



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations	Section: 403.5
Subject: Use of Force	Topic: Oleoresin Capsicum (OC)
Accreditation: A.05.01, A.05.02, A.05.04, A.06.01	Revised:
Enacted: 06/09/2016	Last Review: 5/25/2016
	Reaffirmed:
	Review: 01/30/2017

I. PURPOSE

The purpose of this General Order is to establish policy and procedures governing the deployment of Oleoresin Capsicum (OC) and the documentation of that deployment.

II. POLICY

It is the policy of the Loudoun County Sheriff's Office that sworn personnel shall attend and successfully complete all applicable training. The deployment of OC by sworn personnel shall be done in accordance with General Order 403.1 and applicable LCSO training protocols. However, it is ultimately the responsibility of the deputy to ensure that he/she deploys OC within the standards of *Graham v. Conner*.

Deputies have an affirmative duty to act if they observe another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances, and shall safely intercede to prevent the use of excessive force. Deputies shall promptly report the incident to a supervisor.

III. PROCEDURE

A. General

1. Sworn personnel shall attend an approved training course prior to carrying or deploying OC. The training course must be approved by the Loudoun County Sheriff's Office Training Section supervisor.
2. Sworn personnel shall only carry and deploy OC issued by the Loudoun County Sheriff's Office. The Loudoun County Sheriff's Office training supervisor shall maintain the list of approved OC. OC shall be water-based, non-flammable and Electronic Discharge Weapon (EDW) or Conducted Electrical Weapon (CEW) tested and safe.
3. OC shall be worn on either the duty belt or external vest carrier in a specifically designed holster.

4. It is the responsibility of the deputy to routinely check his/her OC container to ensure that it is in operating condition and has not expired. If it is found not to be operating properly or has expired, the deputy shall immediately discontinue carrying the container. All OC containers are to be replaced every 5 years, regardless if they have been used or not. (It is suggested that each deputy write the manufacturing date, located on the paper label of the canister, in black permanent magic marker on the bottom of the canister.)

B. Deployment Considerations

1. Deputies should give warnings when feasible before application.
2. Once OC is deployed the deputy shall ensure the individual is properly decontaminated and receives any necessary medical treatment, on scene, if tactically practical. A supervisor shall be notified of the deployment of OC and respond to the scene.
3. Once the individual is transported to the ADC, the deputy shall inform the intake supervisor that the individual has been sprayed with OC. The ADC staff shall notify the ADC medical staff for further monitoring.

C. Effects and Limitations of OC

1. OC may only be deployed when there is an exigent and immediate safety risk that is reasonably likely to be cured by the use of OC.
 - a. Refusal to obey commands alone does not constitute active resistance, even when that resistance includes physically preventing the manipulation of the subject's body.
 - b. Erratic behavior and mental illness alone also do not necessarily create a safety risk.
2. The OC spray dispenser is designed to project OC into the face of a non-complying, actively resisting offender or an unarmed attacker.
3. OC is an inflammatory agent, not an irritant such as Chemical Mace.
4. Upon contact with the face, OC causes:
 - a. A burning sensation in the eyes, nose, mouth, and respiratory tract
 - b. Swelling of these areas that immobilize the person

- c. Obscured vision
- d. Restricted breathing
5. The temporary impairment usually lasts fifteen (15) to sixty (60) minutes.
6. The effects of OC may be limited on:
 - a. Violent mentally ill persons
 - b. Persons under the influence of narcotics
7. Deputies should be aware of residue (e.g., suspect's clothing, patrol car) that can cause secondary exposure to deputies and the person who was sprayed.

D. Post-Deployment

1. After the application of OC deputies shall:
 - a. Obtain first aid or medical treatment for all individuals exposed to OC, ensuring that the affected areas are flushed with water
 - b. Expose the area to fresh air facing the wind with open eyes

IV. REPORTING

- A. Any deputies witnessing or involved in the incident shall submit an IBR or supplemental incident report thoroughly documenting the events.
- B. In all cases where there is a use of force, regardless of injury or complaint of injury, the supervisor shall complete a full and thorough investigation of the incident and document the investigation on the Administrative Investigation Inquiry Use of Force form.
 1. Refer to General Order 302 for further direction on completing Administrative Investigation Inquiries.
 2. Any deployment of OC that results in serious injury or requires hospitalization shall be reported to the Internal Affairs section, which shall conduct the investigation.
 3. If a death occurs, it shall be investigated in accordance with General Order 403.12.
- C. The impact area shall be photographed and any other evidence shall be documented

appropriately.

1. Typical evidence related to uses of force may include, but are not limited to: video (in-car and/or body cameras), witness statements, incident reports and/or supplemental incident reports, related physical evidence, etc.
- D. The on-scene supervisor shall notify the chain of command of the deployment of OC in all cases that result in death, serious injury or requires hospitalization.
- E. Copies of all documents shall be forwarded to the Internal Affairs section.