

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 1.13
		Issue Date: March 21, 2005
		Revision Date: February 28, 2017; March 14, 2018; November 27, 2018; February 25, 2021
CHAPTER: Sheriff's Office Role and Authority		Related Policy: G.O. 1.05 (Authorized Weapons, Ammunition and Carrying Devices), G.O. 1.12 (Use of Force), G.O. 3.06 (Use of Force/Firearms Discharge Review); G.O. 7.30 Less Lethal Use of Force
SUBJECT: Use of OC Agents		Related Laws: ORS 161.205 (Use of Physical Force Generally), ORS 161.235 (Use Of Physical Force In Making An Arrest Or In Preventing An Escape), and ORS 161.245 (Reasonable Belief Defined).

POLICY: Employees are authorized, when acting within the scope of their duties, to use justifiable, reasonable, and necessary force to protect themselves or others from physical harm, to affect an arrest, or to overcome resistance to an arrest.

DEFINITIONS:

1. OC Agent

Any synthetic or organic derivative from the chili pepper family that uses the tincture of oleoresin capsicum (OC) as an *inflammatory agent* to react with the mucus membranes of the eye, mouth, and nose to temporarily incapacitate a person or animal or assist in dislodging a barricaded subject from a specific location.

2. Approved Delivery Systems

- a. Burst: A hand-held aerosol spray with a wide nozzle designed to deploy a maximum amount of OC airborne particles in a general direction.
- b. Stream: A hand-held aerosol spray with a narrow nozzle designed to deploy a single stream of OC airborne particles for a maximum distance.
- c. Mist: A hand-held aerosol spray with a nozzle designed to deploy a mist cloud of OC airborne particles over a broad area or enclosed space.
- d. Grenade: A hand-deployed device designed to deploy a burst or cloud of OC particles over a broad area or enclosed space.
- e. Foam: A hand-held foaming spray designed to deploy an OC Agent onto a targeted surface while minimizing residual airborne OC particles.
- f. Gel: A hand-held spray designed to deploy a narrow stream of OC gel onto a targeted surface while minimizing residual airborne particles.
- g. Launch-able: An OC Agent deployed with the use of a specified launching platform such as Pepper-ball or by other weapon systems.

RULE: In the appropriate situation, OC Agents may effectively be employed to minimize the risk of an employee being injured. The application of any OC Agent is considered to be a use of physical force. Use of OC Agents shall be conducted in accordance with G.O. 1.12 and the following procedures.

PROCEDURE:

I. Authorized Use of OC Agents

A. Authorized Products

The Lane County Sheriff's Office will only use OC Agents from a nationally recognized manufacturer. Division commanders, or their designee, shall approve the OC delivery systems and product to be used within their division.

B. Authorized Use

1. Division commanders, or their designee, shall designate which employees within their division may be authorized to carry and deploy OC Agents. Only authorized employees who have completed a training course approved by the Sheriff's Office's training unit manager may be issued an OC Agent, approved for their division, to use as an added and effective defense weapon.
2. Any application of OC Agents that deviates from an employee's training or constitutes abuse of the use of an OC Agent may result in disciplinary action, depending on the totality of the circumstances.

C. Authorized Equipment

1. OC Agents furnished by the Sheriff's Office, along with the issued holster, shall be the only type of OC Agent that employees are authorized to carry and use. The canister shall be carried in its holster except when in use, and shall not be carried in a pocket, briefcase, or loose in a vehicle with the exception of the Detective and Civil sections, who may carry it in a pocket but not in a briefcase or loose in a vehicle.
2. Larger crowd control canisters will be secured in a vehicle and should not be loose. When deployed, crowd control canisters should be carried in hand, utility pouch or in a holster designed for larger canisters.
3. Employees shall not be authorized to carry or use OC Agents until appropriate training is received and documented.

D. Guidelines for Use

1. OC Agents should be used to avoid physical combat. It is preferable to use OC Agents prior to attempting a control hold on a person who actively demonstrates the intent to refuse to comply with lawful applied control.
2. The OC Agent is used to make it difficult or impossible for a threat to fight effectively. OC Agents are to be used when a person is lawfully stopped, is subject to lawful control, is not in physical control, and poses a threat.
3. Hand-deployed or Launch-able OC Agents will be used per manufacture guidelines and training.
4. OC Agents may be used on vicious or aggressive animals when the presence of those animals interferes with the safety of employees or the successful completion of a law enforcement function.
5. OC Agents should not be discharged into an enclosed area unless you have the justification and the means to make entry to remove persons incapacitated and/or unable to leave on their own.
6. Post application care should be provided to the person who has come in contact with the OC Agent as soon as safely practical.
7. Both the use of the OC Agents and the post application care shall be documented in any custody report submitted by the person using the OC Agent. A copy of any custody report listing the application of an OC Agent will be directed to the Training Office for their review.
8. Once a suspect is in handcuffs or restraints, the use of OC Agents is appropriate only when the suspect presents a reasonable threat to the safety of the officer or others or to prevent damage to property. In this situation the use of OC Agents requires articulation of the facts and documentation in all reports and Use of Force After Action Report.

II. Post Application Care

A. Decontamination

1. How a person is decontaminated can be dependent upon the type of OC Agent the person is exposed to and how the person is reacting to the exposure.
2. Remove the person from the affected area. Preferably move the person into fresh air but moving the person to another area may be adequate.

Ventilating the room with fresh air can assist in the decontamination process. When placing individuals into a vehicle windows should be opened and remain open during the transport of the individual.

3. Flush the affected area with clean, cold water. Furnish the affected person with the facilities to wash the irritant from their person. The recipient of an OC application should be instructed on how to flush their eyes with water. Strobing of the eyes is recommended to assist with flushing of the OC agent from the eyes. Strobing is the rapid blinking of the eyes. Water may be applied using a variety of sources including a cup and the sink, a faucet, hose, or a spray bottle carried in the trunk. If the recipient of OC is physically restrained and cooperative, then water should be applied for them as soon as practical. The controlling employee will comply with requests for additional water applications should the affected person request it.
- B. Advise the individual affected with OC Agents not to rub the affected areas; do not permit the application of grease, salves, or oils. If the individual is wearing contacts, properly trained medical personnel or the individual should remove them.
 - C. Assess potential medical concerns. Reassure the individual that the effects are temporary. Monitor the person's breathing. This includes placing the person in a position that prevents restraint asphyxia. If the individual loses consciousness or complains of severe chest pain immediately request emergency medical assistance.
 - D. Corrections personnel working book-in will be advised that the person being booked has been exposed to OC Agents and approximately how long ago. Corrections personnel receiving a person who has been exposed to OC Agents will, as soon as possible, provide attention in accordance with specialized Corrections Division booking and medical procedures.
 - E. If the individual is in custody at LCAC when exposed please follow these decontamination procedures and then refer to Post Orders for further exposure procedures.

III. Reporting

- A. Any Employee who uses an OC Agent shall immediately cause the on-duty supervisor to be notified that an OC Agent has been used.
- B. Prior to completing the tour of duty, the Employee who dispensed the OC Agent shall complete a Use of Force After Action Report in accordance with G.O. 1.12, section IV. The Use of Force After Action report shall detail the justification for

the use of OC and post application care including the length of time between the use of OC Agents and the initial water flushing process.