



# Oleoresin Capsicum (O C) Spray

Version : 6.0

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## Summary

This section contains the following topics:

- [What is O C spray?](#)
- [O C spray a restricted weapon](#)

### What is O C spray?

Oleoresin capsicum spray (O C spray) is an intermediate tactical tool available to Police employees.

O C spray is a naturally occurring biodegradable product consisting of oleoresin oil suspended in an alcohol and water based carrier. The solution is packaged in an aerosol canister with a propellant and a dye for identification purposes.

**Note:** In this chapter, Police employees include employees with constabulary powers and Police Integrated Tactical Training (PITT) instructors without constabulary powers that are authorised by the Commissioner to provide training to Police employees.

### O C spray a restricted weapon

O C spray is categorised as a restricted weapon under paragraph 8 of the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984. Possessing O C spray in certain circumstances is also illegal under section [202A](#) Crimes Act (possession of offensive or disabling substances).

[Police employees](#) have authority to carry restricted weapons in the course of duty under section [3](#) of the Arms Act 1983.



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## Carrying and using O C spray

This section contains the following topics:

- [Carrying O C spray](#)
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### Carrying O C spray

[Employees issued](#) with O C spray must carry it if undertaking duty that may involve personal contact with the public.

O C spray must **not** be carried:

- on a commercial aircraft in the cabin or as checked or carried on baggage
- by employees rostered for duty at demonstrations - unless a District Commander specifically authorises it
- if the employee's first aid certificate has expired.

### Using force

All O C spray use must be lawful and reasonable, i.e. necessary, proportionate to the situation and with minimum risk to the public, Police and the subject.

Using O C spray is using force. [Employees](#) may be liable under section [62](#) of the Crimes Act 1961 for applying any excess force to a person in the course of Police duties.

### Tactical options framework

O C spray is an intermediate option as described in the [Tactical Options Framework](#).

O C spray is an option available to an [employee](#) when their perceived cumulative assessment of the situation is that the persons behaviour is within or beyond the active resistance range on the Tactical Options Framework and the situation cannot be resolved by less forceful means.

### What is actively resisting?

A person is actively resisting when they are using non-assault physical actions such as pulling, pushing or running away in an attempt to prevent control by Police, i.e. more than mere verbal defiance.

### Situations when O C spray may be used

[Employees](#) should only use O C spray when exercising any of their statutory powers and/or carrying out their lawful duties.

Situations include:

- executing or attempting to execute an arrest, warrant, process or sentence
- preventing escape after arrest or flight to evade arrest
- resolving an incident where a person's manner indicates they are likely to injure themselves

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- preventing an offence likely to cause injury to any person or property
- defending themselves or another person
- stopping a breach of the peace
- deterring attacking or aggressive animals.

**Warning:** Use of O C spray in contravention of this chapter is a serious disciplinary matter.

## Consider other options

Before using O C spray, consider communication and other less serious tactical options (e.g. control and restraint techniques or empty handed tactics not needing equipment) for resolving and controlling an incident. You must be satisfied when using O C spray that the person is resisting (by more than passive resistance) or attempting to prevent police from lawfully controlling or arresting them.

## Person in custody or handcuffs

Unless there are exceptional circumstances, O C spray must not be used on a person:

- in custody in a Police custodial area, and/or
- secured in handcuffs.

Exceptional circumstances include situations when either:

- the person cannot be controlled by less forceful means
- timely assistance is not available
- there is a risk of injury to the person or another person
- the prisoner is in possession of a previously unknown weapon, or
- you need to take immediate action to resolve a situation or prevent a situation continuing.

## Using O C spray in crowds

As a general rule, O C spray should not be used in crowded situations. However, it can be used against more than one person at a time, if circumstances justify this.

## Using against armed people

If the person is armed with a blunt edged weapon or knife, exercise caution and ensure a safe distance is maintained when using O C spray.

Avoid using O C spray against a person armed or with access to a firearm. Using O C spray may be appropriate as a supplementary tactic if the person:

- has put their firearm on the ground and is covered by an armed Police constable, and
- actively resists control by Police.

## Warn before using

Before using O C spray, unless impractical, you must:

- warn the person that non-compliance will result in them being sprayed
- give the person a reasonable opportunity to comply before being sprayed
- warn other people nearby that a spray may be used.

## Relevant statutory provisions

Relevant statutory provisions for using O C spray from the Crimes Act 1961 include:

- [s31](#) Arrest by a constable pursuant to statutory powers
- [s32](#) Arrest by constable of person believed to have committed an offence
- [s39](#) Force used in executing a process or arrest
- [s40](#) Preventing escape or rescue
- [s41](#) Prevention of suicide in certain cases
- [s48](#) Self defence and defence of another.

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### Effects of O C spray

On most people, O C spray causes:

- blood vessels to dilate rapidly
- bronchial passages to constrict
- mucous membranes to secrete freely and eyes to burn and close tightly.

Physical symptoms from O C spray can last from 10 to 45 minutes. There are no known long-term after effects. See '[Medical attention](#)'.



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## After using O C spray

This section contains the following topics:

- [Aftercare](#)
- [Medical attention](#)
- [Caution on arrest](#)
- [Report after use](#)

### Aftercare

If you use O C spray, afterwards you must:

- minimise any residual [effects](#) caused by the spray by providing proper decontamination and proper aftercare as in the '[O C Spray Training Manual](#)'
- ensure the person's face is not covered and they are not left lying face down with their hands constrained behind their back. This may lead to positional asphyxia, where the position of the body interferes with breathing. See '[Positional asphyxia](#)'
- accompany and monitor the person for at least 45 minutes or until the symptoms or effects are no longer apparent.

### Medical attention

People with a severe asthma condition who are exposed to O C spray may suffer respiratory distress caused by their airways narrowing (bronchi-constriction). If this happens:

- use the salbutamol inhaler and spacing device to provide relief to the person, and
- immediately seek medical attention.

Also provide medical attention immediately, if the person sprayed:

- does not recover within 45 minutes
- complains of, or appears to be, suffering from a medical condition
- asks for medical attention.

### Caution on arrest

You must immediately [caution](#) the person if using O C spray leads to their arrest.

Courts might consider admissions made while the person is under O C spray's effect to be unfair and inadmissible. Repeat the caution when the arrested person has had time to sufficiently recover and is capable of understanding.

### Report after use

[Employees](#) must follow this procedure after O C spray is used against a person, except during training.

| Step | Action   |
|------|--|
| 1    | Provide proper aftercare and if necessary, medical attention for the person sprayed.   |
| 2    | Notify your supervisor as soon as practical, to: <ul style="list-style-type: none"><li>• Attend the scene if requested by the attending officer</li><li>• Ensure the employee has provided proper aftercare and obtained medical attention when necessary.</li></ul> |
| 3    | Complete a Tactical Options Report before going off duty. <b>Note</b> that if the spray was only used against an animal, use the Use of O C Spray on Animal Only report.   |



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|   |   |
|---|---|
| 4 | Forward the Tactical Options Report or 'Use of O C Spray on Animal Only' report to your supervisor to: <ul style="list-style-type: none"><li>• review and investigate if necessary, to determine if the spray use was in accordance with this chapter</li><li>• submit the report with appropriate recommendations to the District Commander or National Manager.</li></ul> |
|---|---|



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## Issuing and managing O C spray

This section contains the following topics:

- [Issuing O C spray](#)
- [Employees' responsibilities when spray is issued](#)
- [O C spray register](#)
- [Storing O C spray](#)
- [Internal control process](#)
- [Returning O C Spray on resignation/leaving Police](#)
- [O C spray coordinator's role](#)
- [Used, lost, damaged or expired canisters](#)
- [Disposing of used or damaged canisters](#)
- [Transporting O C spray](#)

### Issuing O C spray

Before being issued with O C Spray, [employees](#) must hold current (i.e. no more than twelve months old) defensive tactics PITT certification.

### Employees' responsibilities when spray is issued

[Employees](#) must be personally responsible for the security of O C spray canisters issued that are to them. You must ensure canisters are:

- not carried off duty (unless authorised by the District Commander)
- secured at the end of duty in a locked cabinet at the station or in another secure place approved by the district commander.

Before starting duty you must check the canister visually and by shaking it, to ensure the:

- nozzle is unobstructed
- unit is not damaged
- contents are verified
- use by date has not expired.

Supervisors must regularly inspect the integrity of canisters issued to [employees](#) under their control. This is additional to the [internal control process](#).

### O C spray register

There must be a robust system in place for controlling stock at all stations where O C spray is stored.

The Area Commander must ensure an O C spray register is operated in their area to record stock levels at each station and other details including:

- date spray is issued or received
- employees name and ID receiving or returning the canister
- employees name and ID issuing or receipting the canister
- the canister's serial number issued or received and the expiry date
- a running total of stock on hand both new and used
- disposal details of used canisters.

### Storing O C spray

Stocks of O C spray must be stored in a secure environment at normal temperature. They must not be exposed to sunlight.

Store enough stock to enable ready replacement and to issue in emergencies.

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### Internal control process

O C spray issue must be included as part of the internal control process. Internal control must:

- check to ensure canister use by dates are current and units are not damaged
- reconcile actual canisters held to the O C spray register
- sample check of issued units from the register against what employees actually hold.

Internal audit will evaluate and report on the effectiveness of the internal control procedures as part of district audit.

### Returning O C Spray on resignation/leaving Police

Employees resigning or leaving Police must ensure a POL217 is completed and their O C Spray canister and holster are returned to Lockheed Martin along with the other specified items.

### O C spray coordinator's role

District commanders must appoint a district O C spray coordinator responsible for:

- reviewing and filing copies of Tactical Options Reports and associated papers
- internal control and internal audit of O C spray
- enabling O C spray use statistics to be gathered if necessary
- interviewing employees to obtain further information about the spray's effectiveness, medical effects or any training or policy modifications that may be necessary
- making recommendations on any necessary policy or training changes to the National Manager: Operations, PNHQ.

### Used, lost, damaged or expired canisters

Obtain replacement canisters from the approved issuing officer at your station or the district O C spray coordinator when required. If your canister is lost, stolen, damaged or expired you must first provide your supervisor with a written report (POL 258) and obtain a replacement authorisation.

Used, damaged or operationally unused expired canisters must be returned to the issuing office and kept until sufficient quantities are gathered for [disposal](#). (Seal any damaged canisters in a plastic bag to prevent leakage). Any partially used canisters may be re-issued to an authorised O C spray trainer.

The approved employee:

- records details of all canisters received and replacements issued in the [O C spray register](#)
- files reports (POL 258) and replacement authorisations.

### Disposing of used or damaged canisters

Police should dispose of O C Spray in a safe and environmentally sound manner.

Districts may engage an outside contracting company to dispose of O C Spray. If Districts elect to dispose in-house, the following guidelines must be followed to ensure no person is put at risk.

| Step | Action  |
|------|---|
| 1    | Wear appropriate safety apparel - the minimum is rubber gloves, safety glasses and face mask. |



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|   |  |
|---|--|
| 2 | Dispose of the canister's contents by emptying the canister into either: <ul style="list-style-type: none"><li>• the air in a secure outside environment where there is no risk to the employee or a third party of contamination</li><li>• a large container of water. A 44 gallon drum is suggested. Check for any residual pressure/contents by activating the unit under the water surface and checking for any bubbles. This drum can be emptied after an extended period as the O C spray breaks down after time in water.</li></ul> |
| 3 | Place the canister in the appropriate 'guillotine' and crush it. Districts have been provided with a guillotine designed to rip open the can and this changes the can from its 'dangerous goods' status to scrap metal. This is also to ensure it cannot be presented or used again by an unauthorised person.   |
| 4 | Dispose of the crushed cans in a safe manner, for example: <ul style="list-style-type: none"><li>• Recycling to a scrap metal dealer, or a responsible refuse collection.</li><li>• Burying as part of a drug burn or other fire disposal activity.</li><li>• Disposal at the hazardous waste area of a local refuse centre.</li></ul>   |

### Transporting O C spray

O C spray is classified as a dangerous good. This table sets out how to transport O C spray.

| Quantity           | Transport method   |
|--------------------|--|
| Bulk supplies      | The Police National Store will ship bulk supplies to districts in accordance with: <ul style="list-style-type: none"><li>• Land Transport Rules 45001</li><li>• ICAO Technical Instructions, if sending by air.</li></ul>  |
| Smaller quantities | O C spray can be operationally transported in vehicles without any particular packaging or storage, provided the quantity does not exceed 1 kilogram/1 litre.<br>New Zealand Standard 5433 for carriage of class 2 (non-flammable) aerosol canisters.            |
| <b>Warning</b>     | <ul style="list-style-type: none"><li>• <b>Never send</b> O C spray canisters, regardless of condition, by internal or external mail.</li><li>• Do not carry O C spray in a commercial aircraft either in the cabin or as checked or carry on baggage.</li></ul> |

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