

**TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS**



TITLE: O.C. Spray and FN 303 Launcher		NUMBER: <b>617D</b>
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I. Purpose:

To establish this Department’s policy on authorization of O.C. Spray and the FN 303 Launcher equipped with pepper and/or paint balls, and the procedures for use of them on and off duty.

II. Policy:

It is the policy of the Takoma Park Police Department that only authorized personnel will be able to carry pepper spray on or off duty, and that they will be carried in accordance with laws of this state and any other jurisdiction that officers might enter, and that they will be handled in a manner that maximizes the safety of the officers and the public. Only trained officers will be able to carry the FN 303 launcher on duty, with permission, and follow all rules and polices of this department and laws of this state.

III. Definitions:

- A. Pepper Spray: is an inflammatory substance naturally occurring in Cayenne peppers (genus capsicum). It is the active ingredient in defensive pepper spray aerosol dispensers. The department issues a 10% solution contained in a conical or fog type dispenser or grenade. Only O.C. Pepper Spray issued by the department is authorized for officers to carry on or off duty.

- B. Less Lethal Launcher. The only approved model is the FN 303, which uses either Oleoresin Capsicum projectiles or marking paint projectiles. In addition to the procedures specific for this weapon, procedures for pepper spray exposure will be followed.
- C. Projectiles. Round balls designed to be used with the FN 303 less lethal launcher. Only Oleoresin Capsicum projectiles or marking paint projectiles will be used.
- D. Civil Disturbance — A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.
- E. Incident Commander (IC) — The individual responsible for overseeing the response to civil disturbances and/or First Amendment assemblies or demonstrations, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting crowd management operations.
- F. LL Launchers/Munitions — A force option that, when used as designed and intended, is less likely to cause death or serious physical injury (e.g., FN-303, Pepper Ball), than a conventional lethal weapon such as a firearm.
- G. OC Device: Issued aerosol canister that delivers oleoresin capsicum as either a gel or foam.
- H. Decontamination: The reduction or removal of chemical agents by exposing the individual to cool water or fresh air.

IV. Use of OC Pepper Spray:

OC Pepper spray may be used under the following conditions:

- A. An officer's physical presence and verbal commands are ineffective, and the use of more substantial methods is imminent.
- B. Persons to be arrested are not in the officer's physical control and pose a physical threat to themselves, officers and/or others.
- C. To effect and maintain a lawful arrest.
- D. OC may be used only when verbal commands and other techniques would be ineffective. Officers shall issue a verbal warning that OC will be used unless doing so would present a danger to the officer or others.

- E. When feasible, the officer will defer using OC for a reasonable amount of time to allow the subject to comply with the warning. The officer should aim the OC directly at the face and upper torso of the subject from a distance of 4-to-6 feet.
  - F. A one-second spray shall be followed by an evaluation of the subject and their movements. The officer shall give verbal commands and advise the subject to follow instructions so that decontamination can take place.
  - G. With the express authority of the Shift Supervisor or higher authority, large capacity OC Spray Canisters or grenades may be used to disperse an unruly or rioting crowd threatening physical violence or property damage. In the event the crowd does not pose an imminent threat of violence or property damage, these devices will not be used.
- V. Results of pepper spray exposure: The reaction to pepper spray should be immediate and intense, regardless of the size, strength, sobriety or mental state of the person exposed. Complete incapacitation usually results.
- A. Persons exposed will usually experience some or all of the following symptoms:
    - 1. Involuntary closing and excessive watering of the eyes,
    - 2. Inflammation of the respiratory system causing coughing, shortness of breath, gasping for air, or a gagging sensation in the throat,
    - 3. Inflammation of the skin accompanied by an acute burning sensation, and
    - 4. Brief periods of nausea and/or loss of upper body motor skills have been noted in some people.
  - B. These reactions vary depending on the amount of pepper spray used, how it is used, the condition of the exposed person and wind conditions. All of the symptoms are temporary and post exposure procedures are simple. Exposed individuals are usually returned to normal within 45 minutes.
  - C. After deploying OC, officers should allow at least five seconds for the mist to dissipate, and then give specific commands to the subject. Exposed subjects shall be instructed to breathe normally and shall be closely monitored for the first 30-45 minutes. If normal breathing does not resume after five minutes, or if all symptoms do not dissipate within 30-45 minutes, medical aid shall be requested.
  - D. Any person directly exposed to pepper spray, who exhibits extreme symptoms or demands medical attention, will be taken to the Emergency Room.

- E. The following shall be closely monitored after being exposed:
  - 1. Obese individuals with medical conditions such as diabetes or heart trouble,
  - 2. Elderly
  - 3. Those impaired by alcohol or drugs
  - 4. Those with chronic respiratory problems such as asthma Officers shall immediately call for medical assistance when an exposed individual:
    - a) Becomes incoherent
    - b) Hyperventilates
    - c) Loses consciousness
    - d) Stops breathing
    - e) Turns pale
- F. Officers shall notify medical personnel that the person was exposed to OC. Additionally, officers shall request medical assistance for subjects exposed to OC spray when they complain of continued effects after having been decontaminated or they have a pre-existing medical condition such as asthma, emphysema, bronchitis, or a heart ailment, that may be aggravated by the OC spray.
- G. Officers shall not attempt to decontaminate an individual when their safety would be unduly jeopardized. The person shall be exposed to fresh air (when feasible) and cool water shall be used to flush their eyes. Officers may carry water in their vehicles for decontamination purposes.

VI. Prohibitions on Pepper Spray Use:

Pepper spray will not be used in the following circumstances:

- A. To remove people locked or barricaded in vehicles or buildings; unless approved by a supervisor or higher authority.
- B. In the Hospital Emergency Room.
- C. Against mere passive resistance.
- D. To punish a prisoner who presents no threat.

VII. Care and Consideration towards use of Pepper Spray:

- A. If pepper spray is used inside a structure, officers should make every attempt to warn and remove bystanders from the area prior to use, if reasonably possible.
- B. Officers who decide to utilize pepper spray will announce "O.C.", to alert other officers of his/her intention. Officers should use short bursts in still air and at close distances, and use longer bursts in moving air, at longer distances, or while spraying multiple suspects. It is recommended that officers maintain a minimum distance of four (4) feet from the suspect, when administering the OC. After the initial burst, the officer should increase his/her distance from the suspect and assess the effect. Another burst may be used only if the initial burst failed. Bursts will only be administered by one officer at any given time, unless his/her supply has been diminished.
- C. Post Exposure Procedures/Decontamination: Officers using pepper spray will make every effort to relieve the suspect's discomfort after exposure. Absent exceptional circumstances the exposed subject should receive some treatment in the first 20 minutes. Personal and area treatment are relatively simple. This may include placing the suspect in fresh air and providing soap and water to wash the skin and cool water to flush the eyes. Officers should, if possible, allow the suspect a short adjustment period prior to transporting. Allowing the clothing to dry in fresh air will usually render the subject transportable. No individual who has been exposed shall be left alone, unless they can function without assistance or turned over to another Law Enforcement Agency. Area treatment can be achieved by opening doors and windows. Normal ventilation should remove irritable levels of OC from the environment in about 45 minutes.

VIII. FN 303 Launcher Procedures:

- A. Less Lethal Launchers, such as the FN 303(maximum effect range, 55 yards), are extended range impact weapons that have the capability of delivering the following projectile payloads:
  - 1. OC - Oleoresin Capsicum (primary Duty Round)
  - 2. Marking Paints, both washable and indelible (used to help identify suspects)
  - 3. It is recommended that the Less Lethal Launcher be loaded alternately with OC and Marking Paints. When so loaded it is recommended that the operator discharge the launcher twice at each intended target in rapid succession, then observe for effect. Alternatively, the launcher may be loaded with OC only if the situation is warranted.

- B. Less Lethal Launchers will be stored in a securable location, accessible only to supervisors, and will be checked out by trained officers only to carry in the field with the approval of the supervisor. It is recommended that assignments to carry the weapon be made at roll calls so that other working officers will know if the weapon is available for deployment. Officers shall not leave the launchers in a vehicle at the end of their shift and shall be responsible to return them to the appropriate storage location. The launcher shall be carried concealed in a duffel bag while on-duty, within the passenger compartment of the departmental vehicle. The Launcher will be carried in the vehicle in “car safe” condition, which is defined as assembled, safety on, magazine out, and air valve to off position.
- C. Less Lethal Launchers will only be carried if they are inspected and determined to be in proper functioning condition and are properly charged with air.
- D. Tactical consideration should be given to requesting and deploying the Less Lethal Launcher when officers have a need to remain at a longer distance from potential suspects than the range at which OC spray or a Taser is effective. The on-duty supervisor will respond to any scene where the FN 303 Less Lethal Launcher is requested.
- E. The Incident Commander (IC) or supervisor shall approve/disapprove the decision to deploy LL Launchers/Munitions for dispersing groups of individuals.
- F. Upon arrival on the incident scene, the operating officer will inform the other officers present of their capability, for example “303 Here.”
- G. If practical, before firing the Less Lethal Launcher, the operator should give other officers the warning “Pepper ball” so that they can ensure an adequate distance is maintained between the officers and potential target subjects. If possible, the operator should refrain from firing until officers and non-targeted persons can create adequate distance from the suspect.
- H. On-scene post exposure treatment of subjects on which the Less Lethal Launcher is deployed will be consistent with treatment for OC Spray and additionally checked by medical personnel for injuries, as described in this directive.
- I. All subjects struck by Less Lethal Launcher Projectiles will be transported to an appropriate medical facility for evaluation prior to transportation to a detention facility, including any unattended holding within the TPPD processing areas.
- J. Indiscriminate discharging of a Less Lethal Launcher into a crowd is prohibited. All targets individually should be deemed aggressive or resistant and it should be the intent of the operator to have them placed under arrest.

IX. Training:

- A. The Training Officer shall ensure that the agency has, or has access to, instructors certified to teach techniques for the use of O.C. Pepper Spray and the FN303 Launcher. Instructors will be responsible for conducting initial training for each secondary weapon, unless an officer received the training in an academy or another police agency within the previous two years. Instructors should consider that, in some instances, an officer may be able to qualify on a particular secondary weapon, but his/her physical characteristics might render the weapon too much of a burden to be carried on the belt and/or the weapon could encumber the officer's movement. In such cases, issuance of the weapon to the officer will be done in consultation with his/her Division Commander.
- B. The Training Officer shall ensure the following are integrated into secondary weapons training:
  - 1. How to recognize and de-escalate incidents involving persons in mental health crisis, including the application of crisis intervention techniques and how to call on available mental health resources.
  - 2. What actions may unnecessarily escalate or aggravate a mental health crisis and the risks of doing so.
  - 3. Consideration of non-force or other quick restraint options for persons in mental health or medical crisis. Verbal dialog with such persons should be emphasized and the use of a secondary weapon, e.g., an ECD or pepper spray, should be an option only if the person poses an imminent threat of physical harm to self or others.
  - 4. Recognizing that mere non-compliance with officer's orders may stem from a communication breakdown caused by language barrier, physical disability, or cognitive impairment. Officers need to be trained to differentiate between resistance to an order and non-compliance with an order, and to realize that use of less-lethal secondary weapons must be consequent to an imminent threat of physical harm.
- C. Officers authorized to carry OC spray, or the FN 303 launcher shall successfully complete any required training or recertification in accordance with any MPTSC-approved requirements for classroom instruction, practical exercise, and discharge of the device as specified in Code of Maryland Regulations. Re-training in the use of pepper spray and the FN 303 launcher will be provided to officers at least biennially and shall include a demonstration of proficiency with the weapon and scenario-based training.

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- D. The Training Officer will maintain a current list of officers certified as instructors and officers certified in the use of each Secondary Weapon, as well as the date and source of certification/re-certification.
- E. The Training Officer will maintain a record of inspection and approval of the issued and authorized secondary weapons.
- X. Reporting: All officers and supervisors will follow guidance in General Order 617, Use of force, for reporting incidents when OC Spray and/or the FN 303 Less Lethal Launcher is used.
- XI. This general order replaces and expands on the use of OC Spray and the Less Lethal FN 303 Launcher that was covered in General Order 617B Secondary Weapons.