

DETROIT  
DEPARTMENT  
POLICE

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# INTER-OFFICE MEMORANDUM

Date  
**MAY 6 1993**

To: Use of Force Committee Direct)

Subject: REQUEST FOR APPROVAL OF PILOT PROGRAM FOR THE USE OF OLEORESIN CAPSICUM (OC) DEFENSE SPRAYS

The Detroit Police Department currently has a Use of Force Continuum that escalates from verbal commands to physical control techniques to the use of deadly force. It has become increasingly evident that other steps should be included in our use of force policy that enable department members to place perpetrators under arrest and control violent citizens without exposing them or the officers to physical injury and/or death.

There are a variety of defense sprays marketed for use by law enforcement agencies that produce the desired results. These sprays have been researched and tested by the Firearms Training Unit and many are currently being used by other law enforcement agencies as a step in their use of force continuum. This request outlines the results of those tests, offers a recommendation for the type, purchase and use of the product, including a model policy. This model policy outlines situations that may necessitate the use of defense sprays, and the incident reporting system requisite to that use.

This report also outlines a training program for instructor certification, initial member qualification and a recommendation for annual re-qualification for all department members who are issued this product.

Surveys of other law enforcement agencies currently using defense sprays indicate that the Detroit Police Department will experience a reduction in injured prisoners, a decrease in injured/disabled officers and a significant decrease in liability exposure.

## TYPES OF DEFENSE SPRAYS

There are five types of sprays currently on the market:

1. Oleoresin Capsicum (OC) commonly called pepper spray
2. Trichlorotrifluoroethane (CS) commonly called tear gas
3. Chlorodifluoromethane (CN) commonly called tear gas
4. OC/CS combinations (pepper and tear gas combinations)
5. OC/CN combinations (pepper and tear gas combinations)

Oleoresin Capsicum (OC) is a derivative of the pepper plant (either cayenne or African pepper) classified by both Food and Drug Administration (FDA) and Environmental Protection Agency (EPA) as organic food additives. Ten of the largest law enforcement agencies in the United States, including New York, Los Angeles, Chicago and Milwaukee, and the Federal Bureau of Investigation (FBI), currently use pepper sprays. All report a marked decrease in injured prisoners and officers and a drop in liability exposure since their initial adoption.

With OC sprays, the department will achieve the desired result which is incapacitation of the citizen/perpetrator without resistance or injury, while reducing cross contamination of the officer, overdosing of the perpetrator, and experience rapid decontamination and recovery time. Manufacturers of OC sprays report that total recovery time is 20-40 minutes without use of first aid, while recovery time with the aid of flushing and or other first aid procedures is reduced to 20 minutes. During that time the prisoner is coherent but incapacitated, enabling officers to control and transport without injury to the involved parties.

Unlike CN and CS, OC affects everyone including those under the influence of alcohol and/or drugs and the mentally deranged as well as attacking dogs. Use of this product will allow responding officers to restrain or incapacitate in a manner that, in the past, had the potential to escalate into deadly force, while minimizing the risk to both citizens and officers. Because this product is classified as a non-toxic food derivative, there is little or no chance of permanent or severe injury, affording department members a choice less than lethal in many situations.

#### AFFECTS OF OC USE

Subjects who are sprayed with OC experience an immediate reaction that causes them to shut their eyes, feel a burning sensation to face and head, and shortness of breath. This effect is of sufficient duration that the officers can place a perpetrator under control or custody without severe injury to either party. The reaction lasts only 20-40 minutes and may be minimized even further with the use of first aid procedures such as flushing with water. There are no reported long lasting effects, nor have there been any lawsuits associated with the use of OC sprays.



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There are two types of delivery devices, streamers and foggers. Foggers deliver up to six seconds of continuous spray in a radial pattern, giving a higher probability of incapacitation of a moving perpetrator. Foggers also allow the officer to control the dosage, minimizing the possibility of overexposure of one citizen. The atomized delivery of the fogger increases the immediate incapacitation and decreases decontamination time because it is not as concentrated and dissipates faster.

Cans are designed for one time use, delivering a six second burst, effective to a distance of ten to fifteen feet. Fogger caps are designed so that the seal must be broken before use, enabling the department to immediately ascertain when a spray device has been used. When the seal is broken, officers will complete an incident report and be issued another can.

If an officer loses control of a fogger can in an altercation, he needs only to close his eyes and hold his breath for six seconds; the can will be emptied, and the officer will not be incapacitated.

Streamers deliver the spray in a straight squirt gun pattern, requiring better control on the part of the officer and officers may deliver too much spray in one burst. The force of some streamer devices, when used at a close distance, can cause some injury to the eyes. It is therefore not recommended that the department issue the streamer type.

### OC FIRST AID

When conveyed to the cellblock, prisoners should be allowed to wash exposed areas of the skin with soap and water. First aid consists of no more than flushing the affected areas with water. If symptoms persist past a one hour period, medical treatment is recommended. While manufacturers report that OC sprays will not affect asthmatics adversely, they do recommend that medical attention be sought if symptoms do not disappear in a timely manner.

### AGENCY REPORTS ON USE OF OC

FBI tests and Material Data Safety Sheets (MSDS) are included as attachments to this report. Information contained in these attachments indicate no special handling or storage procedures, no adverse effects, no long lasting or long term medical effects and call for only minor first aid procedures, if necessary, when used in recommended strengths of solution.

See attachments:

- 1) United States Army Chemical Research and Development Center report
- 2) Material Data Safety Sheets (MSDS)
- 3) Course Curriculum used by FBI

TRICHLOROTRIFUROETHANE (CS) AND CHLORODIFLUOROMETHANE (CN)

CS and CN are both classified as toxic chemical agents and are currently used by law enforcement and military agencies in crowd and/or riot control. Because they are classified as tear gas, it is not recommended that they be adopted for department use. In addition, cross contamination is so severe that some agencies report a reluctance on the part of their members to use them.

OC/CS AND OC/CN COMBINATIONS

These products are solutions of OC/CS and OC/CN. Because the combinations include toxic tear gas, they are not recommended for department use.

MODEL POLICY

A. USE OF OC

Department members who are issued defense sprays may use the spray in the following circumstances:

1. Self defense or defense of another person
2. To affect the arrest of persons physically or passively resisting the lawful arrest, attempting to flee from custody, or when necessary to prevent the escape or to recapture one whom the officer has arrested
3. To prevent a person from injuring themselves
4. Against persons creating a public disturbance, in order to maintain public order.
5. To control an arrested individual who is either actively or passively refusing to comply with arrest, search, booking or other necessary directives
6. Against animals menacing or attacking citizens or officers

**B. MEDICAL TREATMENT**

If OC spray has been used, the exposed areas of the body should be flushed with water as soon as feasible. Do not use creams or oils on the affected areas as this will confine the irritant and cause the skin to blister. If the spray is used in an enclosed area (such as room or vehicle), open all windows and allow the area to ventilate.

**C. REPORTING PROCEDURES**

An incident report shall be made, and copy forwarded to the Firearms Training Unit, under any of the following circumstances:

1. Whenever OC spray is used in any circumstances
2. Whenever the cap seal is discovered broken under any circumstances
3. Whenever the cap seal is broken accidentally

A model incident report is attached to this communication, with a proposed distribution.

**TRAINING ON THE USE OF OC**

Training should be a four phase process:

- 1) **Instructor training:** Instructor certification should be included as part of the manufacturer's bid and conducted at the Firearm's Training Unit.
- 2) **Department member training:** Initial department training should be delivered in a four hour time block either in conjunction with or run concurrent with the Glock training program.
- 3) **Annual retraining:** Mandatory retraining will be conducted in conjunction with the annual firearms qualification program.
- 4) **New Recruits:** Initial training for new recruits will be instituted in the Basic Firearms Recruit Training curriculum.



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BID REQUIREMENTS

Bid requirements should include Instructor training and certification by the manufacturer and proof of manufacturer product liability insurance. These requirements give the manufacturer a vested interest in defense of any litigation that may be forthcoming.

If this request is approved, the Firearms Training Unit, in conjunction with the Firearms Inventory Unit, will prepare the necessary bid specifications for product and holster/carrier.

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Firearms Training Unit