HAND RECEIPT/ANNEX NUMBER For use of this form, se DA PAM 710-2-1. The Proponent agency is ODCSLOG.		San Benito County Probation SJIC		TO: SJIO.	Rea							HAND RECEIPT NUMBER 1				
			M DESCRIPTION Red OC	PUBLICATION NUMBER				PUBLICA	ATION DA	TE	QUANTITY 25					
S	STOCKNUMBER	ITEM DESCRIPTION						QTY	g. QUANTI			ITY				
a.		b.				c.	SEC d.	UI e.	AUTH f.	А	В	С	D	Е	F	
3469701		Sabre	e Red Cr	ossfire (Stream)					EA	1						
3469702 Sabre Red C		e Red Cr	ossfire (Stream)					EA	1							
3469703 Sabre Red 0		e Red Cr	ossfire (Stream)					EA	1							
3469704 Sabre Red Crossfire		ossfire (Stream)					EA	1								
3469705 Sabre Red Cr		ossfire (Stream)		* * * * * * * * * * * * * * * * * * * *			EA	1								
3469706 Sabre Re		e Red Cr	ossfire (Stream)					EA	1							
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3469714 Sabre Red Crossfire (Stream)						EA	1									
3469715	3469715 Sabre Red Crossfire (Stream)			*			EA	1					***************************************			
3469716	3469716 Sabre Red Crossfire (Stream)						EA	1								
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HAND RECEIPT, enter Hand Receipt Annex number
HAND RECEIPT FOR QUARTERS FURNITURE, enter Condition Codes
HAND RECEIPT ANNEX/COMPONENTS RECEIPT, enter Accounting Requirements Code (ARC).

PAGE 1 OF 2 PAGES

DA FORM 2062, JAN 82

EDITION OF JAN 58 IS OBSOLETE

USAPPC V2.10

STOCKNUMBER	ITEM DESCRIPTION				QTY	g.	g. QUANTITY					
a.	ь.	* c.	SEC d.	UI e.	QTY AUTH	А	В	С	D	E	F	
3469717	Sabre Red Crossfire (Stream)			EA	1			·				
3469718	Sabre Red Crossfire (Stream)			EA	1						1	
3469719	Sabre Red Crossfire (Stream)			EA	1							
3469720	Sabre Red Crossfire (Stream)			EA	1							
3469721	Sabre Red Crossfire (Stream)			EA	1							
3469722	Sabre Red Crossfire (Stream)			EA	1						 	
3469723	Sabre Red Crossfire (Stream)			EA	1							
3469724	Sabre Red Crossfire (Stream)			EA	1						 	
3469725	Sabre Red Crossfire (Stream)			EA	1							
	Nothing Follows											
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		·					-					

SUBJECT: Use of Force	NO: 05-01
Page 1 of 2	ISSUE: 1 EFFECTIVE DATE: January 1, 2007 Re-issue By: Chief Probation Officer

I. AUTHORITY:

Chief Probation Officer Penal Code Sections 196, 835a, 836, 836.5

II. PURPOSE: To establish and provide guidelines for the appropriate use of force.

Officers shall use only such force as is reasonably necessary to bring an incident under control while protecting the lives of the officers and/or other persons.

- III. RESPONSIBILITY: It is the responsibility of each officer to comply with this policy.
- IV. GENERAL PROVISIONS: At times, officers are confronted with situations where control is required to effect arrests, or protect the officer and/or members of the public. Attempts will be made to control through advice, warnings and persuasion. However, in situations where physical resistance is encountered and reasonable non-physical alternatives have been considered or attempted, physical force may be the only remaining viable alternative.

Definitions:

- 1. Deadly physical force: Any use of force that is capable of causing death or serious bodily harm.
- 2. Physical force: Force sufficient to prevent an action or cause the person to act.
- V. SPECIFIC PROVISIONS: The basic rule is that force must be both reasonable and necessary under existing circumstances.

A. SELF DEFENSE:

1. Officers shall use the lowest level of self defense of the Self defense option consistent with Sections 835a, 836, and 836.5 P.C., and reasonable officer safety. There is no requirement that officers utilize each level before progressing to the next level, as long as the level is appropriate to the situation.

Policy and Procedure Manual

- 2. Officers are authorized to use physical force under the following guidelines:
 - a. Officers should assess the situation and determine which technique or weapon would best de-escalate the incident and bring it under control in a safe manner.
 - b. To protect themselves or another from physical harm.
 - c. To restrain or subdue a resistant individual.
 - d. To bring an unlawful situation safely and effectively under control.
 - e. Officers may use as much force as is reasonably necessary to accomplish the objective. However, after doing what is necessary to get the job done, the officer must stop when the objective is accomplished.
- Officers are authorized to use Deadly physical force in order to protect
 themselves and/or others from what is reasonably believed under existing
 facts and circumstances to be an immediate threat of death or serious bodily
 harm.
- 4. Self defense options: Self defense options from the least to the greatest are as listed below:
 - a. Disengage
 - b. Verbal Commands
 - c. Use of O.C. Chemical Agent
 - d. Control/Pain Compliance
 - e. Use of Impact Weapon Baton (for approved department officers only)
 - f. Use of firearm (for approved department officers only) Deadly physical force.

B. FORCED ENTRY:

- 1. The use of forced entry, to enter a residence of a probationer who has search conditions, will not be routinely done. However, there may be occasions when this tactic is the only reasonable alternative available. Situations, that may require forced entry, include but are not necessarily limited to, the following:
 - a. The probationer's activities are such that his/her or other's safety is in immediate jeopardy.
 - b. If an arrest or detention is not immediately accomplished, the safety of others, including the probationer, will be jeopardized.
 - c. If the probationer is believed to be in the process of destroying evidence.
- 2. Before forced entry can be accomplished, Section 844 of the Penal Code requires that the Deputy Probation Officer must knock, demand entrance, and explain the purpose before entering the residence by force. This requirement can be waived if knocking and announcing will increase the danger of the risk of evidence being destroyed.

SAN BENITO COUNTY PROBATION DEPARTMENT
Policy and Procedure Manual

If the need to force entry is anticipated, prior approval of the unit supervisor is to be obtained and other law enforcement agencies more accustomed to such practices are to be asked to assist.

STANTO COLLEGE

COUNTY OF SAN BENITO

OFFICE OF THE COUNTY COUNSEL

BARBARA J. THOMPSON
County Counsel

481 Fourth Street, 2nd Floor Hollister, CA 95023 (831) 636-4040 Office (831) 636-4044 Fax

Interim Assistant County Counsel
SARAH M. DICKINSON

Deputies SHIRLEY L. MURPHY IRMA F. VALENCIA

May 21, 2018

Ian Kysel, Esq. American Civil Liberties Union 1851 E. First Street, Suite 450 Santa Ana, CA 92705 ikysel@ACLUSoCal.org

Sent via Email and First-Class Mail

Re: PRA Request for Records Regarding Use of Chemical Agents In Each Facility Operated by the San Benito County Probation Department

Dear Mr. Kysel,

My office represents the County of San Benito and is in receipt of your letter to R. Ted. Baraan, Chief Probation Officer for the San Benito County Probation Department received on May 9, 2018, in which you requested certain records regarding use of chemical agents in each facility operated by the San Benito County Probation Department.

Unfortunately, based on an initial review or your requests, I have determined that as drafted, the requests require the need to search for and appropriately examine a potentially voluminous amount of records, and to ascertain whether any such records are exempt from disclosure under the Public Records Act. Therefore, the County requires an extension of fourteen (14) days, as authorized under Government Code section 6253(e)(2).

Nevertheless, reserving the right to assert or raise any applicable exemptions, objections, or privileges, as may be applicable, the County hereby provides the following initial response to your requests under the heading <u>Policies and Procedures</u>:

1. Policies and Procedures. With regard to your request numbers 1(a)(i)-(xv) regarding policies and procedures, please note that on April 26, 2018 we previously provided you with copies of the policies and procedures used/in effect at the San Benito County Juvenile Hall between January 1, 2015 and March 31, 2018. This was provided in response to your previous PRA request for certain records regarding room confinement of youth in each facility operated by the San Benito County Probation Department, but it also contains policies and procedures that are responsive to your current requests.

We will provide a further response to your requests no later than June 4, 2018. The County reserves the right to assert or raise any applicable exemptions, objections, or privileges,

May 21, 2018 Ian Kysel, American Civil Liberties Union Page 2 of 2

as may be applicable, in its subsequent response. Thank you for your cooperation in this matter. Feel free to contact my office if you have any questions.

Sincerely,

Shirley J. Murphy

Deputy County Counsel

c: R. Ted Baraan, Chief Probation Officer (email only)

COUNTY OF SAN BENITO



OFFICE OF THE COUNTY COUNSEL

BARBARA J. THOMPSON

County Counsel

481 Fourth Street, 2nd Floor Hollister, CA 95023 (831) 636-4040 Office (831) 636-4044 Fax

Interim Assistant County Counsel
SARAH M. DICKINSON

Deputies
SHIRLEY L. MURPHY
IRMA F. VALENCIA
G. MICHAEL ZIMAN

June 4, 2018

Ian Kysel, Esq. American Civil Liberties Union 1851 E. First Street, Suite 450 Santa Ana, CA 92705 ikysel@ACLUSoCal.org

Sent via Email and First-Class Mail

Re: PRA Request for Records Regarding Use of Chemical Agents In Each Facility Operated by the San Benito County Probation Department

Dear Mr. Kysel,

This is in further response to your request for certain records regarding use of chemical agents in each facility operated by the San Benito County Probation Department, which was received on May 9, 2018. This response supplements the information in my prior letter dated May 21, 2018. At this time, we are asserting the following exemptions and objections to the requests that you submitted.

The Public Records Act provides for access to public records that are responsive to a request for identifiable or described records, assuming there is no exemption under the Public Records Act or evidentiary privilege that would allow an agency to withhold them. It does not require an agency to answer questions or provide a statement in response to a request for information, nor does it require an agency to create records that do not exist. We note that, as a whole, your 40 separate requests is overly burdensome and your request asks for the creation of records. Further, some of the definitions that you provide in your letter do not match definitions used by San Benito County Probation Department. The Probation Department does not track all of the information you have requested, as outlined in your letter. As such, many of the requests cannot be answered.

Probation Department officials have made a reasonable, good-faith effort to examine all potentially responsive records that are within the County's possession, and to provide a full and complete response to your requests. Following a diligent search, these officials have identified certain records reflecting some of the information you have requested. Reserving the right to assert or raise any applicable exemptions, objections, or privileges, as may be applicable, the County hereby provides the following responses to your requests and produces responsive, non-exempt records on the enclosed flash drive.

- 1. Policies and Procedures. With regard to your request numbers 1(a)(i)-(xv) regarding policies and procedures, and as stated in my initial response dated May 21, 2018, please note that on April 26, 2018 we previously provided you with copies of the policies and procedures used/in effect at the San Benito County Juvenile Hall between January 1, 2015 and March 31, 2018. This was provided in response to your previous PRA request for certain records regarding room confinement of youth in each facility operated by the San Benito County Probation Department, but it also contains policies and procedures that are responsive to your current requests. Since it has already been produced to you, it is not included in the enclosed CD-Rom. Following a diligent search, Probation Department officials have determined that, in addition to those policies and procedures previously produced on April 26th, an additional policy from the San Benito County Probation Department's Policy and Procedure Manual regarding Use of Force (Policy No. 05-01) is potentially responsive to your requests. A copy of Policy No. 05-01 is produced on the enclosed CD-Rom.
- 2. <u>Training Materials</u>. With regard to your request numbers 2(a)(i)-(ix) regarding training materials, following a diligent search, Probation Department officials have identified the following public records that may provide some of the information you seek:
 - Power Point slides entitled "San Benito County Juvenile Hall Oleoresin Capsicum (OC) Training";
 - Power Point slides entitled "SABRE O.C. Pepper Spray Student Program";
 - Standards and Training for Corrections Program Course Roster; and
 - email correspondence between Assistant Chief Probation Officer Joe Frontella and Supervising Juvenile Institutional Officer Joel Rea.

These records are produced on the enclosed CD-Rom, in addition to the documents that we have produced in response to your first request for policies and procedures, which we believe also respond to this request. However, regarding your request number 2(a)(ii) regarding cell extractions, following a diligent search, Probation Department officials have determined there are no responsive, non-exempt public records in the Probation Department's possession that respond to your request.

- 3. <u>Data</u>. With regard to your request numbers 3(a)(i)-(xvi) regarding data, you have requested a large amount of data relating to the use of chemical agents, some of which is exempt. Specifically, we respond as follows:
 - Request numbers 3(a)(i)-(vii): You assert that these requests are not asking for any juvenile court case file information. However, this is not

correct, and the information you are requesting is specifically exempt under Welfare and Institutions Code section 827, and Government Code sections 6254(f)&(k) and 6255. As was determined in the case of Wescott v. Yuba County (1980) 104 Cal. App. 3d 103, 106, the Court specifically found that section 827 of the Welfare and Institutions Code is controlling over the Public Records Act to the extent of any conflict. The Court also cited to the case of T.N.G. v. Superior Court (1971) 4 Cal.3d 767 regarding the scope of section 827's confidentiality requirement, in which the court applied a very broad definition of records covered by section 827 and found that it was written to include probation records. As such, records contained in the juvenile probation files are not subject to the Public Records Act and the information contained in these files is only available through a request directly to the court. In addition, the Probation Department does not track any of the information you have requested in aggregate form. Therefore, it would require an overly burdensome handsearch of all protected juvenile files and would then require the creation of a document reflecting aggregate information culled from those protected files. As noted above, the Public Records Act does not obligate an agency to create records that do not exist. Accordingly, following a diligent search, Probation Department officials have determined there are no responsive, non-exempt public records in the Probation Department's possession that respond to your request numbers 3(a)(i)-(vii).

- Request numbers 3(a)(viii)-(ix): Following a diligent search, Probation Department officials have determined there are no responsive, non-exempt public records in the Probation Department's possession that respond to your requests.
- Request numbers 3(a)(x)-(xii): Following a diligent search, Probation Department officials have identified email correspondence between Assistant Chief Probation Officer Joe Frontella and Supervising Juvenile Institutional Officer Joel Rea with an attached table entitled "Hand Receipt/Annex Number", which may provide some of the information you seek. These records are produced on the enclosed CD-Rom.
- Request number 3(a)(xiii): Following a diligent search, Probation Department officials have determined there are no responsive, non-exempt public records in the Probation Department's possession that respond to your request.
- Request number 3(a)(xiv): Following a diligent search, Probation Department officials have identified Mid Management Meeting Agendas, which may provide some of the information you seek. These records are produced on the enclosed CD-Rom, in addition to the documents that we have produced in response to your first request for policies and procedures and your second request for training materials, which may also provide some information responsive to this request. However, Probation Department officials have determined there are no other responsive,

non-exempt public records in the Probation Department's possession that respond specifically to your request for strategic plans, committee reports, briefings, data, memoranda, meeting minutes, or other documents or materials relating to the use of pepper spray.

- Request numbers 3(a)(xv)-(xvi): Following a diligent search, we believe that the documents that we have produced in response to your first request for policies and procedures and your second request for training materials are responsive to these requests. Following a diligent search. Probation Department officials have determined there are no other public records in the Probation Department's possession that respond to your requests.

In the event the County subsequently discovers additional records in its possession that are responsive to your requests, the County reserves the right to provide a supplemental response. Regarding potentially responsive records not yet identified by the County, the County hereby asserts any and all applicable exemptions and privileges including, but not limited to the following specific exemptions to the Public Records Act:

- all records that constitute preliminary drafts, notes, or interagency or intra-agency memoranda, that are not retained by the County in the ordinary course of business, pursuant to Government Code section 6254(a);
- 2) all communications, in any and all forms, that are protected by the attorney-client privilege, pursuant to Government Code section 6254(k) and Evidence Code section 954:
- 3) all records, in any and all forms, that are protected from disclosure as attorney work product, pursuant to Government Code section 6254(k) and Code of Civil Procedure section 2018.030;
- 4) all records, in any and all forms, that are protected from disclosure as juvenile court records, pursuant to Welfare and Institutions Code section 827 and Government Code sections 6254(f)&(k) and 6255;
- 5) all records, in any and all forms, the disclosure of which is exempted or prohibited pursuant to any federal or state law, pursuant to Government Code section 6254(k);
- all records in which the public interest in disclosure is outweighed by the public interest in nondisclosure pursuant to Government Code section 6255(a); and/or,
- 7) all documents otherwise privileged or provided in confidence to the County.

Thank you for your cooperation in this matter. Feel free to contact my office if you have any questions.

Sincerely,

Shirley L. Murphy Shirley L. Murphy

Deputy County Counsel

c: R. Ted Baraan, Chief Probation Officer (email only)
Joe Frontella, Assistant Chief Probation Officer (email only)

San Benito County Juvenile Hall

Oleoresin Capsicum (OC) Training

Instructor: SJIO. Rea

Course Objectives

Overview:

• This is an 8 hour course designed to provide knowledge on OC. This training will include OC specifications, dissemination, delivery systems, decontamination, and toxicity information.

Objectives:

- Obtain the knowledge necessary on the proper use of OC.
- Know the properties and characteristics of OC.
- Know the different dissemination and delivery methods used during OC deployment.
- Identify the factors that affect the use of OC and the considerations that need to be addressed prior to the deployment of OC.
- Know the laws that pertain to OC.
- Demonstrate the ability to work in a contaminated environment.

History of OC

First used

• The first recorded history of the use of chemical agents was in China. They used "stink pots" which was a boiling oil and pepper solution. This created a suffocating smoke. This method obviously depended heavily on wind speed and direction.

Samurai Warriors

• The Japanese then adopted the "stink pot" method, and their Samurai warriors used ground pepper wrapped in rice paper. They would throw this into their opponent's face causing temporary blindness.

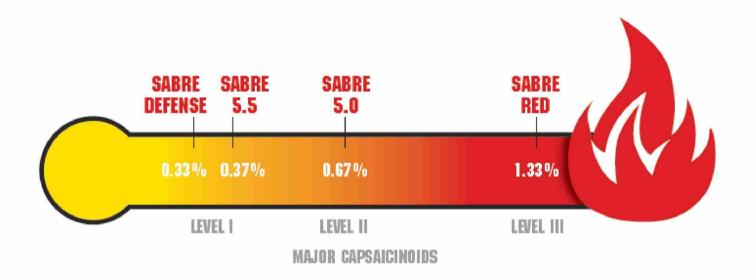
History of OC

- 1982 Oleoresin Capsicum (OC) first used by the F.B.I.
- 1987- FBI began testing OC
- 1990- FBI approves its Agents to carry OC
- 1991- OC became available from multiple companies
- 1994- OC sprays were available to other agencies.
- 1996- OC was approved for use in California

What is it?

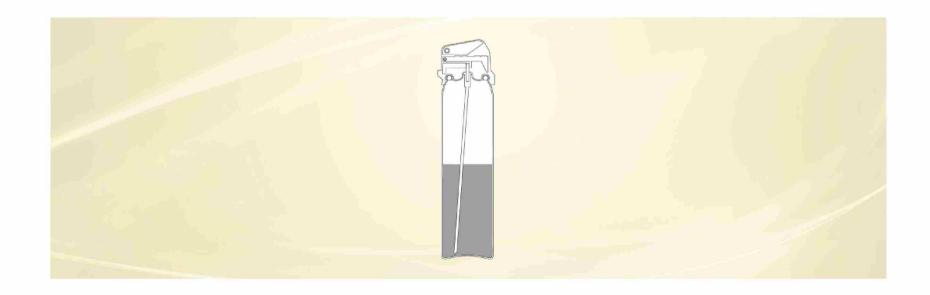
- ➤ What is oleoresin capsicum (OC)?
- Oleoresin capsicum (OC) is the oil taken from the placenta near the stem of a pepper. Although OC is the active ingredient used in most pepper sprays, the percentage of OC within the formulation does NOT indicate pepper spray strength. The OC percentage only measures the amount of red pepper contained in the pepper spray, not the pungency or effectiveness of the product.
- ➤ What are capsaicin & capsaicinoids?
- Oleoresin capsicum is comprised of several different capsaicinoids. There are five major capsaicinoids responsible for providing the pungency or hotness of a pepper. Capsaicin is the strongest or most important of the five. Therefore, it is the percentage of the total capsaicinoids, not the OC percentage that is most important. Civilian and law enforcement pepper sprays range from 0.18% to 1.33% Major Capsaicinoids. Bear Sprays range from 1.0% to 2.0% major capsaicinoids.

Sabre RED



What do we use?

MK-4- Flip-Top



Properties and Characteristics

Color Markings	Orange
Classification	Inflammatory Agent
Pure Form	Essence of Cayenne or chili peppers
Dissemination Methods	• Expulsion • Liquid
Effects	 Copious tearing Involuntary closing of the eyes (slam shut) Swelling in the lining of the throat Reduced size of air Temporary paralysis of larynx (voice box) Uncontrollable Chocking Gagging Gasping for breath

Properties and Characteristics Continued.....

Effects	 Burning and swelling of mucous membranes Inflammation of the skin Similar to burn Acute burning sensation of affected skin Intensified by moisture Works well against animals 						
Recovery time	Approximately 45-60 minutes						
Death from OC exposure	Death usually involves additional drugs (narcotics) in the system and positional asphyxiation.						
First Aid	 Fresh air Free flowing water (this will cause the skin to burn) No oil based soap (baby shampoo) and water Do not use salves or creams for burning sensation 						

Properties and Characteristics Continued.....

Care for exposed subject

- Do not leave the exposed subject alone until the effects of OC have disappeared.
- Check the subject's upper chest area for orange residue. This will still affect his breathing.
- If subject has any difficulty breathing, afford them immediate medical attention. Normal breathing should return within a couple of minutes.
- Once the subject has been restrained, sit in an upright position to assist with breathing (positional asphyxiation).

Dissemination Method

Chemical agents come in many different forms. The different forms allow the agent to be disseminated in various methods.

- OC is disseminated in Liquid.
- Liquid (agent suspended in liquid solution).

Dissemination Method Continued....

Liquid agent is used with several different dispensers.

- Hand held aerosols
- A gas or compressed air is used to propel the liquid in a desired direction.
- The OC in hand-held canisters tends to settle and separate if the container sits for a long period of time. An occasional shake will keep the solution mixed.
- When using a hand-held canister of OC, the target must be the face. OC must get into the eyes to be effective.
- Never expect immediate incapacitation. There are some people that OC does not affect.

Dissemination Method Continued....

- Bulk Dispensers
- Ferret Round (Projectiles)
- 12 gauge
- 37mm
- 40mm

Delivery Methods

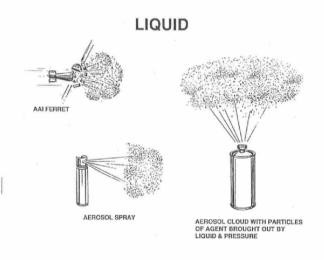
Projectile

- Ferret rounds (liquid or powder)
- Fin stabilized for accuracy
- Limited accuracy from 50 yards or longer
- There is always a hazard in using liquid barricade penetrator rounds. When using launched projectiles, you should take care to shoot them in an area where it is likely that the suspect (or anyone else) would not be standing. When shooting them through doors and windows, try to shoot in an upward direction towards the top. This usually allows the projectile to enter higher than head level and for it to hit the ceiling and disperse down.

Delivery Methods Continued....

- Projectile delivery systems
- 1. 37mm
 - Smooth bore weapons
 - Barricade penetrators (liquid carrier)
 - Muzzle blast dispersion
- 2. 40mm
 - Rifling in bore- very accurate
 - Maximum range 375 meters at 30 degrees (angle)
 - Extremely accurate at 50 yards. With practice, a shooter can be accurate out to 150 yards.
- 3. Shotgun (12 gauge)
 - Liquid and powder ferret rounds
 - Fin stabilized
 - Fairly accurate up to 50 yards
 - Be aware of low chamber pressure. Will not function in semi-automatic shotguns.

Liquid



Delivery Methods Continued....

- Projectile delivery systems
- 4. Pepper ball
 - Combines OC and kinetic impact for less lethal option
 - Optimum range of 10 yards
 - Maximum range of 33 yards (area saturation)
 - Safe to use at point blank range

Aerosols

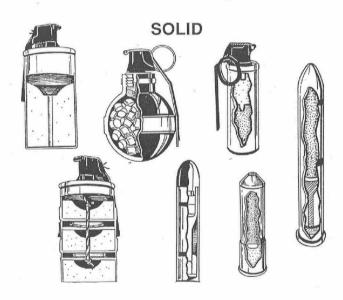
- Come in various sizes from small handheld to large fire extinguisher size.
- Hand held canisters
- Aerosols require that you be able to see the suspect and be fairly close. A typical aerosol would be the OC canister that is carried with officers on patrol/ Juvenile Hall. The use of this type of delivery method in SWAT tactics is limited due to the lack of range.
 - Stream (10-12 feet) (no closer than 3 feet)
 - Spray (6-10 feet)

Delivery Methods Continued....

Grenade

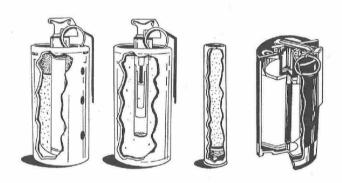
- Pyrotechnic Chemical Agents
 - When using pyrotechnic chemical agents, you can get more agent into the are with just one application. The standard 37mm ferret round has approximately 16 gram of agents, and the shotgun ferret round has only 2 grams. The Def Tec No. 3 grenade has 75 grams of agent.
- Blast dispersion chemical agents are also offered in grenade delivery system.
 - Aerosol
 - Powder

Blast and Pyrotechnic

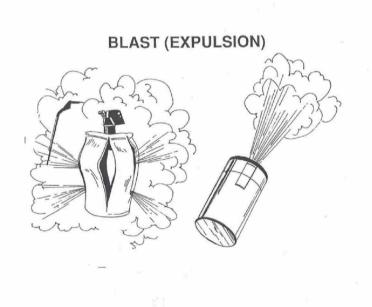


Micropulverized

MICROPULVERIZED

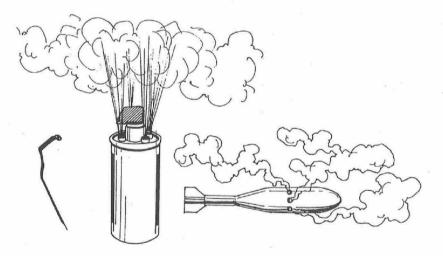


Blast

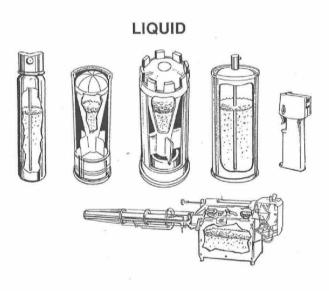


Pyrotechnic

PYROTECHNIC (BURNING)



Liquid



Pepper Ball Launcher



Pepper Ball Projectiles



You're In Control of Any Situation

Proportion Projectiles are françible spheres that are designed to confirm further formultiple protest upon impact with a suspect or other sustana. A variety of projectiles types are available to medit be full range of tectical and straining needs. The red projectiles are the foundation of the Peopetali System and are filled with potent PAVA (capsation II) powder to affect a suspect, see, snose and lumpt and to involve submission and compliance.

PepperBall Launchers fire projectiles at a muzzie velocity of 350 to 380 feet per second. Fired projectiles are accurate on targets at distances of 30 feet and can be used for area saturation at distances of 100 feet. PepperBall Projectiles have an operating temperature range from -30 to 150 degrees Fahrenheit. The red/live rounds have a shelf life of three years.

PepperBall Projectiles should never be targeted at a person's face, eyes, throat or spine.



Live Red Red PepperBull Projectiles contain red pepper derivative powder. These rounds are filled with PAVA (capsaicin II) powder that ofter equivalent host levels 'hotter' than current law antiorement Op products. The powdered PAVA (capsaicin II) orates a cloud that envisige the suspect.



Live/Training
Clear
Inert liquid rounds are
perfect for indoor training.
Clear projectities have also
been used for pain
compliance where live/red
application is not
appropriate.



Purplia
An inert scented powder
makes the purple rounds
ideal for malistic training
without PAUK (capsain in).
The scent allows officers to
detect if they have successfully saturated an area so it
using live ref rounds, while
also determining proper
displayment bechiaques in
various environments.

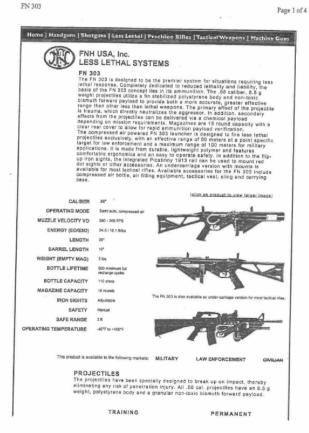


Creen White The glass-shattering round officers to erast supported in crowds at greater distances. Ament stams on the polimeter of large crowds at greater distances with the glass. This create Ament to the polimeter of large crowds can then pick out marked troublemelers.

If yerglecties through,



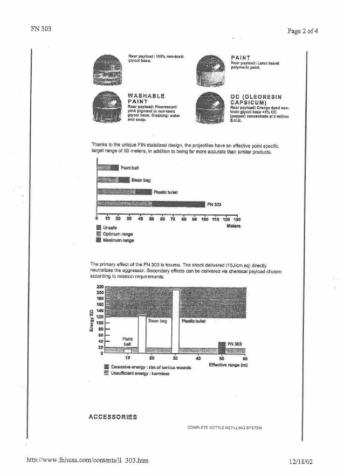
Projectiles



http://www.fnhusa.com/contents/ll_303.htm

12/18/02

Pepper Ball Round



Factors Affecting the Use of OC

Considerations: There are numerous factors that you must consider when deciding to deploy OC. The situation will dictate which of the factors need to be considered.

The Following is a list of some of those factors:

- Meteorological conditions
- Munitions characteristics
- Crisis area (target)
- Surrounding area
- Nearby buildings/ facilities
- a) Hospitals
- b) Schools
- c) Care homes (elderly)
- d) Airports
- e) Recreation areas/parks/playgrounds

Factors Affecting the Use of OC, continued

When you decide to use OC, some of the questions that need to be answered are:

- 1. What type of incident is it?
- A. Individual
- B. Crowd control
- Small crowd
- Large crowd
- Mob
- Indoor/Outdoor
- C. Barricaded subject (tactical)
- Other people involved
- I. Hostages
- II. Non compliant persons (unwilling to leave)
- D. Personal defense

Factors Affecting the Use of OC, continued

- 2. What type of Dissemination method do you want to use?
- A. Pyrotechnic (burning gas)
- B. Blast dispersion
- C. Liquid (ferret rounds)
- D. Aerosol (IPD's or bulk dispensers)
- E. Fog
- 3. What type of delivery method do you want to use? This will depend on what type of dissemination method you chose.
- A. Hand thrown
- B. Launched
- Shotgun
- 37mm
- 40mm
- Pepper ball
- C. Hand carried
- D. Fog generated

Factors Affecting the Use of OC, continued

Meteorological Conditions

- 1. Wind
- A. Moving air tends to travel parallel to the ground
- B. Winds around high rise buildings tend to be unpredictable
- C. The greater the speed of the wind
- The greater the risk for cross contamination
- 2. Weather
- A. Humidity does not seriously affect the deployment of OC. It does however, increase effectiveness on the skin (higher temperature and humidity cause increased perspiration/ open pores).
- 3. Temperature
- A. Temperature will affect the effect of the OC on the skin.
- B. Temperature will affect the way the OC reacts during its deployment.
- Thermal turbulence
- Inversion conditions (altitude)

Policy and Procedures

Policy and Procedure Guidelines for San Benito County Probation Department/ Juvenile Hall

- A. <u>Staff presence</u>: This is the first option to the maintenance of a good facility and the prevention of situations requiring physical intervention. It is the effect that staff's honesty, professionalism, integrity, pride and reputation for fairness has on a detainee's behavior. These characteristics, to be effective, must be consistently maintained. As available, the involvement of multiple staff members is encouraged.
- B. <u>Dialogue and counseling</u>: This option is the staff's ability to gain control of the situation through the use of verbalized techniques. Dialogue properly used on a daily basis can become the only option necessary in most control situations. Dialogue, including counseling efforts, may also be the single most successful option available.
- C. <u>Verbal commands:</u> Staff should give clear, direct orders to detainees while employing command presence.

- D. OC: The use of OC is permitted under Section 12403 of the California Penal Code. Juvenile institutions staff may use OC under the following conditions:
 - 1. OC may be used within the scope of staff peace officer authority to control, restrain, or subdue imminent or actual violent behavior or if such behavior presents a clear danger.
 - 2. Before OC may be used, consideration must first be given to the gravity of the situation, the consequences that may reasonably be expected to occur if the behavior does not cease.
 - 3. OC will be used only after making a reasonable effort to verbally persuade voluntary compliance and after giving a clear warning that OC will be used if such voluntary compliance is not forthcoming.
 - a. The only exception to the above is when the behavior exhibited is of such nature that even momentary delay would result in further injury to a person.

- 4. OC shall not be dispensed within a moving vehicle. During transportation of detainees, OC will be used only in physical threatening situations or escapes/attempted escapes.
- 5.OC may be used prior to employment of hands-on restraint, physical restraints, or mechanical restraints in order to gain control of an aggressive detainee. Staff may elect to use physical or mechanical restraints first if they can do so without risking injury to themselves or to the minor, or if OC is not quickly available.
- 6. OC shall not be used for punishment, retaliation, or disciplinary purposes. Staff are to ensure that no greater amount of OC is used than is necessary to gain control of the situation and subdue the detainee. OC shall not be used on detainees who are resistive but not physically aggressive.
- 7. If possible, staff should avoid deploying OC against detainees who have the following medical histories or profiles:
 - a. Severe Asthmatic
 - b. Pregnant
 - c. Cystic Fibrosis (Disease of the secretory. Secretory glands include glands that make mucus and sweat. Affects the lungs liver, sinuses.

- 8. The Superintendent shall designate those persons authorized to use OC within the scope of their employment. The staff must:
 - a. Have completed the approved 832 PC and chemical agents course that include OC spray training.
 - b. Be on duty and authorized through the chain of command to have possession of OC
 - c. Have read and signed the San Benito County Probation Department Institutions Policy on OC.
- 9. Specifically, the following positions are authorized to possess and utilize OC while on duty after meeting the requirements of section 8 (above):
 - a. Superintendent
 - b. Supervising Juvenile Institutions Officer
 - c. Juvenile Institutions Officer
 - d. Extra help staff may be considered for authorization to carry OC following the completion of mandated training.
- 10. Canisters of OC shall be controlled and accounted for as follows:
 - a. The SJIO is responsible for the count of canisters for his/her shift.
 - b. A designated secure storage place, away from a source of heat, will be made in the control room where canisters must be secured if not in use.
 - c. Under no circumstances are staff to remove canisters from the institution unless they are in pursuit of an escapee, participating in transportation, or the HS/EMP officer.
 - d. Each staff member receiving a canister is responsible for determining that it is more than half full and keeping the OC activated by shaking the canister once a month.

- 11. For optimum usage, OC should not be activated at a target distance of less than 6-10 feet. An effort should be made to hit the face area with the spray.
- 12. Aftercare/Decontamination procedures:
 - a. In all cases where OC is deployed, once the detainee has been controlled and restrained, the detainee must be immediately removed to a safe area where first aid can be provided.
 - b. First aid for OC is fresh air and water. Water should be sprayed into the face of the detainee. The detainee should not wipe his/her face but may blot dry.
 - c. Detainees should be advised NOT to decontaminate by washing with warm water and soap. Warm water will open skin pores and increase discomfort. Using soap or any oil or cream-based products will also increase discomfort. Advise the detainee to decontaminate first by using cool water alone. After a thorough cool rinse, use warm water <u>only</u>. Warm water and soap may be used the following day or later the same evening.
 - d. Staff must observe all detainees who have been sprayed with OC on a one-to-one basis until medically cleared.
 - e. Any staff contaminated with OC should follow the same basic regimen.
 - f. The same procedures should be followed by any agency bringing in any detainee who has been sprayed with OC. All staff should be alerted to any detainees who have been sprayed with OC.

- 1. The use of physical force and/or OC shall be reported in writing on a SIR. The individual applying the force or restraint, and staff that are witnesses, shall complete incident reports before the end of their shift during which the use occurred or before leaving the premises. The SIR will be submitted to the SJIO and Superintendent for review.
- 2. The SJIO will approve the SIR before the end of his/her shift during which the use occurred or before leaving the premises. The SJIO will submit the incident report to the Superintendent within the same time limits.

These reports shall depict:

- A clear and factual justification for the use of force, OC or restraints a.
- A description of how the force or OC was utilized and the results obtained as well as a timeline for when the restraints/OC were utilized, removed, and/or decontamination.
- A complete description of the aftercare procedures and/or medical referral/treatment c.
- F. Use of force/restraint referrals
- 1. In any instance when a detainee is physically restrained and/or exposed to the use of OC, referrals will be made to the medical staff and Mental Health staff.
- In any instance when a detainee is injured through the use of physical or mechanical restraints, a referral will be made to the medical staff.
- If as a result of any restraint, the detainee appears to have significant injuries that cannot wait 3. until he/she is seen by clinical staff; the shift supervisor will contact the on-call CFMG nurse immediately or arrange for Emergency Room transport.

Legal Issues

Law Enforcement uses

Law Enforcement has numerous uses for Chemical Agents (OC). Those uses include:

- Self Defense
- Overcoming the resistance of a noncompliant individual
- Effecting an arrest
- Preventing an escape
- Crowd or riot control
- Controlling dangerous animals

Legal Issues, continued
The intended effects of the use of Chemical Agents (OC) are:

- Distract
- Disorient
- Disrupt activities
- Disperse
- Disable

Chemical agents are a law enforcement tool that is accepted, for the most part, by the general public. Some of the factors for this acceptance are:

- They are safe
- It is a less lethal option
- The effects are immediate and temporary
- The situation and amount used are reasonable

Legal Issues, continued

Code Sections		
PC 12401	Tear Gas Defined • All liquid, gaseous, or solid substances intended to produce temporary discomfort or permanent injury through being vaporized or otherwise dispersed in the air.	
PC 12402	Tear Gas Weapon Defined • Any revolvers, pistols, fountain pen guns, billies, or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.	
PC 12403	Lawful Possession by a Peace Officer • Allows for purchasing, possessing, transporting, or using any tear gas or tear gas weapon if the person has satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and	

PC 12403.7	Possession of Tear Gas Weapon for Self-Defense No person convicted of a Felony or any crime involving assault under the law of the United State, CA, or any other state, government or country or convicted of misuse of tear gas under subdivision (g) shall purchase, possess, or use tear as or tear gas weapons. No person shall sell or furnish any tear gas or teargas weapon to a minor. No person shall purchase, possess, or use any tear gas weapon that expels a projectile, or that expels the tear gas by any method other than an aerosol spray, or that contains more than 2.5 ounces net weight of aerosol spray.
PC 12403.8	Possession of Tear Gas by Minor • A minor who has attained the age of 16 years may purchase and possess tear gas (OC no more than 2.5 ounces) if he or she is accompanied by a parent or guardian, or has the written consent of his or her parent or guardian. • If a minor uses the tear gas other than for self-defense, parent or guardian who signed the statement of consent shall be jointly and severally liable with the minor for any damages proximately resulting from the negligent or wrongful act or omission of the

How much is 2.5 ounces?

Legal Issues, continued

PC 12403.7 • Any person who uses tear gas or a tear gas weapon except in self-defense is guilt of a public offense and is punishable by imprisonment in a state prison for 16 months, or two or three years or in a county jail not to exceed one year or by a fine not to exceed one thousand dollars(\$1,000), or by both the fine and imprisonment. • If the use is against a peace officer, engaged in the performance of his or her official duties and the person committing the offense knows or reasonably should know that the victim is a peace officer, the offense is punishable by imprisonment in a state prison for 16 months or two or three years or by a fine of one thousand dollars (\$1,000), or by both the fine and imprisonment. • It is violation of Federal Law to carry or place a chemical agent Possession device onto an aircraft. on Aircraft • Aerosol canisters of 4 ounces or less can be placed in checked luggage and stowed in the luggage compartment.

Pepper Spray Decontamination

Subject decontamination process

Once the subject has been physically restrained...

- •Remove them from contaminated area.
- Assess potential medical concerns.
- •Reassure the subject that effects are temporary, and that you'll assist in providing relief.
- •Remove any contaminated clothing (if appropriate) and seal in plastic bag.
- •Soak cloth in cool, clean water and use to wipe subject's skin but don't rub the eyes.
- •Flush eyes and skin with cool, clean water
- •Encourage subject to strobe eyes, creating natural tears, especially if no water source is available. Ask subject to close eyes tightly and then open widely, and repeat a number of times to produce a stream of tears. Don't use your hands to help subject open and close eyes.

Pepper Spray Decontamination, continued

- Subject decontamination reminders
- •Closely monitor subject.
- •Subject should begin to feel relief within 20-30 minutes.
- •Most effects should completely subside within an hour.
- •Subject or properly trained EMT personnel should remove contact lenses.
- Area decontamination process
- •Open all windows and entrances possible for maximum ventilation. Fans help as well.
- •Vacuum any fabric-based carpet or furniture.
- •Wash hard surfaces with soap and water.
- •As circumstances allow, restrict access to the area until decontamination is observed.



O.C Student Course Objectives

At the end of this session the student will be able to demonstrate, outline and explain the:

- Effects produced by Oleoresin Capsicum OC
- Stream Delivery System, advantages and disadvantages of same (list your agencies spray pattern here)
- Proper use of Oleoresin Capsicum
- Decontamination procedures
- Preventing Officer Contaminations!
- Warning signs which require Emergency Services
- Reporting Force

What is OC?





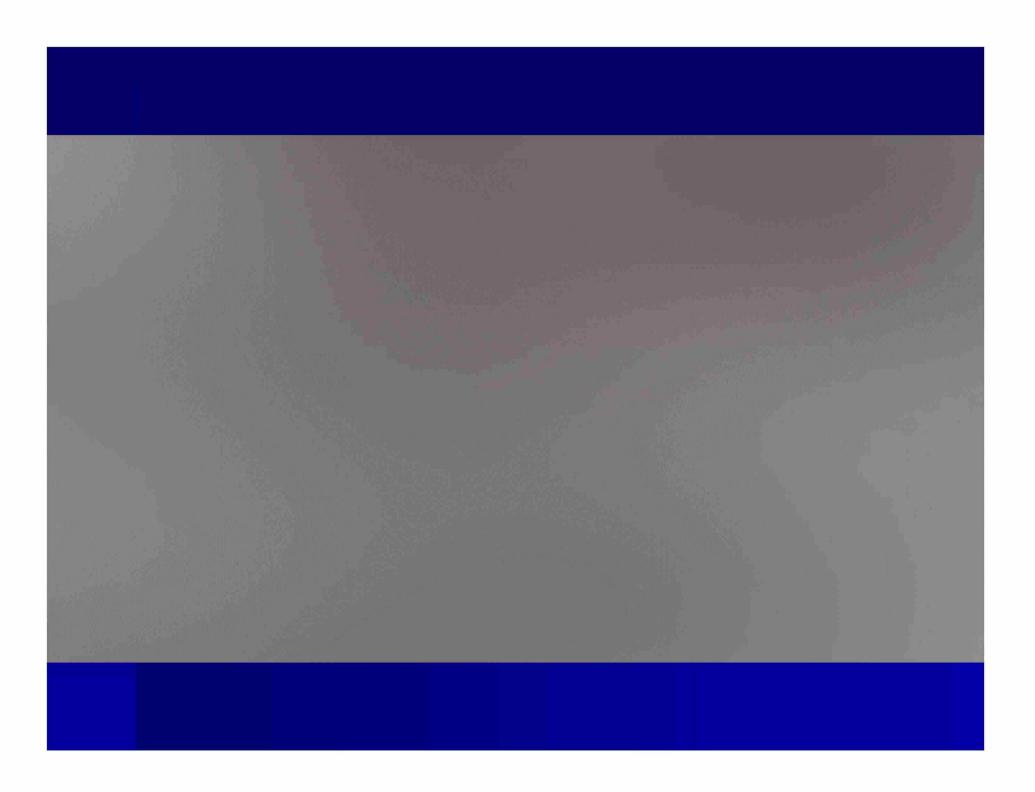
OC (oleoresin
 capsaicin) spray is an
 inflammatory agent
 derived from organic
 chemical compounds
 found in various
 forms of potent
 pepper plants



Capsaicinoids

- Active ingredient in OC spray
- Heat bearing and pain producing components
- Higher = Stronger
- Most accurate measure





SABRE COMPARISON CHART

<u>Product</u>	<u>OC</u>	Capsaicinoid Content
SABRE Red	10%	1.33%
SABRE 5.0	5%	0.67%
SABRE 5.5	5.5%	0.37%
SABRE Defense	10%	0.33%
SABRE Advanced (includes 1.5% CS)	2.5%	0.33%

Inactive Ingredients



- Propellant: a liquid or gas which pressurizes the can
- Carrier: Inactive ingredients that create an even disbursement of OC throughout the formulation, H₂O
- Non-flammable with Controlled Electric Devices i.e. Taser

Canister

- MK 3 / 1.8 oz Stream Delivery
- Flip Top Mechanism which
 - * Helps prevent accidental discharge.
 - * Makes it easier to point the discharge nozzle away from the user.
 - * Makes it easier to fire under low light conditions
 - * Use Thumb to deploy
 - * Position index finger below nozzle!!

O.C.

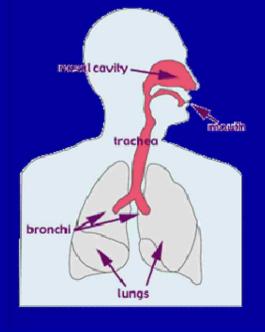
- Is a distance option (3-20 feet)
- Doesn't physically incapacitate:
 - Drug-induced subjects
 - High Motivated and Goal-oriented persons
 - Mental Health subjects
 - Take Away Vision Get Tactical Advantage!
- Be ready to reassess and transition to another option if necessary

What does it affect?



3 MAIN AREAS

- Eyes
- Respiratory System
- Skin



Eyes



- Painful burning sensation
- Involuntary eye closure
- Profound tearing
- Visual impairment
- Protracted redness
- Eye Closure = Best Tactical Advantage!

Respiratory System



- Inflammation of mucous membranes, i.e. lips, nose, tongue
- Pronounced mucous secretion
- Coughing, shortness of breath
- Tightening of chest

Skin



- Intense burning sensation
- Possible inflammation
- Reddening of skin surface

Psychological Effects

- Fear
- Anxiety
- Possible panic
- Hyperventilation

What an Exposure Looks Like?



3 Levels of Contamination

■ Level 1 – Direct Contamination – sprayed into the eyes and face.

Level 2 - Indirect or Secondary
 Contamination, contact with a person who has been exposed to Level 1

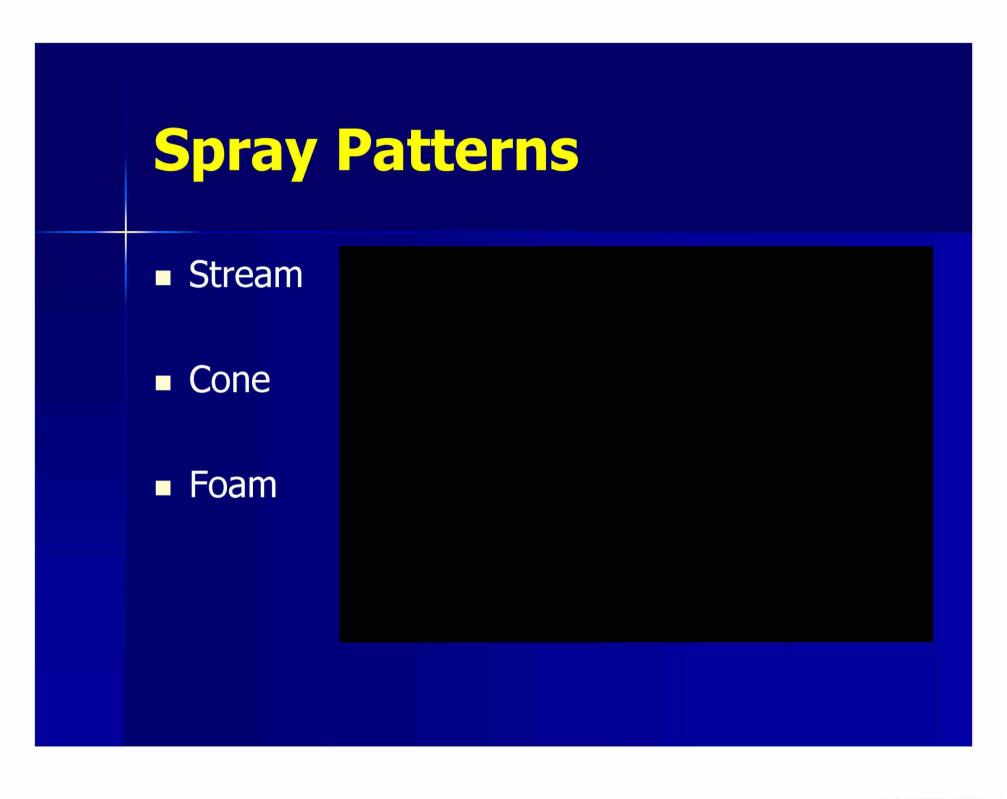
■ Level 3 Environmental – In the atmosphere

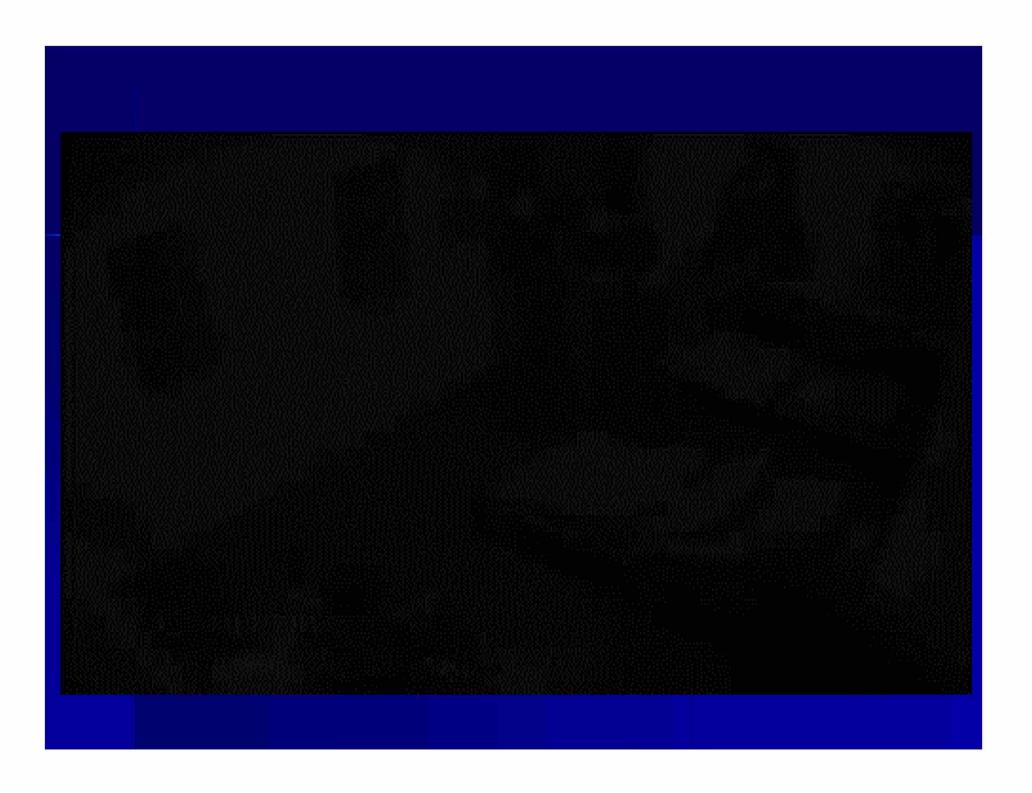
3 Delivery Systems

Stream - Liquid

■ Fog / Cone - Gaseous

■ Foam / Gel – Hybrid (Liquid/Solid)

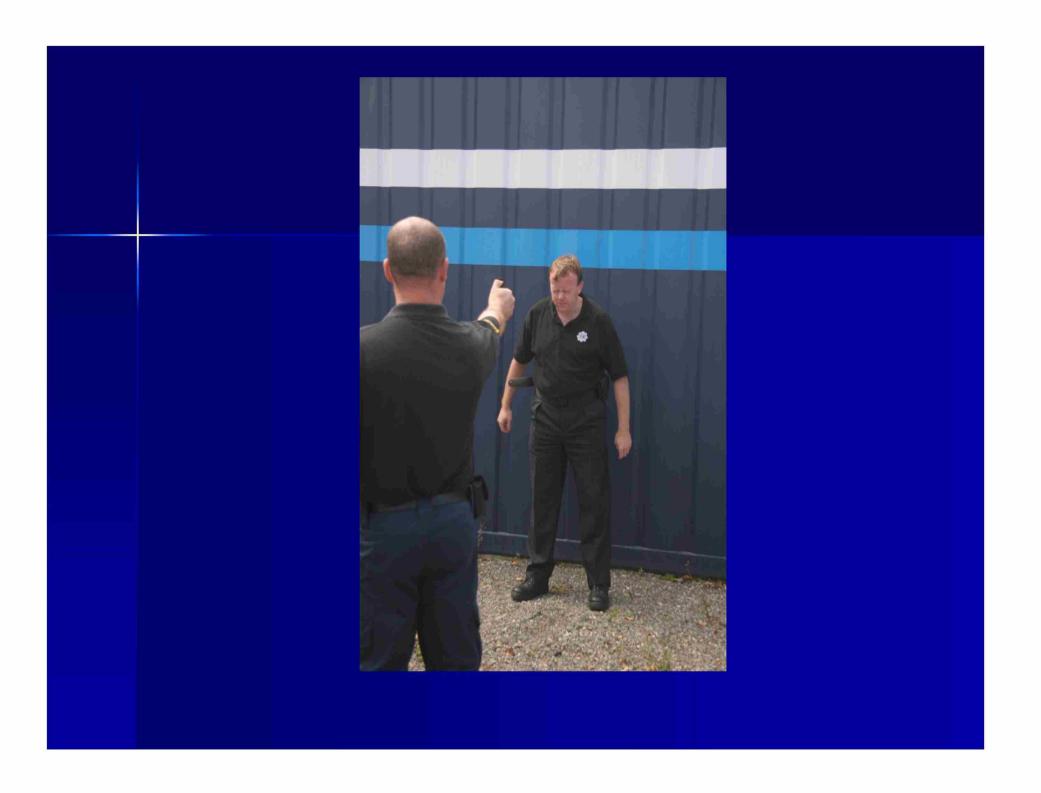


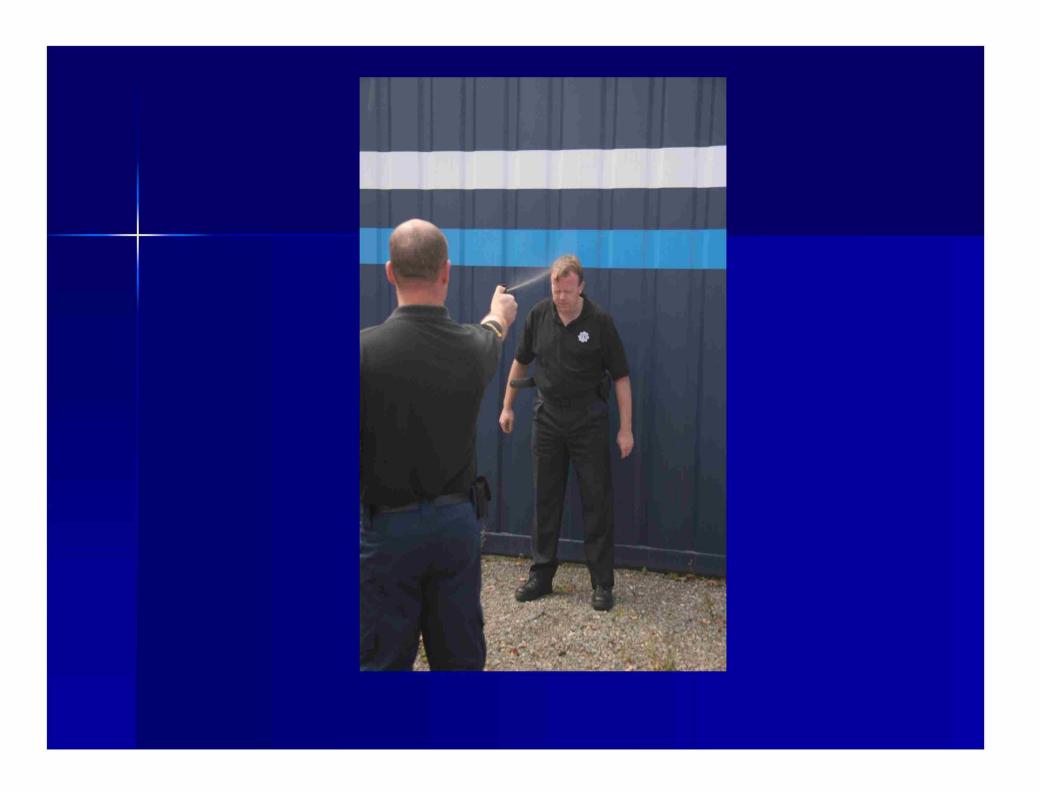


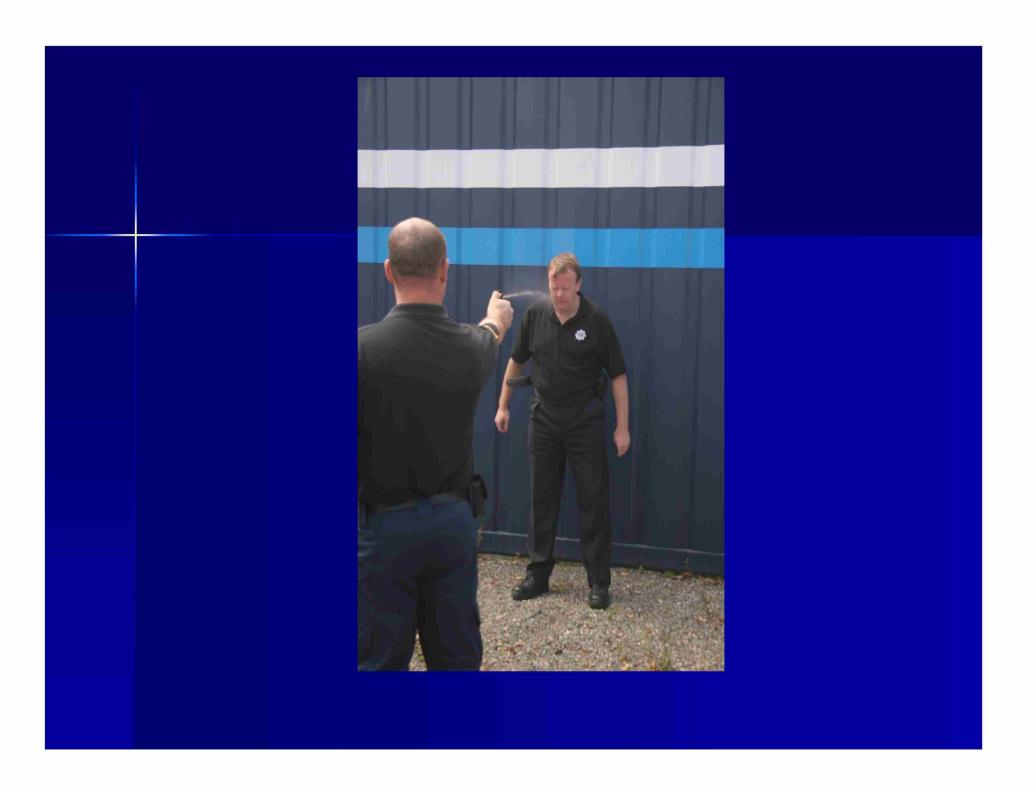
Stream Delivery

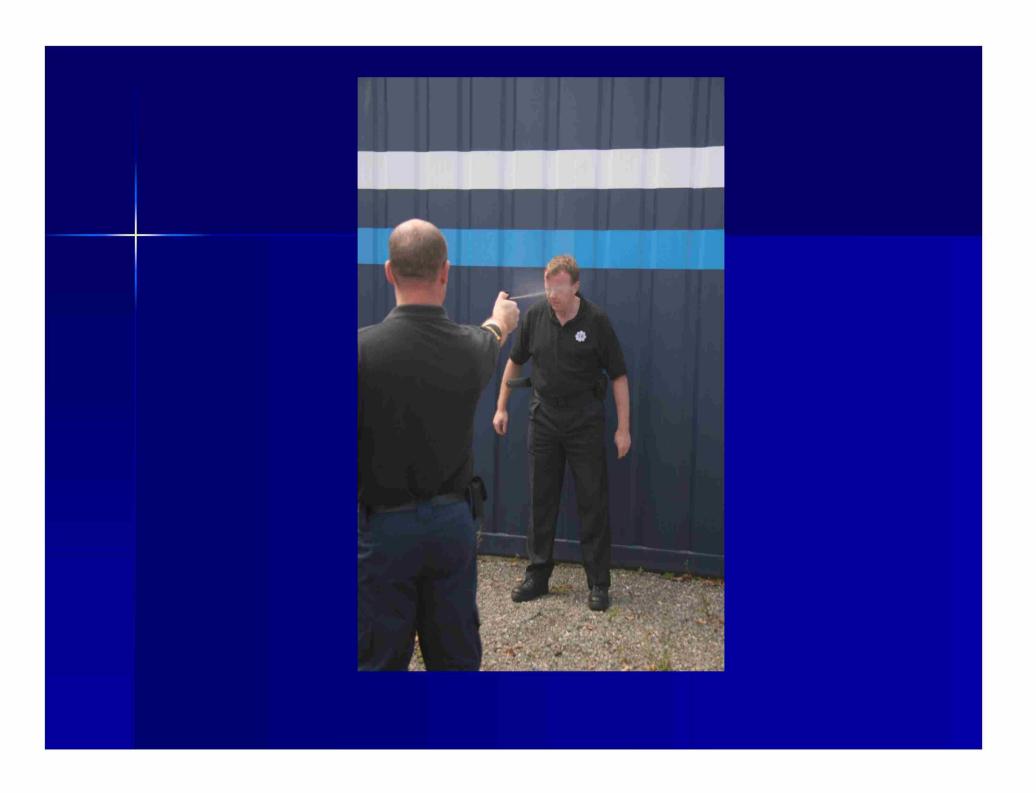
- Spray from ear to ear across the eyes.(VERY IMPORTANT!)
- At five feet, the stream delivery has a diameter of six (6) inches.
- If subject wears glasses, spray just above the glasses.

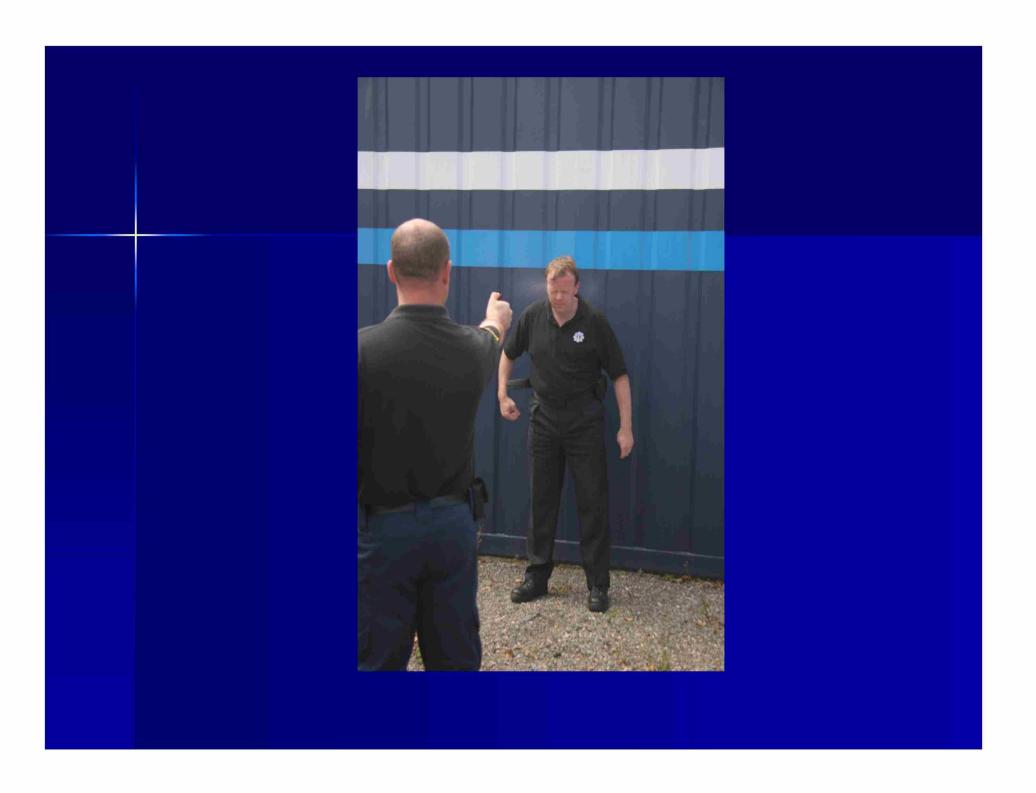












Stream Delivery

Advantages

- Reduces cross contamination.
- Reduces wind blowback.
- Range of up to 15 to 20 feet.
- Good visualization process of the acquisition area.

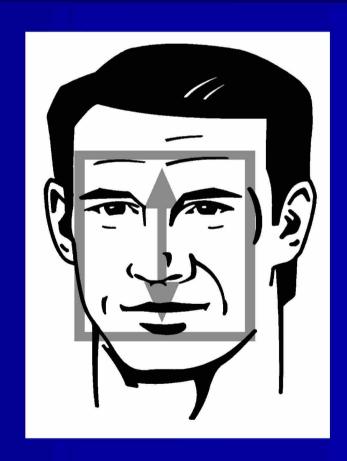
Stream Delivery

Disadvantages

- Limited effect on the respiratory system.
- Contact with eyes is imperative for an immediate affect.

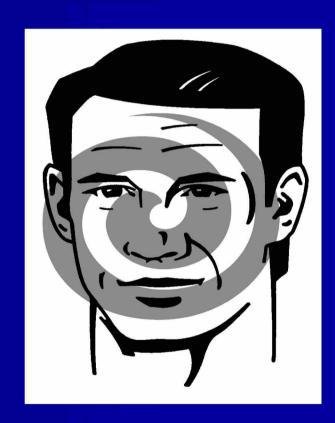
Cone Delivery

- Spray up & down center of the face.
- At five feet, the cone delivery has a diameter of twelve (12) inches.
- Restriction of deep lung breathing
- Cross contamination & wind blow back concerns



Foam Delivery

- Aim eyes, center of face and spray in circular motion
- At five feet, the foam delivery has a diameter of eight (8) inches.
- If subject wears glasses, spray just above the glasses.
- Caution may try to wipe on you
- Max range about 8 feet



Gel Delivery

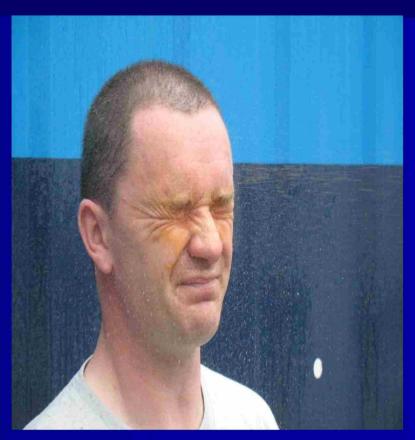
- Spray from ear to ear across the eyes.(VERY IMPORTANT!)
- At five feet, the gel delivery has a diameter of six (6) inches.
- If subject wears glasses, spray just above the glasses.
- Crossfire Technology!
- Deploys further thanFoam 20 foot range





Have I targeted the required area?

- Natural OC pigmentYellowish to Red-Orange
- Identifies area of contamination
- Don't touch this area!
- Additional deployments may be necessary
- Ultraviolet marking dye is included and may last on skin and clothing for up to 48 hrs

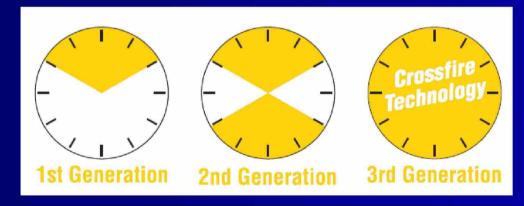


Special Considerations for Deployment of O.C.

- 1. Persons in an elevated location.
- Persons in charge of a vehicle while it is running.
- 3. Females that are known to be or are obviously pregnant.
- 4. People that are elderly or infirm
- 5. Crowded Areas





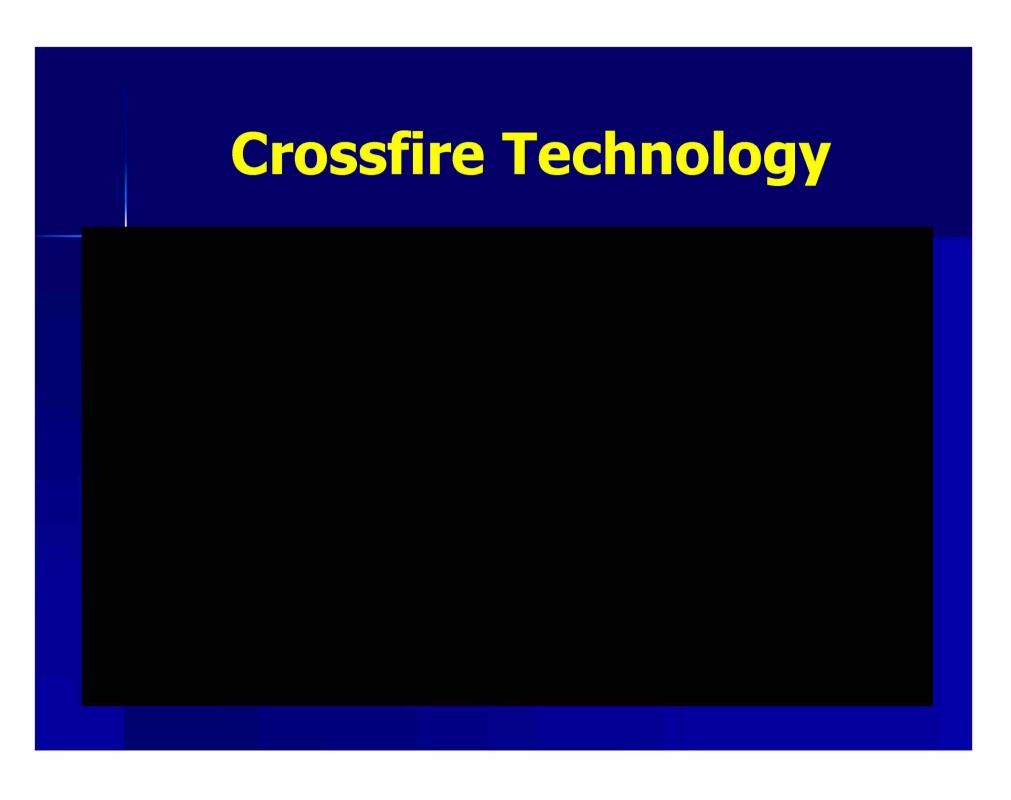




Crossfire Technology

 Superior to 1st and 2nd generation Aerosol Irritant Projectors. CROSSFIRE provides 3G!

CROSSFIRE maximizes Target Acquisition by providing officers with the ability to deploy their OC continuously (if necessary) from any position, angle or orientation!



Environmental Considerations

- Terrain (footing, effectiveness of force options)
- Weather (footing, visibility, effectiveness of force options)
- Lighting (visibility, effectiveness of force options)
- other hazards

- Friendly/hostile territory
- Availability of physical cover proximity of back-up
- Tactical withdrawal/ disengagement possibility

Surviving Incidents Involving USE of FORCE

Watch the Eyes:

- 1. Avoidance
- 2. Scanning
- 3. Target Glance
- 4. 1000- Yard Stare
- 5. Contact with associates

Facial Cues:

- 1. Sweating
- 2. Tight Jaw Muscles
- 3. Hands to face

Body Language Cues:

- 1. Lack of movement
- 2. Flanking moves
- 3. Adjust clothing repeatedly
- 4. Clinched fist
- 5. Hands

Clothing Cues:

- 1. Clothing inconsistent with weather
- 2. Unnatural bulges
- 3. Jacket / clothing is removed when you are seen
- 4. Repeated adjustment of clothing

Why Do We Use Intermediate Weapons?

- The purpose of an OC spray deployment is to create a window of opportunity to:
- Take follow up control
- Tactically reposition and assess which is a continuous process before during and after.
- To achieve Safe Separation

Tactical Considerations

- Conceal OC from the subject before use, element of surprise is key.
- Be aware of environmental factors (wind, rain, cross-contamination)
- Use thumb on actuator, not a finger.

Tactical Considerations

- After deploying a 1 second burst, move off the line of attack (45 degree) if possible, redirect to the canister side
- Do not deploy at distances less than 3 feet - Hydraulic Needle Effect, splash back & weapon retention
- Combat tuck retention position, do not offer the canister to the subject.

O.C. and Animals

 O.C. is effective on dogs but will not stop a dog charging at you.

Storage

- Store at normal room temperature, 70 F
- Do not store below 32 F
- Do not expose to temperatures over 120 F
- Store in cool dry place
- 5 Year shelf life expiration date printed on canister label
- Replacement after each usage.

Maintenance

- Clear debris and check nozzle at regular intervals
- 1/4 second deployment to check functionality every 6 months. Spray into a drain or towards the ground while outside.

Tactical Considerations

- Use loud repetitive verbal commands! "Police, Get Back, Get Back, Get on the Ground, Do it now"!!
- Combat Tuck if required!i.e. Retention position



Post Application Procedures

- Control subject
 - Wait for product to take affect!
 - Clenched fists
 - Grimace Painful Sounds
 - Hands out to side for balance
 - Hands on Knees
 - Eyes Close
 - Let product dissipate into atmosphere 1st!
- Remove subject from contaminated area as soon as is practical

Post Application Procedures

- Determine if serious medical condition requiring emergency services exist:
 - heart problems
 - severe respiratory problems
 - Diabetes, Epilepsy
 - high blood pressure
 - under the influence of alcohol or drugs
 - if subject requests medical attention
 - loses consciousness
 - shallow breathing combined with sweating

Post Application Procedures Decon process

- Reassure subject
- Decontaminate (wet and dry paper towels if applicable, copious amounts of cool water into open eyes, eye strobing)
- If significant relief is not achieved after 45 minutes contact emergency services
- Monitor for at least 2 hours
- Document (Arrest forms, Notebook, RCC)
- Contaminated Officers to use SABRE DECON

PREVENTING OFFICER CONTAMINATIONS

What If You Get Contaminated

- Create safe separation
- Slow rythemitic breathing
- Stay Calm, (Positive mindset)
- Use of the Tactical C
- Ensure back up is on the way
- Notify supervisor
- Decontaminate as soon as possible

Reporting Use of Force

- Recommended Topics to Include in your report:
 - How many members at the scene
 - Verbal dialogue before during and after
 - Subjects response (or lack of) to commands
 - Why encounter began and why it couldn't be avoided
 - Techniques used

Reporting Use of Force

- Recommended Topics to Include in your report:
 - How long resistance lasted
 - De-escalation techniques used after subject submitted
 - Documentation of Decon process
 - Details of transportation
 - Note Keep in mind that video cameras are everywhere. Be sure your reports are as complete and accurate as possible. You may not always know you are being recorded, you should treat every situation as though it were being recorded.

Decontaminations Don't's

- Do not rub eyes
- Do not remove subjects' contacts
- Do not use commercial eyewash, skin creams, or salves
- When using fan or air con to cool face do not open eyes!

Transportation Issues

- While transporting the exposed subject, the officer should:
 - Allow the subject to sit in an upright position
 - Continually monitor the subject's medical condition
 - Check to make sure the subject is breathing normally





