisor will issue new canisters.
 - f. Used canisters will be turned into the armory by the supervisor.
 - g. Shelf life of unused canisters is approximately three years. After that period, the canisters should be discarded and replaced with new department approved product.

N. Medical Attention.

1. As with any prisoner requiring medical attention, treatment must be sought as soon as safety issues are resolved.
2. OC contamination does not necessarily require medical attention in and of itself.
3. Though unlikely, some people may need further medical attention at the emergency room. These may include:
 - a. Innocent bystanders contaminated by accident.
 - b. Arrested subjects having severe respiratory complications.
 - c. Officers suffering an abnormally adverse effect.

O. Supervisor Responsibility

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1. Department supervisors shall comply with all reporting and investigation requirements outline in the Department's Reportable Use of Force Policy.
2. Any misapplication or misuse of the OC spray is subject to disciplinary action, along with criminal and civil liability.