

 <p style="text-align: center;"><b>YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDERS</b> <i>Serving with Integrity, Trust, Commitment and Courage Since 1894</i></p>	ORDER TYPE: <b>NEED TO KNOW</b> <b>302D CHEMICAL AGENTS</b>	
	EFFECTIVE DATE: <p style="text-align: center;">20 JUN 2016</p>	REVIEW DATE: <p style="text-align: center;">ANNUAL</p>

**PURPOSE**

The purpose of this General Order is to establish guidelines and procedures governing Yale University Police Department (YPD) officers’ use of chemical agents while performing their duties.

**POLICY**

The policy of the Yale University Police Department (“Department” or “YPD”) is to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The YPD recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, the YPD has adopted the use of a non-Deadly force philosophy to assist with the de-escalation of potentially violent confrontations. Any use of Chemical Agent must comply with General Order 302, the YPD Use of Force Policy.

Any police officer who makes an unlawful, excessive, or unauthorized use of pepper spray will be subject to disciplinary actions and may be subject to civil and criminal liability

**DEFINITIONS**

<b>Actively Resisting</b>	When a subject makes physically evasive movements to interfere with an officer’s attempt to control that subject. Physically evasive movements include, but are not limited to, bracing, tensing, pulling away, or pushing.
<b>De-escalation</b>	A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance.
<b>Force</b>	Any physical strike or instrument contact with a person, any intentional attempted physical strike or instrument contact that does not take effect or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, pointing a firearm in the direction of a human being, use of pepper spray, chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no resistance. Use of force is lawful if it is objectively reasonable under the circumstances, and the minimum amount of force that is necessary to effect an arrest, or protect the officer or other person, is used.
<b>Oleoresin Capsicum (OC) Spray</b>	An inflammatory agent that irritates the mucus membrane and eyes to cause tears and pain. It is an intermediate weapon that is classified as being non-deadly. It should only be used, however, when an officer is met with a certain degree of resistance or aggression through either actions or words.
<b>Passive Resistance</b>	When a subject does not cooperate with an officer’s commands, but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

## **PROCEDURE**

### **Use of Force Standard**

The following are applicable use of force standards directly related to the deployment of pepper spray:

- The use of pepper spray is an application of force.
- Each application of pepper spray involves a separate, additional use of force.
- Multiple applications of a pepper spray cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee, or poses an immediate threat to an officer.
- Any decision to apply multiple applications of a pepper spray must take into consideration whether a subject is capable of complying with the officer(s') commands.
- Pepper spray is not intended to replace the use of firearms when deadly physical force is necessary, but rather to provide a non-deadly alternative.

### **Authorization to Carry and Use Pepper Spray**

- Only YPD issued pepper spray may be used by police officers in the course of law enforcement responsibilities.
- The use and carrying of pepper spray is restricted to officers who are trained and demonstrate proficiency of use.
- All officers assigned to uniformed patrol shall carry pepper spray once they have been issued pepper spray and have been trained in its proper use.
- Properly trained SWAT officers may carry and deploy 40mm Chemical Munitions including penetrating powder and liquid.

### **Permitted Use of Pepper Spray**

Officers are only permitted to use pepper spray in accordance with training in the following instances:

- Against subjects who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to him/(her)self or others.
- To incapacitate a subject who poses a threat of imminent physical injury to him/(her)self.
- During a physical confrontation with a combative individual and attempts to control the subject by lower levels of force or tactics are ineffective.
- Against aggressive animals that pose a threat of physical injury to officers or others.
- During Department authorized training programs and/or demonstrations.

### **Restrictions on the Use of Pepper Spray**

Department issued pepper spray should **not** be used in the following circumstances:

- To effect the arrest of a person that is only passively resisting (e.g., going limp, offering no physical resistance);
- On individuals of frail health, young children, the elderly, women believed to be pregnant or persons with known respiratory conditions.(In these circumstances, pepper spray may only be used under exceptional circumstances involving an imminent danger of suffering serious bodily harm and the use of the pepper spray is the only reasonable method to control the child or elderly in order to avoid such harm);
- Once a suspect becomes compliant, incapacitated, or is restrained;
- In crowded areas, except with supervisor approval after taking into account all of the circumstances, including possible exposure to involved bystanders unless exigent circumstances exists.
- In closed or poor ventilated spaces unless exigent circumstances exist.
- To rouse an intoxicated individual; or
- To threaten or elicit information from a person.

**Members are required to remove a subject exposed to pepper spray from a face-down position as soon as it is safe to do so.**

#### **Verbal Commands**

- A verbal warning and time to allow the subject to comply if feasible, must be given prior to the use of pepper spray, unless such warning would present a danger to the officer or others;
- Verbal commands before, during, and after the application of the pepper spray are important in order to de-escalate any situation and gain compliance and control of an actively resisting or aggressive subject;
- After resistance has ceased, the subject must be reassured that nothing further will happen to him or her, and that decontamination for the spray application is forthcoming. Without this reassurance, the subject may again become violent from frustration or in an effort to escape discomfort. Statements such as “No one is going to hurt you” and “Stay calm and we will help you” provide incentive for cooperation and demonstrate the de-escalation of force as the subject’s resistance is reduced.

#### **Application Techniques**

- A one or two second burst of the department issued pepper spray should be directed to the head area.
- Direct discharge into the eyes at close distance should be avoided.
- Except in an emergency situation, do not discharge YPD issued pepper spray when closer than three feet from the subject due to the increased risk for self-contamination or contamination of other officers on scene.
- An additional burst may be used if the initial burst proves ineffective. Allow a brief time for the pepper to take effect before a second application.
- Be prepared to take other appropriate action should the spray fail to be effective.

#### **Post-use Decontamination and Treatment**

- Once the spray has been applied and/or empty-hand techniques are being used, commands must be given to direct the now confused and distracted subject: e.g., “Kneel down on the ground” or “Put your hands behind your back” and “Stop resisting arrest” tell the subject what is required and how to stop the pain of a compliance technique.
- Subjects should be assured that the effects of the pepper spray are temporary.
- Fire Department or EMS personnel will be summoned to aid in decontamination.
- After the pepper spray has been used and the subject has been restrained and moved to an uncontaminated area, the affected areas of the subject should be flushed with water as soon as practical, absent exceptional circumstances.
- Subjects should be asked if they suffer from any respiratory diseases or problems, such as asthma, bronchitis or emphysema. If a subject displays respiratory problems, the subject should be exposed to fresh air if possible and medical attention should be sought immediately.
- Transporting officers shall be notified that pepper spray was used.
- While transporting a subject to a police or medical facility, the subject's condition should be monitored for signs of breathing difficulty, nausea, or other physical discomfort.
- A subject should never be left unattended until the effects of the pepper spray have completely diminished or the individual indicates that they have fully recovered from the effects of the spray.
- Under normal circumstances, all symptoms should disappear within thirty to forty-five minutes. If the symptoms persist beyond forty-five minutes, medical attention should be sought immediately.

#### **Training and Certification in the Use and Operation of Pepper Spray**

- Each YPD officer that has been assigned pepper spray as part of the official equipment must be duly trained and certified as a user by Department certified instructors prior to carrying or using the weapon.

- All trained police officers shall be recertified every two years.

**Reporting Requirements**

Officers are required to notify a supervisor as soon as practicable following the use of pepper spray which is a reportable use of force subject to the requirements of **GO 302A-Reporting and Investigating Uses of Force**.

The following detailed information must be included in all use of force reports for the deployment of a chemical agent:

- The facts and circumstances which dictated the officer's use of force;
- Commands given to the subject, including any appropriate warning;
- Manner in which the subject refused to comply;
- Target (face, upper torso or other);
- Witnesses to the discharge of the pepper spray;
- Number of discharges, and length of each;
- Estimated distance at which the pepper spray discharge(s) occurred;
- Extent, if any, of the subject's injuries;
- Description of first aid provided;
- The name of the supervisor notified, and
- Time of such notification.

**Supervisor Responsibility**

YPD supervisors shall comply with all reporting and investigation requirements outlined in the YPD Reportable Use of Force Policy (GO-302A). Supervisors will report any misapplication or misuse of the pepper spray and any violations are subject to disciplinary action, along with criminal and civil liability

PER ORDER OF



RONNELL A. HIGGINS  
DIRECTOR OF PUBLIC SAFETY AND CHIEF OF POLICE

**THIS GENERAL ORDER SUPERSEDES THE APPLICABLE PORTIONS OF GENERAL ORDER 501, CARE AND USE OF DEPARTMENT WEAPONS.**