



LEVELS OF RESISTANCE			1003.00	
<div><div></div><div><b>SUBJECT CONTROL SPRAY</b></div><div></div></div>				
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## PURPOSE

The purpose of this standard operating procedure is to establish guidelines for the use of Subject Control Spray (SCS).

## SCOPE

This procedure shall apply to all Punta Gorda Police Department personnel.

## DISCUSSION

The Punta Gorda Police Department has issued SCS to provide officers with additional use-of-force options for gaining compliance from resistant or aggressive individuals in arrest and other enforcement situations in the most humane manner possible. It is the policy of the Punta Gorda Police Department that officers use SCS when warranted, but only in accordance with the guidelines and procedures set forth here and in the department's use-of-force policy.

## DEFINITIONS

1. **AERKO Freeze + P:** A non-lethal, non-flammable, subject control spray canister comprising a blend of 1% of 2,000,000 SHU OC spray and 1% CS spray.

2. **Clear Out:** A six (6) ounce non-lethal, non-flammable, aerosol grenade comprising a blend of 1% of 2,000,000 SHU OC and 1% (1,700 mg) of CS.
3. **Clear Out Auto Ejector:** A four (4) ounce non-lethal, non-flammable, aerosol spray canister comprising a blend of 1% of 2,000,000 SHU OC and 1% (1,133 mg) of CS.
4. **Clear Out Keyholer:** A six (6) ounce non-lethal, non-flammable, aerosol grenade (with clear flexible tubing) comprising a blend of 1% of 2,000,000 SHU OC and 1% (1,700 mg) of CS.
5. **Oleoresin Capsicum (OC):** A chemical compound used in many subject control sprays that irritates the eyes to cause tears, pain, breathing restriction, and causes involuntary closure of the eyes.
6. **Orthochlorobenzalmalononitrile (CS):** A tear gas commonly used in conjunction with OC to create a subject control spray. The CS causes tearing thereby carrying OC through the nasolacrimal ducts into the nose and lungs.
7. **Scoville Heat Unit (SHU):** A measure of the hotness of a pepper or amount of capsaicin (the chemical responsible for heat) in OC-based sprays.
8. **Subject Control Spray (SCS):** Non-lethal, non-flammable, aerosol canisters and grenades manufactured by AERKO International.

## PROCEDURE

### I. AUTHORIZATION

- A. All issued SCS canisters shall be reviewed, inspected, and approved by a qualified Chemical Weapons Instructor prior to carrying.
- B. Members will be issued copies of, and instructed in, the levels of resistance policy and fleeing felon policy before they are authorized to carry SCS or placed into a position where they may use less lethal force. These instructions are issued during Phase I of the Field Training and Evaluation Program (FTEP).
- C. Only officers who have completed the prescribed course of instruction on the use of SCS are authorized to carry the device. SCS refresher training shall be conducted annually during In-service Academy training in accordance with [SOP 400.00 – Employee Development](#).
- D. Uniformed officers whose normal duties/assignments may require them to make arrests and/or supervise arrestees must carry department-issued SCS while on duty.
- E. Uniformed officers shall carry only department-issued SCS canisters in the prescribed manner on the duty belt. Non-uniformed officers may carry SCS in alternative devices as authorized by the department.

- F. The use of Clear Out, Clear Out Keyholer, and Clear Out Auto Ejector shall only be used with authorization from the on-duty Watch Commander.
- G. Off-duty Carrying of Subject Control Spray - Officers are authorized to carry the police department issued Aerko Freeze +P SCS canisters with them off-duty in a concealed manner in compliance with Florida State Statutes. Officers who are acting in their law enforcement capacity while off-duty shall be considered to be on-duty as a Punta Gorda Police Officer. During such situations, officers shall utilize their SCS in compliance with on-duty standard operating procedures.
- H. Officers shall not carry Clear Out canisters or grenades while off duty.

## II. USAGE CRITERIA

- A. SCS is considered a use of force and shall be employed in a manner consistent with the Punta Gorda Police Department's use-of-force policy. SCSs are a force option following verbal compliance tactics.
- B. SCS canisters may be used when:
  - 1. Verbal dialogue has failed to bring about the subject's compliance or;
  - 2. The subject has signaled his/her intention to actively resist the officer's efforts to make the arrest or;
  - 3. When the subject refuses to exit a vehicle or location in which an SCS grenade cannot be effectively deployed.
- C. SCS grenades may be used when:
  - 1. Verbal dialogue has failed to bring about the subject's compliance;
  - 2. The subject has signaled their intention to actively resist the officer's efforts to make the arrest; and
  - 3. The subject refuses to exit, or has barricaded themselves in, an area, such as a vessel, an attic, residence, or other structure; or
  - 4. Needed to disperse disruptive or aggressive crowds.
- D. Officers should issue a verbal warning when feasible prior to using SCS against a suspect. Exceptions to this rule shall be documented and supported by the circumstances.
- E. Once a subject is handcuffed or otherwise restrained, the use of SCS is no longer justified and shall not be used, unless the subject continues to aggressively resist and poses a threat of injury to officers or others, and other physical control response options have failed to incapacitate the subject. Once a subject is incapacitated or no longer poses a threat of injury, the use of SCS is no longer justified and shall not be used. SCS shall not be used on a restrained subject while secured in a police vehicle.

### III. USAGE PROCEDURES

#### A. Aerko Freeze +P

1. Whenever possible, officers should be upwind from the suspect before using SCS and should avoid entering the spray area.
2. An officer should maintain a safe distance from the suspect of between one (1) and twelve (12) feet.
3. A single spray burst of between one and two seconds should be directed at the suspect's eyes, nose, and mouth. Additional bursts may be used if the initial or subsequent burst proves ineffective.
4. Use of SCS should be avoided, if possible, under conditions where it may affect innocent bystanders.

#### B. Clear Out (grenades)

1. Whenever possible, officers should be cognizant of environmental factors before using SCS and should avoid entering the affected area.
2. An officer should maintain a safe distance from the suspect before deploying the grenade.
3. SCS grenades are a one-time use, commonly referred to as an "Area Treatment Weapon". The six (6) ounce grenade will reach an incapacitating level established by military tests to an area of 23,000 cubic feet. The two (2) ounce grenade will reach an incapacitating level established by military tests to an area of 7,666 cubic feet. The use of additional grenades is dictated by the size of the area to be treated.
4. Use of SCS grenades should be avoided, if possible, under conditions where it may affect innocent bystanders.

#### C. Clear Out Auto Ejector (canister)

1. Whenever possible, officers should be cognizant of environmental factors before using SCS and should avoid entering the affected area.
2. When extracting a suspect from a motor vehicle, officers shall utilize their vehicles to physically block/stabilize the suspect's vehicle before deploying the spray.
3. Prior to deploying the spray into a vehicle, officers are to be cognizant of creating a cross-fire situation. At least one officer shall provide lethal cover for the officer deploying the spray.
4. Clear Out Auto Ejector spray can be placed into a vehicle via the attached hose and stainless steel hollow rod or introduced into the vehicle's ventilation system. Once introduced into the vehicle, officers shall move to a position of advantage and monitor the situation.

5. Clear Out Auto Ejector spray can be introduced into a confined area, such as a bedroom or bathroom, where the use of an area treatment grenade is not practical. The introduction can be done via the attached hose and stainless steel hollow rod through an opening or under the door. Officers are to be cognizant of sound officer safety tactics and should avoid placing themselves in front of hollow doors. Once introduced into the room, officers shall move to a position of advantage and monitor the situation.
6. Use of SCS should be avoided, if possible, under conditions where it may affect innocent bystanders.

**D. Clear Out Keyholer**

1. Whenever possible, officers should be cognizant of environmental factors before using SCS and should avoid entering the affected area.
2. An officer should maintain a safe distance from the suspect before deploying the grenade.
3. Clear Out Keyholer is commonly referred to as an “Area Treatment Weapon”. The six (6) ounce grenade will reach an incapacitating level established by military tests to an area of 23,000 cubic feet. The use of additional grenades is dictated by the size of the area to be treated.
4. Clear Out Keyholer allows the introduction of the Clear Out chemical through small openings in doors, windows, door frames, skylights, cracks in floors, etc. To deploy the Clear Out Keyholer, pass a sufficient length (10-12 inches) of the flexible tubing through a small opening and secure it with the provided tape and press the actuator. The actuator can be locked down to release the entire contents or it may be held partially pressed for five (5) to ten (10) seconds for small rooms. The six (6) foot section of tubing allows officers to be back away from doors and windows while deploying the agent. Officers should take advantage of the length of tubing to avoid being exposed to the Clear Out agent. They should deploy the spray while maintaining a position of advantage (e.g. away from the door or window).
5. Note: Removal of the flexible tubing will render the Clear Out Keyholer inoperative. If required, the tubing may be shortened to six (6) inches, minimum.
6. Use of SCS grenades should be avoided, if possible, under conditions where it may affect innocent bystanders.

**IV. EFFECTS OF SUBJECT CONTROL SPRAY AND OFFICER RESPONSE**

- A. Within several seconds of being exposed to SCS, a suspect will normally experience temporary blindness, difficulty breathing, a burning sensation in the throat, lung pain and/or impaired thought processes.
- B. The effects of SCS vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspect; to include, if necessary, other force options consistent with department policy if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.

- C. Immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. If the suspect requests medical assistance, the officer shall immediately summon emergency medical aid. As soon as possible, the offender shall receive post-exposure treatment. Allow the offender to flush the affected area with water and air dry.
- D. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in Punta Gorda Police Department custody.
- E. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
- F. Assistance shall be offered to any individuals accidentally exposed to SCS who feel the effects of the agent. All such incidents shall be reported as soon as possible to the officer's immediate supervisor and shall be detailed in an incident report.

## V. REPORTING PROCEDURES

- A. Accidental discharges as well as intentional uses of all SCS against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.
- B. A Response to Resistance Report shall be completed following all discharges of SCS except in the case of testing, training, malfunction or accidental discharge.

## VI. REPLACEMENT

- A. All SCS devices shall be maintained in an operational and charged state by assigned personnel. SCS canisters shall be inspected quarterly during line inspections by the shift supervisor to ensure expiration dates are not exceeded. Replacements for damaged, inoperable or empty devices are the responsibility of officers to whom they are issued. Replacements are to be obtained from the Employee Development Unit.
- B. Replacements of SCS canisters shall occur when the unit is nearing expiration.
  - 1. SCS and Clear Out canisters shall be inspected quarterly during line inspections to check for expiration.

## APPROVED



**PAMELA R. SMITH, CHIEF OF POLICE**

**1003.00**

**STAFF REVIEW DATES:** 02-11-1998, 05-31-2000, 07-23-2002, 03-19-2003, 09-24-2003, 01-21-2004, 06-07-2005, 10-31-2006, 02-13-2007, 12-14-2007, 01-30-2009, 07-26-2010, 05-08-2012, 06-17-2014, 10-14-2016, 09-19-2018, 08-11-2020, 08-31-2023

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