



# USE OF OC SPRAY

Enforcement Division

Policy Number: LE 4.01.00

Effective Date: 2/1/08

## POLICY

The Texas Alcoholic Beverage Commission (TABC) authorizes certified peace officers (CPOs) to use oleoresin capsicum (OC) spray to protect themselves and others when a lesser degree of force is impracticable. CPOs will not use OC spray to intimidate, harass, or punish subjects.

Only CPOs who have been certified through agency-approved OC spray training will be able to carry and use OC spray. CPOs may choose not to be certified. These CPOs will not carry OC spray. All CPOs, however, will carry water in their vehicle for decontamination purposes.

## PROCEDURES

### a. OC Spray Training.

1. CPOs will not carry or use OC spray unless they maintain a current OC spray certification issued by the training coordinator.
2. To receive initial OC spray certification, CPOs must be contaminated during training with OC spray.
3. The training coordinator will arrange recertification every two years for all CPOs who carry OC spray.
4. The training coordinator will maintain records of CPO OC spray certifications.

### b. Carrying OC Spray.

1. CPOs will only carry and use agency-issued OC spray.
2. CPOs will carry OC spray containers in an upright position.
3. CPOs will not store OC spray in excessively hot or cold environments.
4. All CPOs will carry clean water in his or her vehicle to be used for decontamination purposes. This includes CPOs who are not certified to carry OC spray.

### c. Using OC Spray.

1. A CPO may use OC spray if:
  - the training coordinator has authorized the CPO to carry and use OC spray;
  - the CPO believes that the use of the spray is necessary for officer safety or the safety of the others; and
  - the CPO believes that use of OC spray is the appropriate level of force to apply

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under the circumstances and that a lesser level of force is impracticable.

2. To control a subject, CPOs will use bursts of OC spray as instructed during training.
  3. CPOs will only spray a handcuffed subject with OC spray if the CPO determines that other options are not available or are insufficient to control the subject.
  4. After contaminating a subject with OC spray, the CPO will allow the subject to maintain an upright position in order to breathe normally and will monitor the subject for any respiratory distress.
  5. The CPO will decontaminate the subject by flushing the contaminated area with clean water, allowing the subject to receive fresh air, and employing any other decontamination methods learned during OC spray training.
  6. The CPO will immediately seek medical attention if:
    - the subject displays or complains of any medical problems; or
    - the symptoms of OC spray contamination do not subside within 30 minutes and the subject is still in the custody of the CPO.
- d. **Documentation of OC Spray Use.** A CPO who uses OC spray on a subject must complete a *Use of Force Report* before the end of his or her shift. Refer to *Use of Force*, § 4.00.00 of this manual.

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## FORMS

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*Use of Force Report, Form 4-410*

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