


DPS STANDARD OPERATING PROCEDURE			
	SUBJECT: LESS THAN LETHAL WEAPONS: AEROSOL SUBJECT RESTRAINT SPRAY (ASRS)	SECTION(S): ALL	DISTRIBUTION: ALL PERSONNEL
	DPS SOP 2011-29		
ISSUING AUTHORITY: ROBERT MALDONADO CHIEF OF CAMPUS SAFETY AND EMERGENCY MANAGEMENT SERVICES ELECTRONICALLY SIGNED		EFFECTIVE DATE: August 24, 2011 REVISED DATE: September 20, 2021	SUPERSEDES: SOP 2007-02 Revised re IACLEA

Less Than Lethal Weapons: Aerosol Subject Restraint Spray

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REFERENCES:

- SOP 2011-02 Use of Force
- Article 35, NYS Penal Law Defense of Justification, Use of Force
- Types and Specifications of Authorized Less Than Lethal Weapons (located in Forms folder on G Drive)

ATTACHMENTS: None

I. APPLICABILITY: This Standard Operating Procedure is applicable to all Syracuse University Department of Public Safety (DPS) Campus Peace Officers/Enhanced Authority Officers who are trained and authorized to carry and use aerosol subject restraint spray.

II. PURPOSE: The purpose of this policy is to establish guidelines for the training, use and reporting the use of aerosol subject restraint spray.

III. POLICY: It is the policy of DPS that sworn Campus Peace Officers and Enhanced Authority Officers shall carry and use only the Less Than Lethal Weapon (LTLW) aerosol subject restraint spray issued by DPS to provide Campus Peace Officers and Enhanced Authority Officers with additional use of force options for gaining compliance from resistant or aggressive subjects in arrest and other enforcement situations. The use of such weapon shall be within the limits established by Article 35 of the New York State Penal Law and consistent with training and policies of the Department. The use of any impact weapon or aerosol subject restraint spray is considered a use of force necessary to achieve a legitimate Peace Officer / Enhanced Authority Officer objective. Such use shall require a Use of Force report. **(7.2.1) (4.1.4) (1.3.9 a)**

IV. DEFINITIONS:

- A. Aerosol Subject Restraint Spray:** A device used to apply less than lethal force against a resisting or assaultive subject by use of an irritant to cause a burning sensation and temporary blindness.
- B. Authorized Aerosol Subject Restraint Spray:** An aerosol subject restraint spray that has been authorized by the department's armorer or defensive tactics instructors by sworn trained members of the Department of Public Safety. The authorized aerosol subject restraint spray for the Department of Public Safety is the Vexor Professional MK-3. **(4.3.1 a) (09/20/21)**

V. PROCEDURES:

A. Authorization:

1. Training: Only Campus Peace Officers and Enhanced Authority Officers who have completed the prescribed course of instruction, that includes being given written copies of the DPS Policies pertaining to LTLW use, and conducted by a certified instructor on the use an aerosol subject restraint spray are authorized to carry the a canister. **(7.2.2 a) (7.2.4 a) (1.3.9 c) (1.3.10) (1.3.11 a)**
 - a. Training Documented: All Training on LTLW's will be documented and made a permanent part of the officer's Training File. **(7.2.4 a) (1.3.11 b)**

- b. In-service Training: Each officer trained and certified in the use of LTLW shall be given in-service refresher training at least annually and a record shall be maintained of such in-service training. During this training the departments armorer or defensive tactics instructor will inspect each aerosol restraint spray for proper function and damage. Damaged or unsafe aerosol restraint spray will be removed from service and replaced. (7.2.4 c) (4.3.1 c,d) (09/20/21)
 - c. Remedial Training: If after administrative review there is reason to believe that an officer is not sufficiently skilled in the use of a LTLW that officer shall be given personal instruction by a certified instructor prior to resuming official duties until that officer demonstrates both sufficient skill and knowledge in the application of such weapon before the officer is permitted to carry the weapon. Such remedial training shall be made part of the officer's training file. (7.2.4 d) (1.3.11 c)
- 2. Carry Requirement: Campus Peace Officers and Enhanced Authority Officers, whose normal duties or assignments may require them to make arrests or supervise arrestees, shall be required to carry the department authorized aerosol subject restraint spray while on duty and shall do so in the prescribed manner on the duty belt. Refer to the Types and Specifications of Authorized Less Than Lethal Weapons located in the Forms folder on the G Drive. (7.2.2 a) (1.3.9 a)
 - a. Uniformed Campus Peace Officers and Enhanced Authority Officers shall carry only a department authorized aerosol spray and no other unauthorized aerosol subject restraint spray LTLW.
 - b. Plainclothes officers may carry the Aerosol Subject Restraint Spray in alternative holsters as authorized by DPS.
 - c. The Training Section shall maintain and file a complete record of each aerosol subject restraint spray issued and authorized for official use and the name of the officer assigned. (4.3.1 e) (09/20/21)

B. Aerosol Subject Restraint Spray (ASR): Criteria for Use :

- 1. Use of the Aerosol Subject Restraint Spray is considered a use of force and shall be employed in a manner consistent with DPS SOPs regarding use of force and the provisions of Article 35 of the NYS Penal Law.
- 2. The ASR Spray is a force option following verbal compliance tactics as prescribed by the continuum of force standard for law enforcement and DPS SOP 2011-02 Use of Force.
- 3. ASRS LTLW may be used when:
 - a. Verbal dialogue has failed to bring about the subject's compliance, and
 - b. The subject has signaled his/her intention to actively resist the officer's efforts to make the arrest.
- 4. Whenever practical and reasonable, officers should issue a verbal warning prior to using ASRS against a subject.

5. An officer may use deadly force to protect him/herself from the use, or threatened use of ASRS when the officer reasonably believes that deadly force will be used against him/her if he/she becomes incapacitated.
6. Once a subject is incapacitated or restrained, use of ASRS is no longer justified.

C. Procedures/Considerations regarding ASR Spray Use:

1. Whenever possible, officers should be upwind from the subject before using ASRS and should avoid entering the spray area.
2. An officer should maintain a safe distance of 2 to 10 feet away from the subject.
3. A single spray burst lasting between 1 and 3 seconds should be directed at the subject's eyes, nose, and mouth. Additional burst(s) may be used if the initial or subsequent burst proves ineffective.
4. Use of ASRS should be avoided, if possible, under crowded and/or windy conditions where the spray may affect innocent bystanders.

D. Effects of ASRS and Officer Response

1. Within several seconds of being sprayed by ASRS, a subject will normally display symptoms of temporary blindness, difficulty with breathing, burning sensation in the throat, nausea, lung pain, and/or impaired thought processes.
2. The effects of ASRS vary among individuals. Therefore, all subjects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the subject – to include, if necessary, other force options consistent with departmental policy – if he/she (the subject) does not respond sufficiently to the spray and cannot otherwise be subdued.
3. Medical Concerns: Immediately after spraying a subject, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating, and/or loss of consciousness.
 - a. Upon observing these or other medical problems, or if the subject requests medical assistance, the officer shall immediately summon emergency medical aid.
 - b. Subjects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in the custody of DPS.
4. Officers should provide assurance to subjects who have been sprayed that the effects are temporary and encourage them to relax.
5. First Aid: Fresh air and flushing the exposed area with water will normally begin reducing the effects of ASR spray within 15 minutes of exposure.
 - a. Once the subject has been restrained, officers shall assist him/her by rinsing and drying the exposed area.

6. Accidental Exposure to ASR Spray: Assistance shall be offered to any individuals who feel the effects of the ASR spray due to accidental exposure.
 - a. First aid shall be offered as soon as possible.
 - b. All such incidents shall be reported as soon as possible to the officer's immediate supervisor and shall be detailed in an incident report.

E. Medical Attention: (7.1.4) (4.1.5)

1. Evaluate Subject Immediately After Use: Whenever an aerosol subject restraint spray has been used, the Campus Peace Officer or Enhanced Authority Officer shall immediately evaluate the need for medical attention for the subject upon whom the force was used as well as providing the "First Aid" indicated in the previous section..
2. Arresting Officer's Responsibility: It is the arresting officer's responsibility to arrange such medical attention by requesting emergency medical services when the subject has difficulty breathing, or has sustained a visible injury, complains of injury or discomfort, or requests medical attention.
 - a. If the subject refuses to be treated, he/she must sign a refusal statement. If the subject refuses to sign, the refusal must be witnessed. The subject's acceptance or refusal of medical care shall also be documented in the officer's report.

F. Reporting Procedures: (7.1.5 b) (1.3.6 c)

1. Accidental discharges, as well as intentional uses of aerosol subject restraint spray against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.
2. A Use of Force report shall be completed following all discharges of ASR spray except during testing, training, malfunction, or accidental discharge.
3. Unexplained depletion of ASRS canisters shall require an investigation and written memo by both the officer and the officer's supervisor to the commanding officer of the unit
4. Supervisors and/or Command Officers will undertake further investigations of the incident whenever warranted

G. ASRS Canister Replacement:

1. Assigned personnel shall maintain all ASR spray devices in an operational and charged state. Replacements for damaged, inoperable, or empty devices are the responsibility of officers to whom they are issued.
2. Replacements of ASR spray canisters shall occur when the unit is less than half full.
3. The Quartermaster shall maintain a record of ASRS Canister replacement.

POLICY REVISION HISTORY

NO	SECTION REVISED	DATE ISSUED
1	Revise SOP to replace the term. "OC Spray" with Aerosol Subject Restraint Spray (ASRS) throughout document (marked in yellow highlight)	10/19/12
2	Review/Revise re format and titles	5/15/13
3	Reviewed/Revised	01/24/15
4	Reviewed/ Re vided re IACLEA	11/11/15
5	Remedial Training revised re CALEA	08/21/20
6	Revised Re: CALEA	09/20/21