

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: DPCS OC Spray in Use of Force Continuum	PAGE <u> 1 </u> OF <u> 4 </u> NUMBER: 104-TAW-03
RULE/CODE REFERENCE:	SUPERSEDES: 104-TAW-03 dated 02/01/11
RELATED ACA STANDARDS: 4-APPFS-3B-01 thru 03	EFFECTIVE DATE: January 18, 2013
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish the rules and procedures concerning the issuance, use, and safety of oleoresin capsicum (OC) spray by employees of the Division of Parole and Community Services (DPCS) pursuant to Administrative Rule 5120:1-1-39, Use of Force.

III. APPLICABILITY

This policy applies to employees of the Division of Parole and Community Services who are authorized to carry OC spray in the performance of their duties.

IV. DEFINITIONS

Contact - Regular, but circumstantial, contact with offenders based solely on the supervisory duties of the DPCS employee. Support staff is an example of those who have contact with offenders.

Control & Custody - Having direct supervisory responsibility over offenders; the power to arrest pursuant to the Ohio Revised Code and department policy.

OC Spray - Oleoresin Capsicum pepper spray is the standard unit/canister authorized by the Division of Parole and Community Services.

Qualified - Having completed a training component in the use of OC spray, as approved by the Training Coordinator.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to authorize the use of OC spray by its employees in the course of their duties, pursuant to this policy and Department Policy 104-TAW-02, APA Use of Force, in order to reduce the risk of injury to its staff/employees, offenders, and the general public.

VI. PROCEDURES

A. Authorization and Access

1. All DPCS employees who exert control or custody over offenders shall be issued and shall carry OC spray at the authorization of the Superintendent/designee in collaboration with that employee's supervisor.
2. OC spray shall be carried by authorized DPCS employees during duty hours with the exceptions under A.5.
3. No DPCS employee is authorized to carry OC spray in connection with any outside employment or activities not related to DPCS employment.
4. The issuance and maintenance of OC spray canisters and disposal of used canisters shall be the responsibility of the Superintendent/designee.
5. The following are exceptions to carrying your OC spray:
 - a. If a court, other law enforcement agency, custody facility, or Community Based Correctional Facility (CBCF) or halfway house prohibits the carrying of OC Spray at certain locations (e.g., courtrooms, secure areas of a law enforcement complex, specific areas of a facility, etc.).
 - b. If the employee attends a meeting, conference, training, seminar or workshop away from the normal worksite for a full day or more where OC Spray is inappropriate and/or unnecessary.

B. Training

1. An approved course of training shall be successfully completed prior to any DPCS employee being issued OC spray. DPCS employees should periodically practice OC spray fundamentals during unarmed self-defense and firearms training sessions.
2. Employees authorized to carry OC spray in the line of duty shall be instructed in its proper use, and appropriate decontamination procedures. An employee shall carry only the brand and type of OC spray authorized and shall successfully complete an approved training course to become qualified to carry OC spray.

C. Use

1. OC spray shall be used consistent with Department Policy 104-TAW-02, APA Use of Force, and the approved training.
2. The use of OC spray shall be within the discretion of the employee, based upon the totality of the circumstances facing that employee at the time, and with the objective of reducing the risk of injury to employees, offenders, and the general public.
3. OC spray shall not be used as a punitive measure or in retaliation against any person.
4. An OC canister shall be used only once. After using OC, the canister shall be turned into the immediate supervisor with an Incident Report (DRC1000).
5. Nothing in this policy shall be construed to inhibit the officer's use of deadly force, when such force is justified pursuant to Department Policy 104-TAW-02, APA Use of Force.

D. Decontamination

DPCS employees shall take appropriate measures, consistent with the approved training, to decontaminate persons sprayed as soon as possible after the use of the OC spray. If the offender appears to be in need of medical assistance, such assistance shall be sought by the officer(s).

E. Use of Force Report

When OC spray is used, an Incident Report (DRC1000) shall be completed pursuant to Department Policy 01-COM-08, Incident Reporting and Notification.

F. Lost or Stolen Canisters

If an OC canister is lost, stolen, or otherwise not accounted for, the DPCS employee to whom the canister was issued shall immediately report the missing canister to their immediate supervisor. If the missing canister cannot be located or accounted for promptly, the supervisor shall notify the Superintendent/designee. An Incident Report (DRC1000) shall be submitted concerning the missing canister pursuant to Department Policy 01-COM-08, Incident Reporting and Notification.

G. Suspension and Termination of Authorization

1. The Superintendent/designee, in collaboration with an employee's immediate supervisor, may suspend or cancel the employee's authorization to use and carry OC spray upon cause. Such cause may include, but is not limited to:
 - a. A substantial allegation of improper use of the OC spray;
 - b. Documentation of unsafe behavior with the OC spray;

- c. An investigation of alleged violations of the DRC Standards of Employee Conduct, or being under suspension for such a violation, and/or;
 - d. Documentation (including self-admission) of the employee's serious physical impairment, substance abuse or dependency, or emotional problems which impairs judgment.
2. When authorization to carry OC spray is suspended or canceled, written notice of that action, including the reasons for the action, shall be provided to the employee by the employee's immediate supervisor. All equipment issued to an APA employee or confiscated/retrieved from an APA employee shall be documented by the Managing Officer/designee with the Equipment Issue & Retrieval Documentation Form (DRC3143e). Copies of the completed form shall be retained by the employee's supervisor and the regional staff member responsible for maintaining the region's OAKS Inventory. The restoration of such authority is within the discretion of the Superintendent/designee.

Related Department Forms

Incident Report	DRC1000
Equipment Issue & Retrieval Documentation form	DRC3143