

Most Often Asked Questions About Chemical Agents and OC in California

1. *How do chemical agents affect persons under the influence of intoxicants or those that are hostile and/or violent?*

Chemical agents affect each individual differently. It is difficult to predict how an individual will react to the application of any chemical agent regardless of whether they are under the influence of an intoxicant or not. Since the inception of the Department of Justice's tracking program until December 1995, Oleoresin Capsicum (OC) tear gas has been applied to approximately 20,000 suspects by 491 reporting agencies. Of those reported uses, OC was effective 86.1% of the time.

2. *Have there been any additional medical concerns identified since the inception of the provisional certification of OC products?*

No, however, some factors should be revisited. Persons that are hostile and/or violent often times have an increased adrenaline flow that causes a rise in cardio-vascular and pulmonary functions. This increase can also cause a heightened need for oxygen. A person under the influence of certain intoxicants can also have increased cardio-vascular and pulmonary functions. Chemical agents, when applied to an individual, can cause an increase in the same functions. Therefore, when chemical agents are applied to an individual that is displaying a hostile and/or violent behavior or appears to be under the influence of an intoxicant, or exhibits a prolonged difficulty in breathing, a peace officer should be cognizant of a possible need for increased oxygen and the allowance for maximum air flow to the suspect. The same is true when applying control holds and/or using restraining techniques.

Another potential problem arises from the possibility of corneal abrasions caused by the velocity of the chemical being applied at extremely close range to the eyes.

3. *Have there been any deaths directly attributed to the use of OC?*

No. In their most recent report, the National Institute of Justice, indicates there are no deaths directly attributed to the use of OC.

4. *Can a peace officer use deadly force against someone who is armed with a chemical agent?*

The decision to use deadly force has to be made by the individual officer at the time that deadly force is being considered. Each incident is different. The officer using deadly force must take into account the totality of the circumstances, evaluate all of his/her tactical options and make the appropriate decision for the situation. When making a deadly force decision an officer must take into account all training, department policies, state and federal laws, and experience.

5. *What does an agency have to do to allow for non-sworn law enforcement personnel to carry OC while on duty?*

There is no legal mandate that non-sworn law enforcement personnel have any training prior to carrying chemical agent devices that contain less than 2.5 ounces of product (civilian possession). However, it is advisable that prior to authorizing this, a legal opinion be sought from a competent legal source.

If an agency head decides to authorize civilian personnel to carry chemical agents, available to them is a POST class developed for aerosol use of chemical agents by peace officers.

6. *What are the guidelines for carrying OC by limited duty and reserve status peace officers?*

As a peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, limited duty personnel and reserves must meet the same standards and requirements as written in Section 12403.

7. *Can civilians possess OC?*

As of January 1, 1996 most adult civilians can carry chemical agents without any training. They can carry canisters containing 2.5 ounces of product or less. They may use chemical agents for self defense purposes only. (see Penal Code Section 12403.7)

8. *What are the approved products?*

Chemical agent products are no longer regulated in the State of California.

9. *Do the chemical agent manufacturer's courses qualify a peace officer to be a chemical agent instructor under the POST guidelines?*

There has been some confusion with manufacturer "Instructor Classes". Only courses that are certified by POST as Chemical Agent Instructor Courses qualify under POST guidelines. The qualifying courses are listed in the POST PAM Manual, which is updated quarterly.

Some courses advertised and presented by a chemical agent manufacturer deal only with their product line. They do not give the student a general understanding of *all* the approved devices and information necessary to teach others about the variety of other approved chemical agents.

These manufacturer's courses *do* give the agency chemical agent instructors and other peace officers useful information about that manufacturers products.

If it's important for you to know for sure if a class is POST Certified or not, please contact POST.

10. *What is the difference between the basic academy chemical agent training and the recommended OC supplementary "orientation" for in-service peace officers?*

Chemical agents training for peace officers is a long-standing training *requirement* for peace officers under Penal Code Section 12403. This training course is a part of the basic academy curriculum found in Learning Domain #35, "Firearms/Tear Gas". This course is also presented separately by basic academies, colleges with police science programs, and various offices of the Federal Bureau of Investigation.

When OC was first approved for possession and use by peace officers, DOJ made a recommendation that agencies orient their in-service peace officers to the differences between OC based products and the CS and CN based products.

Unlike the mandated academy training, the OC orientation session is recommended for peace officers who have already had the required basic academy class. POST assisted by developing a "Training/Orientation Outline for Oleoresin Capsicum," a topical outline, and a 20 minute orientation film on OC. These supplementary materials were developed to assist the law enforcement agency presenter with the orientation. [Note: The orientation to OC products can be presented by any designated law enforcement agency presenter, although using a chemical agents instructor who has successfully completed a POST Certified Chemical Agent Instructor Course can enhance the orientation.]

It is recommended that the orientation training be provided for:

1. In-service peace officers.
2. New peace officers who's academy chemical agents training curriculum did *not* include information about OC.
3. Returning peace officers who at one time received chemical agents training during a POST certified basic academy and who's academy chemical agents training curriculum did *not* include information about OC.

11. *What is the most effective way to decontaminate a person exposed to OC?*

Experience has shown that fresh air and water have proven to be effective ways to decontaminate an individual exposed to OC.

12. *Should all individuals exposed to chemical agents be given a medical examination or be examined by an emergency medical practitioner?*

No. The documented cases of persons exposed to OC need nothing more than being decontaminated with fresh air and sometimes cool clean water. The current practices throughout the state vary from no immediate decontamination to a full medical clearance. After the provisional test period many agencies have elected to eliminate a medical examination of persons exposed to OC. Departments need to do an assessment of the potential risks to their agency and decide what level of decontamination best suits their situation.