

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT  
KENDALL COUNTY

ADMINISTRATIVE ORDER 19 - 09

*In the Matter of the Approval of the  
Use of Oleoresin Capiscum Spray by  
Kendall County Court Services*

FILED

JUL 24 2019

ROBYN INGEMUNSON  
CIRCUIT CLERK KENDALL CO.

IT IS HEREBY ORDERED that the attached policy concerning the use of Oleoresin Capiscum (OC) Spray by properly trained members of the Kendall County Probation and Court Services Department is approved.

Entered: July 24, 2019.



Hon. Robert P. Pilmer  
CHIEF JUDGE

**KENDALL COUNTY  
DEPARTMENT OF PROBATION AND COURT SERVICES  
PROCEDURE MANUAL**

<b>Chapter:</b> Administrative	<b>Subject:</b> Oleoresin Capsicum (OC) Spray
<b>Policy Number:</b> 27.0	<b>Approved/Date:</b> 04-09-19 (AE)

**POLICY:**

It is the policy of Kendall County Court Services to allow properly trained Probation Officers to use Oleoresin Capsicum Spray (hereafter referred to as “OC spray”), for duty use as a less than lethal means of escaping and retreating from a dangerous situation in the course of field duties. Use of OC spray will not be utilized as a means of assault.

**PROCEDURE:**

**Authorization/Permission to Carry:** The Chief Judge of the 23<sup>rd</sup> Judicial Circuit has granted in a separate administrative order, the authority for Probation Officers within the Circuit to carry and use OC spray as purchased and provided by DeKalb and Kendall Counties respectively. After completing the respective county’s required training and obtaining certification, an officer is permitted to carry department issued OC spray and shall have in his/her possession, whenever carrying OC spray, his/her department issued badge and photo identification.

**Training:** Kendall County Officers are required to recertify the training every three years. The certification process consists of three components:

1. Prior Completion of Verbal De-Escalation Training.
2. Completion of Court Services’ sanctioned OC spray training by a certified trainer to include officer receiving exposure of OC spray. The exposure pre-requisite may be waived if supported by written documentation by a physician.
3. Review/sign off on Policy.

**Carrying of OC Spray:** It is the officer’s responsibility that the OC spray canister is functional and not expired. Once the officer has been properly certified, it is expected they will carry the OC spray at all times when in the field. OC spray shall be used only to the extent necessary to ensure safety consistent with the Use of Force Continuum Policy. No officer will carry on their person department issued OC spray during non-work time or when not conducting department business. No officer will carry on their person during work related business any non-department issued OC spray. OC spray is not to be carried within Courthouses, Legislative Centers, schools, treatment facilities, or jails. The only exception is when directly leaving and entering the Kendall County Courthouse.

**Use of OC spray:** OC spray shall be utilized in strict accordance with the training materials and instruction. The following guidelines shall be followed:

1. The officers should make every reasonable effort to de-escalate the situation and to retreat if possible before OC spray is used. The OC spray shall not be used on individuals who are only verbally assaultive.
2. Prior to discharging OC spray, the officer shall make an attempt, when possible to command the individual to retreat or risk being sprayed.
3. Only the amount of OC spray reasonably needed to achieve the desired effect shall be used. Once the desired effect is achieved, further use of OC spray shall be discontinued.
4. Primary OC spray application targets shall include the face, eyes, nose and mouth.
5. After any use of OC spray, the Officer should
  - a. Retreat to a safe distance.
  - b. The officer shall immediately notify law enforcement that a subject has been sprayed with OC spray and request medical assistance.
  - c. The officer MUST file a report with the responding police department and cooperate with any subsequent investigations and/or prosecution of the offender.
  - d. The officer is to contact their unit supervisor or director when it is safe to do so and prepare a Critical Incident Report immediately following the event.
6. The officer should make reasonable efforts, while ensuring their personal safety, to continue to observe the subject to ensure the subject does not accidentally injure himself or herself.
7. If the officer has the OC spray taken from them, the officer shall retreat and request law enforcement assistance. The officer shall not attempt to retrieve the OC spray without law enforcement assistance.
8. OC spray may be used on animal as a repellant only to quell attack. Officers should be aware that OC spray may be ineffective when used on some animals.
9. If the officer is injured during the use of OC spray, medical personnel shall be summoned or the officer shall seek immediate medical attention.
10. Interns, volunteers and contractual employees of the Department shall not be authorized to use or carry OC spray.
11. Officers shall only use OC spray canisters signed out by them and shall not sign out canisters for use by other officers.

**Misuse of OC spray:** Misuse of OC spray includes but is not limited to, horseplay, intimidation, and inappropriate use of force. Additionally, discussion regarding the use of OC spray shall be limited to law enforcement, probation and court personnel. Officers shall refrain from discussing OC spray usage and particulars regarding equipment with clients or parents, school personnel, service providers, or the general public. Any misuse of OC spray or violations in this policy may result in disciplinary action up to and including termination.

**Storage and Care:** When not checked out by a certified officer, OC spray is required to be stored only in the approved department location. All OC spray must be returned to the designated department location at the end of the shift and failure to do so is a violation of this policy. If a situation prevents an officer from returning their OC spray to the department approved location, the officer must notify a supervisor immediately. The designated OC spray location must be secured via a locking mechanism. Officers are required to ensure the OC spray is locked before and after checking in and out. Officers must secure OC spray in the department provided OC spray holster when carrying in the

community. The holster must be fixed to the officer's person and in a position to be utilized quickly upon need. Each officer will be issued a Material Safety Data Sheet (MSDS) outlining characteristics and precautions of OC spray to serve as a resource in the event of exposure to spray and one will be placed in each Court Services vehicle. OC spray canisters shall remain in the locked designated department storage at all times, except when in use in the community. OC spray may not be stored near heat or open flame, exposed to temperatures above 120 degrees Fahrenheit, exposed to direct sunlight for any length of time, punctured or incinerated, and should be stored at proper room temperature. The Safety Committee will be responsible for ensuring the canisters are properly maintained and stored.

**Inventory:** The department will ensure valid OC spray canisters are available for officer use. No expired OC spray will be provided or used. The Safety Committee Chair (Supervisor) will document via written log an inventory of all OC spray in the department on a quarterly basis. If it is determined that an OC spray canister is missing the Supervisor will investigate to determine the last person having checked out the OC spray canister. If the officer determines he/she has lost or misplaced the assigned OC spray canister, the officer will immediately notify the Safety Committee Chair (Supervisor). Evidence of misuse or missing OC spray will be reported to the Director of that County immediately, who will then report it to the Chief Judge (and Presiding Judge) and Court Security Sergeant (in Kendall County). The Safety Committee Chair (Supervisor) and Director in conjunction with the Chief Judge (and Presiding Judge) and Court Security Sergeant will determine the level of intervention necessary to assure the public does not have potential access to any missing or unaccounted for OC spray canisters. Officers shall report any OC spray problems, damage, etc. to the Safety Committee Chair (Supervisor) immediately upon becoming aware. The Department will ensure reserve OC spray canisters are available for officers, in the event of damage or problems OC spray canisters in standard rotation. Discharged and damaged OC spray canisters will be labeled and returned to the department to be disposed of in accordance with industry protocol. The Safety Committee Supervisor is responsible for informing the Director with a minimum of 90 days in advance of expiring OC spray canisters so that they may be replaced. In addition, the Safety Committee Supervisor is responsible for informing the Director when an OC spray canister is less than ½ full or needs to be replaced for any other reason.

**Reporting:** After the discharge of OC spray, the officer shall comply with the 23<sup>rd</sup> Judicial Circuit Court Services Employee Policy Manual, Chapter 13.0 Use of Force Continuum, for reporting after OC spray use.