



KERN COUNTY PROBATION DEPARTMENT

Policies And Procedures

TITLE: Use of Force-Oleoresin Capsicum			Article: 1707
APPROVED: William Dickinson, Chief Probation Officer			
EFFECTIVE: October 2016	REVIEWED: August 2018	REVISED: September 2024	UPDATED: October 2016

POLICY

When used in this policy, “designated staff” or “designated personnel” include employees in the Probation Officer and Juvenile Corrections Officer series.

In response to requests from staff and a recognized need, the Probation Department is providing Oleoresin Capsicum (OC, a less than lethal weapon) and required training to designated staff as a means of protection for staff against persons who are physically combative, pose an immediate threat or are resistive to lawful control directives. Oleoresin Capsicum will also provide armed officers with another force option. Although staff is expected to use “OC” in their defense as outlined below, it is not intended that staff ever jeopardize their safety or the safety of others in conforming to the guidelines.

Oleoresin Capsicum is classified as a weapon pursuant to California Penal Code. It is this Department’s policy that it be used only as a defensive measure in the available force options. Unauthorized, unnecessary, or wrongful use will result in disciplinary action, which could include, but is not limited to, dismissal and/or criminal prosecution.

Oleoresin Capsicum is authorized for use only by designated staff who have been trained and certified to use this substance in a course pre-approved by the Chief Probation Officer.

Proper carriage and storage of “OC” spray is outlined below.

The following guidelines apply to uses of Oleoresin Capsicum (OC):

- A. Oleoresin Capsicum should only be used by designated staff in defense of self or to control a potentially dangerous situation.
- B. All forms of verbal persuasion have failed.
- C. The option of retreat is not available or appropriate.
- D. Mere verbal threats of violence by a subject do not, by themselves, justify the use of Oleoresin Capsicum; unless the situation escalates.

- E. The application of Oleoresin Capsicum shall not be continued once the subject has been subdued.
- F. Under no circumstances shall OC be used as a threat on a subject who is secured in restraints.
- G. It should be remembered that OC can be effective; however, it is not 100% effective. Therefore, staff should have a back-up plan in mind.
- H. The following is a list of restrictions on the uses of Oleoresin Capsicum.
 - 1. Only Kern County Probation Department owned/provided Oleoresin Capsicum devices are authorized to be used during the course of employment.
 - 2. Off-duty use of a Department issued OC spray is prohibited. Violation of this restriction will result in disciplinary action.
 - 3. Departmental OC spray shall not be given or loaned to personnel not specifically authorized to use it.

I. MEDICAL TREATMENT

- A. Decontamination measures should be undertaken as soon as practical.
- B. Once sprayed, tell the individual to calm down and relax.
- C. Sprayed subjects should be handcuffed as soon as possible and told to breathe normally.
- D. Move the individual to uncontaminated air.
- E. Flushing the area with cool water helps to reduce the time for symptoms to dissipate. Water from a hose or spigot is preferred. If it is necessary to use water from a bucket, the water should be splashed on the subject's face.
- F. Do not dry the individuals face by "rubbing" with a towel.
- G. All symptoms should disappear within 15-45 minutes without after effects. Should the symptoms persist beyond this upper time limit or the subject's distress appears to be increasing rather than decreasing, medical attention should be obtained as soon as possible.
- H. If the subject was wearing contact lenses and the lenses were not dislodged by tearing or flushing, medical attention should be sought to remove them.

- I. Upon delivering the affected individual to a detention facility, staff at said facility shall be advised that OC was applied to the arrestee.

II. REPORTING

- A. Any time a designated staff member uses Oleoresin Capsicum, he/she shall immediately make a verbal report to their supervisor followed by a written report by the end of the next county work day. The written report will be submitted to the Chief Probation Officer or designee through the chain of command. Once approved by the Chief or designee, the document will be routed to the Administrative Bureau to be stored for record keeping and statistical purposes.
 1. The written report shall contain a summary of events leading up to the use of the chemical including date, time, location, name of person(s) involved and any witnesses.
- B. In order to evaluate health hazards associated with the use of OC on humans, the Department of Justice (DOJ) developed an OC Application Report Form. The form shall be completed as soon as practical following each incident where a subject is exposed to OC. Completed forms should be routed through the supervisor to the Administrative Bureau for compilation.

III. MAINTENANCE

Chemical OC devices are virtually maintenance free. Once every six months, check to see that the unit is maintaining a pressurized charge by spraying a short burst in a safe location. (This test is not necessary if the unit has been used in recent months) Canisters should also be shaken at least once per month to ensure distribution of the active ingredients.

After discharging a canister in actual use, the level of the contents should be checked. This is done by floating the canister in a container of water and checking the level of the water against the guide on the side of the canister. If the water level is at the "replace" stage, the canister should be traded for a fresh unit. Fresh canisters are available from the Range Master or his representative.

OC canisters and holsters will be issued to designated staff that has been determined by the Chief Probation Officer to have an ongoing need to possess them in the scope of their official duties. All designated staff will be held accountable for the canisters in their possession and shall safeguard them as any other County property.

IV. CARRIAGE/STORAGE

A. Institutions

1. All designated personnel in the Juvenile Corrections Officer series shall carry OC while on duty. OC canisters and holsters shall be passed on to the relieving shift. OC shall be stored in a locked cabinet in the unit when not in use.
2. Duty Supervisors shall have individually assigned OC canisters and holsters to be carried while on duty and stored in the supervisor's locked desk or locker when not in use.
3. Security Transport Officers shall have individually assigned OC canisters and holsters to be carried while on duty. OC shall be stored in the Duty Supervisor's security closet when not in use.
4. OC canisters and holsters will be equipment to be inventoried during daily security checks.

B. Supervision/Investigation/Special Services (Excluding Work Program)

1. All designated Probation Officers shall be issued OC canisters and holsters. When OC is not carried, it shall be secured in a desk drawer or cabinet.
2. Probation Officers shall carry OC when they are conducting field functions. Additionally, OC shall be carried when an officer is armed with a firearm.

C. Work Program

1. Designated Probation Officers and Juvenile Corrections Officers shall be issued individually assigned OC canisters and holsters to be carried while on duty. When not in use, OC shall be secured in a locked cabinet in the Probation Services Building.
2. OC canisters and holsters will be equipment to be inventoried during daily security checks.