



LOS ANGELES POLICE DEPARTMENT
**USE OF FORCE
DIRECTIVE**

UOF Directive No. 7

September 2023

OLEORESIN CAPSICUM (OC)

PURPOSE

The purpose of this Directive is to familiarize officers with the use, nomenclature, and operation procedures for Oleoresin Capsicum (OC or OC spray).

PROTOCOL

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance and cover, communication, and available resources in an effort to de-escalate the situation whenever it is safe, feasible, and reasonable to do so. When warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Use of an intermediate force option, including OC spray, is an appropriate force option when an officer reasonably believes either of the following:

- There is an immediate threat to the safety of the officers or others; or,
- If the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force.

Intermediate force options should not be used on a suspect or subject who is believed to be unarmed, and, is passively resisting or merely failing to comply with commands. Verbal threats of violence alone do not justify the use of an intermediate force option.

The Department uses the objectively reasonable standard and the totality of the circumstances when evaluating the reasonableness of the force used, which includes the number of times a particular force option was utilized. If the force option being utilized appears to be ineffective, Department personnel should consider transitioning to another, potentially more effective force option or tactic.

Officers who encounter an armed self-mutilating or suicidal individual shall not use OC spray against that person, unless the officer reasonably believes either there is an immediate threat to the safety of the officers or others; or, if the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly

force. If officers choose to use OC in these situations, they should utilize distance and cover, when feasible, to avoid placing themselves in a vulnerable position. Officers are reminded that it is not a criminal act to express suicidal ideations or commit/attempt to commit suicide or self-mutilation in the State of California.

Oleoresin Capsicum may be used in crowd control situations:

- To control a specific suspect (target specific) when the circumstances meet the Department's use of force criteria; or,
- On a crowd (non-target specific) when approved by a Commander or above.

PROCEDURES

The OC canister should be held in the support hand, leaving the primary hand free to draw the firearm should the situation escalate to lethal force. Prior to spraying OC, officers should consider the wind direction and the location of officers who might be impacted by the OC.

When the OC is sprayed, it should be aimed at **the suspect's face and sprayed in a single burst of about one second.** The approved range of OC is three to 12 feet.

Tactical Considerations

- Range of OC is three to 12 feet
- Have a backup plan in case OC is ineffective
- Risk of secondary exposure to OC in confined spaces
- Age/size/strength of suspect

After the initial burst, officers should, if feasible, wait momentarily for the OC to take effect and assess its effectiveness unless the suspect's actions require the officer to take other actions. Once the OC takes effect, officers should carefully approach and control the suspect. The suspect should be handcuffed and monitored for signs of medical distress.

Generally, there will be a burning sensation as well as redness of the eyes. The mucous membranes may swell, and cause uncontrollable coughing, gagging, or gasping. Exposed areas of the skin may become inflamed causing an intense burning sensation and redness.

Use of Force Warning

An officer shall, when feasible, give a verbal warning prior to the use of OC to control an individual. A warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. An example of this would be a hostage situation. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the OC is used.

The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to “drop the weapon” or “stop what you are doing,” followed by a warning similar to “or we may use OC, and that may cause you injury.”

The use or non-use of the warning shall be documented. The Non-Categorical Use of Force Report, Form 01.67.05, Use of Force Summary heading shall include:

- The name of the officer giving the warning; and,
- An explanation and appropriate justification for not using the warning.

Statements that the “element of surprise was needed” or “for officer safety” reasons will not alone justify non-use of the warning. The explanation for non-use must:

- Clearly articulate why the element of surprise was needed;
- Explain in detail any officer safety considerations; and,
- List all pertinent reasons that justify why the warning was not provided.

The use of the warning, or the reasons for non-use of the warning will be factors considered in the determination whether the use of force was objectively reasonable.

Requirement to Intercede When Excessive Force is Observed

An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Note: For the purposes of this section, “intercede” includes, but is not limited to, physically stopping the excessive force (when safe and reasonable to do so) and recording the excessive force, if equipped with a body worn video (BWV) camera. Officers shall attempt to document on BWV the efforts to intervene, efforts to de-escalate the excessive use of force, and confronting the offending officer about the excessive force during the use of force. If the offending officer continues to use excessive force, the witnessing officer shall immediately report the excessive force to a superior officer.

Requirement to Report Potential Excessive Force

An officer who is present and observes another officer using force that the observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall immediately report such force to a superior officer.

Transportation

While the symptoms of OC last approximately 45 minutes, sprayed areas are usually clear of OC within 15 minutes through normal ventilation. Police vehicles used to transport a suspect or subject who was sprayed with OC can be put back into service without having to be decontaminated. Upon arrival at the station, officers should advise any personnel who may come into contact with the suspect or subject that the individual was exposed to OC.

Reporting

All discharges of a chemical agent (e.g., OC spray), excluding tactical discharges (e.g., dangerous animals), are reportable uses of force and shall be reported in accordance with Department policy - whether or not the spray or device make contact with the subject/suspect or their clothing.

Medical Treatment

Generally, medical treatment is not required for suspects who have been sprayed with OC. If a suspect who has been sprayed with OC experiences continued difficulty in breathing and/or vision impairment for an extended period, or if a medical emergency situation exists, officers shall render medical aid as required and request a rescue ambulance to respond to their location.

CONCLUSION

Oleoresin Capsicum can be effective and may give officers an advantage when controlling a suspect or subject. However, there are some individuals who may not be affected by OC (i.e., individuals who are under the influence of drugs/alcohol or are experiencing a psychiatric emergency). Therefore, when officers face a tactical situation that may involve the use of OC, they should consider alternatives in case OC fails to stop the individual's actions.

Important Reminder

Deviation from these basic concepts sometimes occurs due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to substantial deviations from Department tactical training. Any deviations are to be explained by the involved officer(s), and justification for substantial deviation from Department tactical training shall be articulated and must meet the objectively reasonable standard of the Department's Use of Force Policy.

AMENDMENTS

This Use of Force Directive cancels and supersedes Use of Force-Tactics Directive No. 5.2, Oleoresin Capsicum, July 2018.



MICHEL R. MOORE
Chief of Police

DISTRIBUTION "A"