

POLICY AND PROCEDURES

NUMBER: 828

SUBJECT: Use of Pepper Spray

ACA STANDARDS: 4-ALDF-2B-04, 05, 06; 7B-15

DIRECTOR: Herbert Bernsen

EFFECTIVE DATE: 12/9/92 REVISION DATE: 9/97, 12/99,
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I. POLICY

The St. Louis County Department of Justice Services shall deploy Pepper Spray exclusively as a control agent for inmates who pose a serious physical threat to staff or other inmates, inmates who pose a serious threat to the safe, secure and orderly operation of the facility or as a tactical agent in quelling a riot situation. This policy shall define under what circumstances the use of Pepper Spray should be deployed and what actions must be followed during and after the use of Pepper Spray.

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services' staff trained to use Pepper Spray are responsible for the following procedures. All supervisors and managers are to ensure the following procedures are administered accordingly.

III. DEFINITIONS

Pepper Spray: An aerosol product designed to instantly incapacitate a subject for a period of 30 - 45 minutes by producing symptoms of discomfort and disorientation as well as causing irritation to the membranes in the eyes, nose and throat. The active ingredient in Pepper Spray is Oleoresin Capsicum (OC), an all natural substance derived from the cayenne pepper plant.

Active Resistance: Any overt act that resists the order or directive of staff, e.g., combative stance, refusal to surrender objects that could be used as weapons, attempting to strike or struggle with officers, fighting with other inmates.

Passive Resistance: Any covert act such as verbally resisting an order or directive made by staff; a mere refusal to obey a directive, e.g., verbally refusing to enter a cell or verbally refusing to be frisked or strip searched or verbally stating he/she will fight.

MK-9 Magnum High Volume Stream: This has the same chemical agent and symptoms as Pepper Spray but used to incapacitate a group of individuals causing a disturbance that poses a serious threat to staff, other inmates or the secure orderly operation of the facility. Pepper spray may be used as a tactical agent in quelling a riot.

Soft Empty Hand: In the Use of Force Continuum staff is able to place a compliant inmate in a cell, restraints or restraint chair without physical force.

MK-9 OC Cell Buster: The OC Cell Buster has the same chemical agent and produces the same symptoms as pepper spray (OC). The MK-9 OC Cell Buster is used to gain a tactical advantage over an individual or individuals and is to be used only when a hand held pepper spray canister would not be effective due to a subject or subjects having barricaded themselves in a room or cell by placing objects in front of the food slot or door frame. Authorized users of the MK-9 OC Cell Buster will be limited to Watch Commanders only.

IV. PROCEDURES

A. General Information

1. The decision to use pepper spray will rest with the Supervisor, unless it is used in self-defense of a staff member.

NOTE: Housing Unit Supervisors and Watch Commanders are authorized to use pepper spray in defense of an inmate, self, or other staff member. Housing Unit Officers that are trained in the use of pepper spray will only be authorized to use the pepper spray in defense of self or another staff member.

2. Only staff trained by a certified instructor shall be authorized to carry and use the Pepper Spray.

NOTE: The Training staff will ensure that training records for all staff who have been trained or re-certified in the use of Pepper Spray are updated, as needed.

3. All officers trained in the use of pepper spray are allowed to carry department issued pepper spray when assigned to a post that

involves interaction with inmates. Housing Unit Officers will carry pepper spray while on duty; however, will only be authorized to use the pepper spray in defense of self or another staff member.

4. There will be a written record maintained in the Superintendent of Security's office of all routine distribution of security equipment which will include, but is not limited to pepper spray.
5. Pepper Spray will be used as a control agent only, never as punishment.
6. The use of Pepper Spray will follow the use of "Soft Empty Hand" in the "Use of Force" continuum. There may be circumstances which preclude the use of Pepper Spray, (e.g., medical condition, etc.). The Watch Commander or Intake Service Center Supervisor will use his/her discretion based on each individual circumstance and any available medical information in making his/her decision.
7. The use of Pepper Spray, as with any 'use of force' situation, must be justified in writing. All officers involved shall fill out an Incident Report when Pepper Spray is used. The supervisor shall be responsible for filling out the Use of Force Report form. (See Attachment 1)
8. Prior to the deployment of Pepper Spray, the supervisor shall ensure all available means to resolve the situation peacefully have been exhausted.

[**NOTE:** In a situation where the inmate is isolated and the need to gain compliance is not immediate, the nurse is called to ensure the inmate has no health problems that make the use of pepper spray a danger to him/her. The Watch Commander is called and will report to the area prior to the deployment of pepper spray. The Watch Commander will shine the light of the M26 Advanced Taser *or* X26E Taser on the inmate in an attempt to gain compliance before pepper spray is deployed. If the M26 Advanced Taser *or* X26 E Taser light does not gain inmate compliance, pepper spray can then be deployed.]

9. Once the decision has been made to use Pepper Spray, it must be used in accordance with product instructions and training techniques.
10. Pepper Spray may only be used in instances where physical force is imminent except on those inmates who are pregnant or have asthma or heart conditions. Whenever possible Pepper Spray shall

be utilized before any physical contact. Examples of situations that may call for the use of Pepper Spray is described in the Use of Force policy, #823.

11. Pepper Spray should not be used until an inmate displays some form of active resistance. The mere refusal to obey a directive is passive resistance and force should not be used until the inmate commences to physically resist
- [12. Officers shall attempt to avoid physical contact with an inmate until after the initial use of Pepper Spray. The supervisor or authorized trained officer will spray the inmate or inmates involved in the disturbance. Officers shall wait a few seconds before beginning to restrain the inmate(s) to allow the spray to become effective *by looking for the key indicators (i.e. no will to fight, bending at waist, and focusing on the pain)*. *Ensure verbal commands (i.e. place your hands behind your back, get down on the ground, do not move) are being given in conjunction with applying only the minimal amount of force needed to restrain the inmate shall be used once spray has taken affect.*]

NOTE: After using Pepper Spray, never place an inmate in a face down position or keep them immobilized on his/her stomach and/or chest, (e.g., a knee held to the back of an inmate who is face down on the floor). An individual who has been pepper sprayed must be seen by the Corrections Medicine staff immediately after they have been sprayed with Pepper Spray.

13. Inmates not involved should be moved from the area of the disturbance, in order to isolate the inmate(s) involved. This should be done prior to the use of Pepper Spray to avoid involvement of other inmates.

B. Instruction for Use of Hand Held Pepper Spray Canisters

Portions of this record are closed pursuant to Section 610.021 (19) or (21) RSMo and Section 114.020 (18) or (20) SLCRO because public disclosure of such portions would threaten public safety by compromising the safe and secure operation of the Jail, and the public interest in nondisclosure outweighs the public interest in disclosure of the portions of such records.

5. Pepper Spray shall never be sprayed directly into a subject's mouth at close range as it may cause swelling to the trachea.

6. This product shall not be used on a subject known to be pregnant, have asthma or a heart disease.
7. In instances when spontaneity is not an issue, the Corrections Medicine staff will be contacted by the supervisor or his/her designee prior to deploying pepper spray.
8. A member of the Corrections Medicine staff will inform the supervisor if the inmate(s) involved in the disturbance have a medical condition that would prevent staff from deploying Pepper Spray. They will check by reviewing the inmate(s) medical file.
9. If it is known an inmate has a medical condition that would be affected by the chemical agent Pepper Spray, Pepper Spray shall not be used. The amount or degree of force used after spraying an individual shall be only as much is reasonable and necessary to overcome resistance and to restrain the individual. Staff will continue to follow the Use of Force Continuum in either situation.
10. If the incident is spontaneous and immediate action is necessary to assist in a life threatening instance involving an inmate or officer, Pepper Spray shall be used. Otherwise, a reasonable effort shall be made to ascertain any medical condition of an inmate that would preclude the use of Pepper Spray.
11. As soon as practical after the use of Pepper Spray, the inmate(s) involved shall be seen by the Corrections Medicine staff. If the inmate(s) is hostile and uncooperative, a Corrections Medicine staff member will come to the inmate(s) to be screened. In all other instances when the inmate is capable of reporting to the Corrections Medicine staff, he/she may be escorted to that area.
12. It is not advisable to warn an inmate of the intent to use Pepper Spray. However, once it has been used, an effort must be made to inform the inmate of what he/she was sprayed with and what he/she can expect.
13. Caution must be exercised by staff in attempting to restrain an inmate who has been sprayed as the potential for violence still exists.
14. Portions of this record are closed pursuant to Section 610.021 (19) or (21) RSMo and Section 114.020 (18) or (20) SLCRO because public disclosure of such portions would threaten public safety by compromising the safe and secure operation of the Jail, and the

public interest in nondisclosure outweighs the public interest in disclosure of the portions of such records.

C. Instructions for use of the MK-9 OC Cell Buster

1. The decision to use the MK-9 OC Cell Buster will rest with the Watch Commanders, who are the only trained authorized users.
2. The MK-9 OC Cell Buster will only be used when an individual or individuals have barricaded themselves in a cell by placing objects in front of the food port or door frame and is refusing all directives from staff.

Portions of this record are closed pursuant to Section 610.021 (19) or (21) RSMo and Section 114.020 (18) or (20) SLCRO because public disclosure of such portions would threaten public safety by compromising the safe and secure operation of the Jail, and the public interest in nondisclosure outweighs the public interest in disclosure of the portions of such records.

D. Instructions for the use of MK-9 Magnum High Volume Stream

1. The decision to use a MK-9 Magnum High Volume Stream will rest with the Watch Commanders.
2. The MK-9 Magnum High Volume Stream is to be used when a group of inmates are causing a disturbance that pose a serious threat to staff, other inmates or the secure orderly operation of the facility.
3. The MK-9 Magnum High Volume Stream is not to be used in small spaces. They shall be used in large open spaces due to the excessive amounts of the chemical agent that is deployed at one time.
4. Portions of this record are closed pursuant to Section 610.021 (19) or (21) RSMo and Section 114.020 (18) or (20) SLCRO because public disclosure of such portions would threaten public safety by compromising the safe and secure operation of the Jail, and the public interest in nondisclosure outweighs the public interest in disclosure of the portions of such records.

E. Treatment after Pepper Spray

1. Inmates must be seen by the Corrections Medicine staff immediately after they have been sprayed with Pepper Spray.

2. The recommended treatment for an inmate after being sprayed is:
 - a. Remove the inmate from the contaminated area/cell
 - b. Fresh cool air (if applicable)
 - c. Continuous flow of cold water (i.e., a shower)
 - d. Placing the inmate in front of a large fan (if applicable).
3. Inmates sprayed with Pepper Spray should, at a minimum, be allowed to use cold water as soon as possible after being sprayed. They should also be given a new uniform.
4. Do not use creams, salves, ointments or oils on affected area.
5. The above treatment methods will only ease the effects of the spray, not stop the effects of the spray. The effects of the spray will diminish in approximately 30 - 45 minutes.

F. Reports

1. A Use of Force Report will be completed by the supervisor whenever Pepper Spray is used. (See Policy #823 Use of Force)
2. The report shall state who used the Pepper Spray, why it was used, who the spray was used on, the serial number of the canister used and the number of times the inmate was sprayed. The report will also include the time the medical staff was contacted, the time medical staff reported and the name of the medical responder.
3. In the event the MK-9 Magnum High Volume Stream or the MK-9 OC Cell Buster is used, the supervisor will complete a Use of Force Report which will include who used the MK-9 Magnum High Volume Stream or MK-9 OC Cell Buster, why the MK-9 Magnum High Volume Stream or MK-9 OC Cell Buster was used and who the MK-9 Magnum High Volume Stream or MK-9 OC Cell Buster was used on.
4. Any empty cans of Pepper Spray, including the MK-9 Magnum High Volume Stream and MK-9 OC Cell Buster shall be turned in to the Superintendent of Security so new cans can be issued and the empty cans are disposed of properly. The Superintendent of Security will write the name of the authorized staff member receiving the pepper spray, the serial number of the can issued and date the spray was issued on an Issued Pepper Spray document.