

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the Columbia)
County Department of Community Justice- Adult) Order No. 61-2023
Oleoresin Capsicum Policy)

WHEREAS, the Columbia County Department of Community Justice- Adult uses Oleoresin Capsicum in the course of business as a Use of Force; and

WHEREAS, it is in the best interest of the County to adopt a policy setting forth the terms and conditions associated with carrying and administering Oleoresin Capsicum by the Department of Community Justice-Adult.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Columbia County Oleoresin Capsicum Policy, which is attached hereto, and incorporated herein, is hereby adopted.

Dated this 25 day of October, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: NOT Present
Casey Garrett, Chair

By: [Signature]
Kellie Jo Smith, Commissioner

By: [Signature]
Margaret Magruder, Commissioner

Approved as to form
By: [Signature]
Office of County Counsel

Effective Date:

By Board Order No:

Aerosol Subject Restraints Guidelines

PURPOSE AND SCOPE

This agency has issued OC aerosol restraint spray to provide Parole/Probation officers with an additional use-of-force option for defending themselves or gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is our policy that employees authorized to use OC use it when warranted, in accordance with the guidelines and procedures set forth here.

AUTHORIZED USE OF AEROSOL

Only personnel who have completed the prescribed course of instruction on the use of OC are authorized to carry or use OC spray while on duty.

USE CRITERIA

OC spray is considered a use of force and shall be employed in a manner consistent with *Policy- Use of Force*.

AEROSOL SUBJECT RESTRAINTS, OR A.S.R.

As with other control devices, A.S.R. restraints such as oleoresin capsicum (OC) spray may be considered for use to bring under control an individual or groups of individuals who are engaging in or are about to engage in violent behavior. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of Officers or the public.

OLEORESIN CAPSICUM (OC) GUIDELINES

- (a) All staff will attend an approved OC/Use of Force training before they are authorized to carry personal OC spray device.
- (b) Personnel carrying OC spray shall carry the device in its holster on their person.
- (c) Staff shall ensure the OC spray they carry is not past the expiration date.
- (d) Prior to using physical force upon another person if there is a reasonable opportunity to do so, the officer shall consider alternatives such as verbal de-escalation, waiting or using other available resources and techniques if reasonable, safe and feasible and give a verbal warning to the person that physical force may be used and provide the person with a reasonable opportunity to comply.

- (e) Once a suspect is incapacitated or restrained and no longer is a threat to persons or property, the use of OC is no longer justified. OC spray will not be used punitively.
- (f) OC spray should not generally be used as a means to disperse groups of people.
- (g) OC spray may be used when reasonably necessary to defend persons or to assist in effecting an arrest.
- (h) OC spray should not be used against persons engaged only in passive resistance. For purposes of this policy, "passive resistance" means non-compliance with an officer's orders unaccompanied by any active or physical resistance. (An example of passive resistance would be a person who was limp on the ground, while an officer is attempting an arresting).
- (i) OC spray can be effective against animals, and it should be considered as an option when dealing with hostile animals.

PROCEDURES FOR USE

- (a) Use OC only in a manner consistent with the department approved training Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders. OC spray should not be used in the vicinity of infants unless absolutely necessary, and then care should be taken to minimize exposure of the infant to the spray to the extent reasonable under the circumstances.
- (b) Consider any information you know about a person's pre-existing medical or physical conditions which might exacerbate the effect of OC spray in determining whether and how to use it.

INDIVIDUAL OC CONTAINERS

- (a) Whenever possible, you should be upwind from the suspect before using OC and should avoid entering the spray area.
- (b) You should maintain a safe distance from the suspect, preferably between 2 and 10 feet.
- (c) Direct a single spray burst of between one and three seconds at the suspect's eyes, nose, and mouth. Multiple applications should be avoided. A single application, based on a burst of one to three seconds in duration that contacts the suspect's face, is normally sufficient. While multiple applications will not increase the effectiveness of the chemical agent, additional applications are permissible if the first or subsequent burst(s) are not observed to strike the face of the suspect. You should discontinue the use of OC when you reasonably believe that further applications will likely be ineffective.

EFFECTS OF OC SPRAY AND FOLLOW UP CARE

When OC Aerosols are used on individuals:

- (a) Within several seconds of being sprayed by OC, a person may display symptoms of temporary blindness, difficulty in breathing, burning sensation in the throat, nausea, lung pain, and/or impaired thought processes.
- (b) Immediately after spraying a person, be alert to any indications that the individual needs medical care (e.g., breathing difficulties, gagging, profuse sweating and loss of consciousness). Upon observing these or other medical problems, or if the person requests medical assistance, immediately summon emergency medical aid.
- (c) The effects of OC vary among individuals and OC may not be immediately effective (or effective at all) when applied to persons who are highly intoxicated by drugs or alcohol, or who are in an altered state of consciousness due to chemical or mental impairment. Officers must be aware of the possibility of limited effectiveness of chemical agents and be prepared to accomplish custody by other means. Additionally, all arrestees shall be handcuffed as soon as safely possible after being sprayed.
- (d) Air will normally begin reducing the effects of OC spray within 15 minutes of exposure (although the length of time will vary with different individuals). However, once the person has been restrained, assist him/her as you can by rendering aid pursuant to the manufacturer's recommendations as soon as practicable. Do not apply, or allow others to apply, oil-based substances (e.g., Vaseline, cold cream) to the exposed area unless authorized by a physician or paramedic.
- (e) Continue to monitor arrestees who have been sprayed for indications of medical problems. Do not leave them alone while in custody.
- (f) Provide assurance to persons who have been sprayed that the effects are temporary.
- (g) As you are able, offer assistance to any individuals accidentally exposed to OC spray and who feel the effects of the agent. Report all such incidents to your immediate supervisor immediately and provide a use of force report by the end of the next business day.
- (h) In situations where multiple persons are exposed to OC spray, ensure that reasonable steps are taken to contact those exposed and assist them in any needed treatment to the extent that the circumstances and situation allow.
- (i) When lodging a person at a correctional facility (e.g., jail), notify personnel there if he or she has been sprayed with OC.

POST-APPLICATION NOTICE

Whenever OC has been introduced to a residence, building interior, vehicle or other enclosed area, Officers must provide the owners or occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified must be included in related reports. CCDCJ Management must also be immediately notified of the incident.

REPORTING USE OF OC SPRAY

Use of OC spray in the performance of parole and probation officer duties is a reportable incident under department policies on use of force and a supervisor must be notified as to its deployment. Staff deploying OC must submit a Use of Force report no later than the next business day to the supervisor.

(a) A.S.R. (OC) Report of Use. When an Officer deploys the use of A.S.R. on a subject the following must be included in a Use of Force report:

- i. Date, time, and location of the incident.
- ii. Displays of force used by the subject.
- iii. How OC was used to gain compliance.
- iv. Distance from subject and location of spray contact
- v. Whether after care was provided to the subject.
- vi. Whether the subject sustained any injuries.
- vii. Whether any Officers sustained injuries.
- viii. An explanation of the circumstances surrounding the use of OC.

(b) In the case of an accidental discharge or equipment malfunction, notify your supervisor as soon as reasonably possible.