



Kern County Sheriff's Office
Policies and Procedures

TITLE: USE OF FORCE-OLEORESIN CAPSICUM		NO: F-400	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 12/19/2020	REVISED: 12/19/2020	UPDATED: 12/19/2020

APPLICABILITY

When used in this policy the terms, “peace officers”, “peace officer”, or “officer” shall include both sheriff’s deputies and detentions deputies.

POLICY

Oleoresin Capsicum spray (also known as OC spray) is an organically based, less lethal aerosol weapon designed to temporarily incapacitate, with no lasting after-effects. In most instances, OC spray will immobilize an attacking human or animal for up to 45 minutes. Oleoresin Capsicum, unlike CN or CS agents, is a highly concentrated form of peppers that affects the mucous membranes. OC spray typically causes a short period of pain, gagging, and involuntary closing of the eyes when directed to the eyes, nose, or mouth.

Peace officer members are permitted to use Oleoresin Capsicum sprays when acting within the guidelines of P.C. 835a; when it objectively appears reasonably necessary to effect an arrest, prevent an escape, overcome resistance, or to prevent physical injury to the officer or others; and, the use conforms with the policies and procedures set forth in this manual.

Detention officers who have completed the required training are authorized to use Oleoresin Capsicum sprays when acting within the guidelines of P.C. 831.5(f); when it objectively appears reasonably necessary to use OC spray to establish and maintain control of prisoners; and, the use conforms with the policies and procedures set forth in this manual.

Penal Code Section 4023.8(h) strictly prohibits the use of a TASER, Oleoresin Capsicum (pepper spray), or exposures to other chemical weapons on an “incarcerated” pregnant female.

- For the purposes of this policy, an incarcerated pregnant female is a person that has received a booking number, whether booked into an actual jail facility of absentee booked away from a jail facility.

Peace officers and designated Detentions staff of the Sheriff’s Office may only carry OC spray issued by the Sheriff’s Office, and only after attending Sheriff’s Office approved training on the use of Oleoresin Capsicum sprays. Any deputy or detention officer who uses OC spray will document that use in accordance with the procedure set forth in section F-100 of this manual.

Civilian employees may carry OC spray on duty if their job function exposes them to a potential

for harm and the OC spray may affect the employee's ability to protect themselves, and the employee: 1) obtains written approval from their Bureau Chief which is placed in the employee's personnel file; 2) completes Sheriff's Office approved training, and 3) complies with P.C. 12403.7.

Civilian employees authorized and/or issued Sheriff's Office OC spray may use the OC spray under the following conditions and/or circumstances:

1. When threatened with physical assault by another person and retreat from the situation is not practicable.
2. When threatened or attacked by a potentially vicious animal and retreat to safety to avoid being bitten is not practicable.

MEDICAL TREATMENT

It is not routinely necessary to medically clear all Oleoresin Capsicum exposures. Officers should be informed as to what constitutes a normal reaction. A normal reaction may consist of any of the following:

1. Red and watery eyes;
2. Swelling and discharge of the mucous membranes;
3. Coughing and shortness of breath;
4. Intense feeling of burning at the exposed area;
5. Discoloration of the skin (due to dyes).

These symptoms will disappear naturally within about forty-five (45) minutes. No medical treatment is necessary unless a more serious reaction is evident, or the symptoms have not diminished substantially forty-five (45) minutes after the exposure.

Persons who have been sprayed with OC spray are to be transported in an upright position with seat belt buckles. Do not transport these persons lying face down or face up on the back seat. Do not "Hog Tie" these persons by connecting foot and hand restraints. Do not gag persons or cover the mouth or nose except with an approved mask according to training.

Officers should initiate immediate medical attention when:

1. Gagging, or breathing difficulties persist beyond an initial period of two (2) to four (4) minutes, or
2. The person loses consciousness, sweats profusely, appears to be very sick, or
3. Still significantly suffers forty-five (45) minutes after exposure.
4. The officer is aware the person sprayed suffers from bronchitis, asthma, emphysema, or similar respiratory disease.

F-400-2

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PROCEDURE A: Use of OC Spray by Civilian Employees

When civilian members have used OC spray, they will:

- Immediately contact the Communications Center and report the incident;
- Provide assistance as necessary to the sprayed individual, if safe to do so;
- Not attempt to use physical restraint to control the sprayed individual;
- If safe to do so, stand by until a responding officer arrives to take control of the sprayed individual;
- If it is not safe, proceed to a safe location and wait for an officer;
- Cooperate with the officer who will conduct the investigation and complete necessary reports.

The Communications Center will:

- Dispatch an officer to the scene when notified of the incident;
- Notify the on-duty Watch Lieutenant, area supervisor, or Metropolitan Patrol sergeant.

The responding officer will:

- Thoroughly investigate the incident;
- Ensure the sprayed individual receives assistance as necessary;
- Complete all necessary reports.

F-400-3

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