

Berkeley Police Department General Order Revision Form

SUMMARY OF CHANGES

02/07/2025

G.O. 10 -Use of Pepper Spray

Page 1: Definitions updated for Pepper Spray to read, a “**non-flammable product that uses 10% oleoresin capsicum (O.C)**”, which is an extract from the cayenne pepper plant.

Page 2: Added to Post Use: Follow-up Procedures #B The officers at the scene are responsible for ensuring that the appropriate medical care is provided “**as quickly as possible when it is safe to do so.**”

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDER: 10
USE OF PEPPER SPRAY		
ISSUE DATE:	EFFECTIVE DATE:	DISTRIBUTION: ALL PERSONNEL
AMENDED:		RESCINDS: ALL PREVIOUS VERSIONS
• ACCREDITATION STANDARDS: 4.1.1, 4.1.2, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4		NUMBER OF PAGES: 4

Purpose:

To set forth the Berkeley Police Department's guidelines regarding the training, maintenance, use, and reporting of department-issued pepper spray (O.C.).

Policy:

It is the policy of the Berkeley Police Department that all personnel shall adhere to the guidelines outlined in this directive.

Definitions:

Pepper Aerosol Restraint Spray: a less-lethal weapon that, when used as directed, becomes a humane means of dealing with violent individuals to affect their submission and/or arrest.

Pepper Spray: a non-flammable product that uses 10% oleoresin capsicum (O.C.), which is an extract from the cayenne pepper plant.

Inflammatory Agent: inflames the membranes, causes extreme burning sensation to the skin and eyes, and causes an involuntary closure of the eyes. Pepper spray is an inflammatory agent, unlike CS and CN tear gas, which are "irritants".

General:

Pepper Aerosol Restraint Spray is a less lethal weapon that serves as an additional tool and is not intended to replace firearms or other self-defense techniques, tools, or tactics. Pepper spray may be used to control a dangerous or violent individual when deadly force does not appear to be justified and/or necessary; or, attempts to subdue the individual by other means have been, or will likely be, ineffective in the situation at hand; or, there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the individual. Pepper spray shall only be used in accordance with this directive and the department's Use of Force policy. Department-issued pepper spray is the only approved chemical weapon for department personnel. (4.1.1, 4.1.4, 4.3.1.a)

All officers shall complete an initial four (4) hour course of training on proper deployment and safety of pepper spray. The training will include demonstrating proficiency with the pepper spray through practical application. The department will conduct training on pepper spray applications biennially. Pepper spray shall only be issued to and used by those who have successfully completed a department-approved pepper spray training program or training received through a state-licensed training center. The department training coordinator is responsible for ensuring all commissioned personnel receive the required training by a certified instructor or certified training academy and documenting and maintaining all related training records. (4.3.2, 4.3.3.a, 4.3.3.b)

When deemed necessary, the department's primary pepper spray instructor will provide remedial training. Remedial training may be determined as the result of a response to resistance incidents, review of department response to resistance, or at the direction of a supervisor. If, after remedial training, the officer is unable to successfully complete the remedial training course, the chief of police will evaluate the situation and take the action deemed most appropriate. (4.3.3)

All agency personnel authorized to carry pepper spray shall receive all use-of-force policies and related instructions before authorization to carry it. Policy receipt and curriculum delivery must be documented. (4.3.4)

Procedures:

Usage of Pepper Spray (O.C.)

- A. Pepper spray shall only be used in those situations wherein an officer would be justified in such a response to resistance as outlined in the department's response to resistance guidelines.
- B. The spray should be used at a distance of approximately three feet for best results. It should not be used at distances closer than one foot, as the pressurized contents may cause eye damage.
- C. The canister should be held upright, utilizing short bursts rather than a prolonged spray. Only that amount needed to subdue an individual should be used.
- D. The spray should be directed toward the individual's eyes, nose, and mouth. The spray is also effective on dogs and other animals. Such animals can be effectively subdued with a short burst toward the eyes, nose, and mouth.
- E. Particular caution should be utilized when spraying in windy conditions. The officer and/or others could become exposed.

Post Use: Follow-up Procedures

- A. Once an individual has been sprayed and once the individual has been secured and the resistance has ceased, the officer should make every reasonable effort to relieve the discomfort of the individual. Water and fresh air are the recommended methods of relieving irritation.
- B. The officers at the scene are responsible for ensuring that the appropriate medical care is provided as quickly as possible when it is safe to do so. (4.1.5)**
- C. If the individual is physically injured or complains of injury not generally associated with the normal effects of pepper spray or, if the officer suspects injury, the paramedics shall be contacted to examine the individual. The affected individual shall then be transported to a medical facility for treatment and a fit-for-confinement examination. (4.1.5)
- D. When transporting an individual who has been sprayed, do not place them in a prone position, as this may inhibit their ability to breathe.
- E. If the individual has not been injured, does not complain of injury, or the officer has no reason to believe the individual has been injured, said individual may be transported to the station or other appropriate facility for processing in the usual manner. The individual should be allowed to wash their eyes and face to relieve the effects of the pepper spray.
- F. Hands should be washed to prevent any possible residue from being rubbed into the eyes or other sensitive areas.
- G. Contaminated contact lenses should be cleaned before use.
- H. Pepper spray on clothing will generally dissipate by exposure to fresh air. Normal machine washing will remove all traces.
- I. Do not allow contaminated persons to apply any salves, lotions, or creams. They will trap the oleoresin capsicum next to the skin and may cause blistering.
- J. Witnesses will be identified and interviewed.

Notification and Reporting

- A. All incidents involving the use of pepper spray shall be detailed in a police incident report. (4.2.1.b, 4.2.1.c)
- B. All responses to resistance reporting requirements, procedures, etc., as outlined in General Order 2016-09 shall be followed.

Supervisor Responsibilities

- A. Respond to the scene.
- B. If not already done, and if appropriate, summon EMS personnel.

- C. Ensure proper collection of evidence, gathering of witness information, and other investigative responsibilities.
- D. Ensure all required reports, forms, etc., are completed. (4.2.2)
- E. Complete all required responses to resistance, forms, notifications, etc. in accordance with this or any other department directive.

Maintenance and Inventory Records

- A. The armorer or designee will keep an inventory and record of the assignment of all department pepper spray. (4.3.1.a)
- B. The inventory of pepper spray will be secured in a location designated by the armorer or his designee.
- C. The primary department pepper spray instructor or armorer will be responsible for the management of the inventory to ensure there is an adequate supply.
- D. Officers are responsible for ensuring that the chemical agent issued to them is active and viable. Empty, expired, or malfunctioning pepper spray canisters are to be reported immediately to their commander. The commander is responsible for authorizing the replacement canisters as may be required. (4.3.1.c, 4.3.1.d)

Issuance

- A. Commissioned officers are issued pepper spray at the completion of an approved training course.
- B. All officers, excluding detectives, shall carry as part of their standard equipment, department-issued pepper spray.
- C. Weapon Control
 - 1. Pepper spray will be carried on the duty belt in an approved pepper spray holster.
- D. Inspections
 - 1. Officers shall conduct a visual inspection of their assigned pepper spray at the beginning of their watch and will ensure that the can is not damaged or empty.
 - 2. During roll call as part of the personnel line inspections, supervisors will be responsible for inspecting pepper spray issued to their assigned personnel to ensure they are functioning properly.
 - 3. Any issues involving the pepper spray cans issued to officers shall be documented and forwarded to their commander.
 - 4. If there is a problem with any can of pepper spray, it shall immediately be taken out of service and replaced by the logistics commander or his designee.

Annual Review

- A. Each year an analysis of all responses to resistance for the preceding year, including those involving the use of the pepper spray, will be conducted and reported to the Chief of Police by the designee. The review intends to determine whether there are policies, training, weapons/equipment, or discipline issues that should be addressed. The analysis shall include:
 - 1. date and time of incidents; (4.2.4a)
 - 2. types of encounters resulting in the use of force; (4.2.4.b)
 - 3. trends or patterns related to race, age, and gender of subjects involved; (4.2.4.c)
 - 4. trends or patterns resulting in injury to any person including employees; (4.2.4.d)
 - 5. impact of findings on policies, practices, equipment, and training. (4.2.4.e)

DEVELOPED BY: Captain. Evelio Valdespino	DATE:
REVIEWED BY: Colonel Art Jackson	DATE:
APPROVED BY: Berkeley City Council	DATE: