



WEST PALM BEACH POLICE DEPARTMENT

Standard Operating Procedure III-15

AEROSOL SUBJECT RESTRAINT(ASR) USE OF OLEORESIN CAPSICUM

Revised: March 17, 2016

I. POLICY:

West Palm Beach Police Officers are permitted to use Aerosol Subject Restraint (ASR)/ Oleoresin Capsicum (OC) as a non-lethal method of controlling violent or potentially violent offenders and those who resist arrest or other lawful commands. As with the use of any physical force, officers must be reasonable in their actions and use good judgment when resorting to the use of ASR/OC.

The use of ASR/OC is non-lethal physical force and should be used in accordance with the Use of Force Continuum. The governing factor in employing its use is the officer's perception that the use is both reasonable and necessary. There must be some observable overt action or combative demeanor displayed by the subject to justify the use of ASR/OC. Simple passive refusal to comply with an officer's verbal direction is not sufficient cause.

II. DEFINITIONS:

Aerosol Subject Restraint (ASR) - defensive spray or foam which contains Oleoresin Capsicum (OC) as an active ingredient.

Hard Control Techniques - physical control techniques that have a good probability of causing injury.

Oleoresin Capsicum (OC) - an inflammatory agent extracted from cayenne peppers in a non-incendiary aerosol form.

Soft Control Techniques - physical control techniques that have a minimal risk of causing injury.

III. PROCEDURE:

A. Officers will only carry ASR/OC products that have been evaluated, tested, and issued by the Department.

B. All officers must successfully complete an approved Department training course.

1. All training in the use of ASR/OC will be in compliance with guidelines established by the Occupational Safety and Health Administration (OSHA).
- C. The use of ASR/OC is authorized when the implementation of lesser control measures is perceived to be inadequate and the use of greater control measures could lead to injury, for example:
 1. When soft control techniques will fail,
 2. When hard control techniques in all likelihood will result in injury.
- D. ASR/OC is authorized for mass spray use to ensure the safety of officers and innocent bystanders when there are multiple suspects and/or crowd control situations where it appears likely an escalation of violence will occur if it is not used to deter unlawful activity.
- E. ASR/OC will only be used in the manner approved by the Department and presented in training.

IV. RENDERING ASSISTANCE:

- A. After the offender has been brought under control and properly handcuffed, render the following assistance as soon as possible:
 1. Face the offender into the wind,
 2. Flush his or her eyes with cool, fresh water,
 3. Reassure the offender that the effects are temporary, and
 4. Stay with the offender, keeping him or her under constant observation (another officer may be enlisted to do this).
- B. Call the fire medics to the scene if any of the following circumstances are present:
 1. The subject asks for medical treatment, and/or
 2. The effects of the spray do not begin to diminish after 15 minutes and are not relieved after 45 minutes, and/or
 3. There is any unusual physical reaction inconsistent with what was taught during training.
- C. Get the offender to a hospital when any of the following conditions occur:

1. The subject requests medical treatment beyond what the fire medics provided,
 2. The fire medics advise further medical treatment is necessary, and/or
 3. There is any type of delayed reaction after the fire medics have left the scene.
- D. In multiple suspect or mass spray situations, officers are to monitor the area for anyone displaying the effects of ASR/OC and provide assistance to those individuals as indicated above.

V. REPORTING:

- A. Once the arrested subject is securely in custody, the Shift Commander will be notified so he or she may interview the subject.
1. The Shift Commander will complete a Control of Persons report.
- B. In multiple suspect or mass spray situations where no individual arrest is made, the Shift Commander will be notified so he or she can review the circumstances.
1. When no individuals affected by the spray are identified, the Shift Commander will summarize the events and review in a memorandum to the Internal Affairs Section Commander routed through chain of command.
 2. When there are identified persons on scene who were affected by the spray (suspects or innocent bystanders) the Shift Commander will complete a Control of Persons report and include the names of all affected persons.
- C. An Offense Incident Report will be completed by the officer(s) prior to going off duty. The report will include:
1. All circumstances leading up to the application of the ASR/OC agent.
 2. The effects the ASR/OC agent had on the offender.
 3. All first aid and other measures taken or offered to the offender to neutralize or alleviate the effects of the ASR/OC.

VI. REFERENCE:

- SOP # III-13 Use of Force.
- SOP # IV-22 Internal Affairs Function.
- OSHA Guidelines.

Approved:

Signature on file

Bryan Kummerlen, Chief of Police

March 17, 2016

Date: