

DEKALB POLICE DEPARTMENT

Subject: **Use of CAP-STUN**

Policy #: **406.3**

Effective Since: 8-21-03

Originally Issued As: General

Order # 39 of 8-8-91

Revision Effective: 1-1-19

FTO Training Task: # 13

Reference Material: NA

ILEAP Standards Covered: NA

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**PURPOSE:** The purpose of this policy is to authorize CAP-STUN Aerosol Spray Product as a non-lethal weapon for use by sworn personnel of the department. The CAP-STUN is intended as an effective use of force tool, not a replacement for any other use of force measure.

**POLICY:** CAP-STUN may only be carried by department personnel that have completed the requisite training, including instruction on its use, safe handling, and direct exposure to the spray. Instruction will include agency policy on use of force. Carrying or use of CAP-STUN without proper certification could be grounds for disciplinary action. Use of CAP-STUN shall be performed appropriately and in compliance with the procedures set forth in this policy.

**DEFINITIONS:** none

**PROCEDURES:**

- A. **Reporting Requirement** : Whenever CAP-STUN is used, other than for training demonstrations or testing purposes, the circumstances surrounding its use will be documented in totality within the officer's case report. This applies whether it was used on a person or an animal. It will be the duty of the shift supervisor to ensure that use of CAP-STUN is documented in the case report.
- B. **Preventing Accidental Injury** : The use of CAP-STUN could cause a person to fall involuntarily; therefore, officers should be conscious of this fact and attempt to exercise proper care to prevent accidental injuries, if possible.
- C. **Providing Medical Assistance if Needed** : Consideration should be given to offering or seeking medical treatment when a person has been subjected to the CAP-STUN Spray, if symptoms persist.
- D. **Use of Force Classification** : The CAP-STUN formulation is less than lethal weaponry. Used as directed, it becomes a humane means of dealing with violent subjects and effecting their submission and arrest. CAP-STUN causes no permanent after effects.
- E. **Potential Uses of CAP-STUN** : The spray of CAP-STUN may be used in any situation where an officer would be justified in the use of force to subdue an assaultive, violent, or resisting subject. Some potential uses include:
  - 1. Effecting arrests.
  - 2. Dealing with combative subjects/arrestees that are resisting control, or whose conduct presents a potential threat to themselves or another person.
  - 3. Controlling uncooperative persons that appear mentally disturbed, or under the influence of alcohol, drugs, or both.
  - 4. Control of animals that present a potential risk to the safety of the general public, officers, or themselves.
- F. **Guidelines in Spraying CAP-STUN** :
  - 1. The CAP-STUN will spray a cone-shaped pattern of mist or stream for up to 10 feet in still air.
  - 2. CAP-STUN for on-duty use will be the 10% concentration or less. Only CAP-STUN or a department authorized oleoresin capiscum (OC) product will be used or carried.
  - 3. In the use of CAP-STUN outdoors, officers are cautioned that it is foremost they take into account the wind direction, and not put themselves in a position of back spray by the wind. Indoors, CAP-STUN should not be used in small,

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closed areas or in a location densely populated by people without an adequate escape route.

4. The spray may be used between two and ten feet with the standard duty model. The subject must be sprayed in the face, aiming for the eyes, for the CAP-STUN to attain the maximum result.
5. Officers are directed to use one-second bursts rather than a prolonged spray when possible and to use only the amount needed to bring a subject under control. Additional burst(s) may be used if the initial or subsequent burst proves ineffective.
6. In crowd control situations, longer bursts of CAP-STUN directed at a crowd, not an individual, may be necessary.
7. Officers should, in order to warn fellow officers, yell "CAP-STUN" before spraying. The spray should be directed toward the subject's eyes, nose, and mouth. The spray is very effective on dogs and other animals. Officers will make every effort not to spray another officer or others nearby.
- G. **Predicted effects of the CAP-STUN** : The effect of the spray on a subject is instantaneous. The subject can be expected to place their hands over their face. The spray causes acute inflammation of the eyes and all other mucous membranes, resulting in immediate blindness, coughing, burning sensations, and nausea, with extreme discomfort for up to 45 minutes.
- H. **Use of Water to Relieve Effects** : When the subject has been secured and resistance has ceased, the officer should make every reasonable effort to relieve the discomfort of the subject and any effected bystanders. If conditions permit, clear water will gradually relieve eye inflammation. Arrestees transported to the police facility may use an eyewash station, sink, hose. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax. Bystanders that become accidentally affected by the spray should be advised of and assisted in relief measures.
- I. **Medical Treatment** : Medical treatment is usually not necessary to relieve the effects of the spray, but officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these or other medical problems, or if the suspect requests necessary medical assistance, the officer shall immediately summon emergency medical aid.
- J. **Relieving other Effects** : Area contamination will be found to be negligible. Officers should wash their hands as soon as possible after using the spray to prevent any possible residue from being rubbed into the eyes. Any residue otherwise remaining on skin or clothing should not be expected to cause problems. If symptoms persist beyond 45 minutes, obtain medical attention promptly.
- K. **Replacing CAP-STUN** : Officers should note that there is no known shelf life for CAP-STUN. After about one year, the active agent in the product tends to separate. To prevent this, officers are directed to shake all new canisters before use and at least once a month thereafter. Spray at least once every six months to ensure effectiveness. Do this outside away from others. The CAP-STUN unit should be replaced if the weight of the canister is more than the net weight of the contents. Department range officers and supervisors are authorized to regulate the issuing and inventory of CAP-STUN from the department arsenal. A designated distribution sheet will document the issuing of CAP-STUN to individual officers.

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- L. **Speaking to the Public and Media** : Department personnel will not render their opinion as to the use of CAP-STUN for general information to the public or to the news media without the permission of the Chief of Police.
- M. **Violations of Prescribed Use** : Violations of the rules based on this policy will only be the basis of administrative discipline, while violations of the law may be the basis for civil and criminal penalties in a court of law.
- N. **Maintaining Safety** : Department personnel will not unreasonably or unnecessarily endanger themselves or a member of the public in applying this policy.
- O. **Carrying CAP-STUN** : When not in use, CAP-STUN is to be securely carried in the uniform jacket, pocket, or holster.

**Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .**

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.