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Circular
No. 1130-2-214

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EXPIRES 1 June 2004
Project Operations
OLEORESIN CAPSICUM (PEPPER SPRAY) PROGRAM

1. Purpose. This circular provides implementation guidance for the U.S. Army Corps of Engineers (USACE) Oleoresin Capsicum (Pepper Spray) Program.
2. Applicability. This circular applies to all USACE commands having responsibilities for civil works functions.
3. Distribution Statement. Approved for public release, distribution unlimited.
4. References.
 - a. ER 1130-2-550, Recreation Operations and Maintenance Policies.
 - b. EP 1130-2-550, Recreation Operations and Maintenance Guidance and Procedures.
5. Background. The policy guidance contained in this circular is a result of recommendations from the Visitor/Ranger Safety Review Task Force, the Chemical Aerosol Task Force and several pilot tests within the Southwestern Division, Fort Worth District.
6. Policy. USACE park rangers, and other qualifying employees as stipulated in Paragraph 6b, may be authorized to carry and use Pepper Spray for self-defensive purposes in accordance with the policy requirements contained in this Circular. Implementation of this policy is at the option of the Major Subordinate Commander (MSC) who may delegate this authority to the District Commands.
 - a. General.
 - (1) The authority of managers and park rangers under the Visitor Assistance Program is limited to the enforcement of rules and regulations as designated in 36 CFR, Chapter III, Part 327 (Title 36) and in ER/EP 1130-2-550, Chapter 6 (Visitor Assistance Program). The role of the park ranger is defined as a regulation enforcer with full citation authority of Title 36. Available use of force options includes visual presence, verbal persuasion/detention unarmed

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self-defense and, under this Circular, a chemical aerosol spray. Pepper Spray is approved as a self-defensive measure in the execution of official duties as determined through the district/project risk analysis process.

(2) Title 18 U.S.C. specifies that it is a Federal crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any civilian official or employee of the Corps engaged in the performance of his or her official duties. Failure to comply with a lawful order issued by a Corps employee acting pursuant to enforcing Title 36 shall be considered as interference with that employee while engaged in the performance of their official duties. Reasonable self-defensive force, including the use of Pepper Spray, may be used only when such interference constitutes an apparent physical threat to the park ranger.

(3) This approval does not alter the basic authority and role of the USACE park ranger as specified in above references. Pepper Spray will be used for the sole purpose of removing oneself from eminent danger from an animal or another person. The spray cannot be used for any offensive measure that would constitute the employee's acting outside his/her scope of employment.

(4) Pepper Spray is considered an available self-defense option to facilitate a park ranger's withdrawal from an assault, and is not intended to replace any defense, avoidance, or control technique that is available within the ranger's existing levels of enforcement; nor should it be used as an offensive weapon. It should be used only when other reasonable methods have been exhausted. In addition, park rangers will warn subjects prior to the use of pepper spray that it will be used if necessary, unless such warning would further endanger the ranger.

(5) A complete legal review of the liability issues associated with the use of chemical aerosol for park ranger protection was conducted by Headquarters, Office of Counsel (see Appendix A).

(6) Employees may elect not to carry and use Pepper Spray for any reason. However, project offices and districts must maintain written documentation for all eligible employees who have declined the authority to carry Pepper Spray.

(7) The Oleoresin Capsicum spray, is an organically based aerosol spray designed to incapacitate an attacker with no aftereffects. It instantly immobilizes an attacking human or animal for up to 45 minutes, regardless of size or strength. Pepper Spray has been successfully proven to be effective on emotionally disturbed people; people under the influence of drugs or alcohol; enraged people who have reduced sensitivity to pain; multiple opponents; as well as domestic and wild animals without causing permanent damage.

b. Eligible Employees.

(1) Selected USACE park rangers and Natural Resources Management Program uniformed employees, who meet all the following conditions, may be eligible to receive authorization to carry Pepper Spray as part of the standard uniform:

(a) Employed at a USACE Water Resources Development Project in a permanent, seasonal or temporary position, including Coop (SCEP), Stay-In-School (STEP) and summer hire employees;

(b) Hired under the GS-025 (Park Ranger/Manager), GS-028 (Environmental Protection Specialist) job series or any related natural resource position in the GS-400 (Biological Science) job series;

(c) Authorized to wear the Natural Resources Management Uniform per ER 1130-2-550, Chapter 8;

(d) Work in one or more job functions that have been determined "at risk" under the District Position and Project Job Hazard Analysis process and;

(e) Have successfully completed all training and certification requirements

(2) For the purposes of this Circular, all employees who are eligible to receive Pepper Spray authorization will be referred to as "park rangers".

(3) Normally, all park rangers who have received authorization, will carry Pepper Spray while in uniform except in school classrooms, airplanes and other locations that prohibit the carrying of a chemical aerosol spray or where such a display is not advisable for other reasons. Pepper Spray may also be carried during unusual circumstances when the uniform is not being worn while performing official duties (i.e. control burns, boundary line maintenance).

c. Hazard Analysis Process. A comprehensive District Position Analysis and Project Activity Hazard Analysis (as per EM 385-1-1, Safety and Health Requirements Manual) will be conducted to verify which positions/jobs will warrant Pepper Spray authorization. See Appendix B, Hazard Analysis Process, for further information.

d. Approved Equipment Specifications.

(1) The following equipment is approved for all USACE employees authorized to carry Pepper Spray.

(a) Ten percent Oleoresin Capsicum concentration level

(b) Four-ounce spray canister

(c) Cone spray delivery system

(d) Clip or snap holster

(2) All training must be done in conjunction with the above approved equipment.

e. Policy Criteria on the Use of Pepper Spray.

(1) General Criteria.

(a) Pepper Spray, when used while on duty as a self-defense measure in compliance with USACE policy, is lawful force within the park ranger's scope of assigned duties for the purposes of defending the ranger from what the employee reasonably believes is imminent personal physical harm and to facilitate escape from danger.

(b) Verbal persuasion (verbalizing) and a verbal warning are required before using Pepper Spray, if circumstances allow verbalizing and warning without risk to the safety of the park ranger or others. Verbalizing and warning are not required when there is a risk to the safety of the park ranger if the use of pepper spray is delayed.

(c) All force must be reasonably proportionate to the apparent need to defend against an imminent threat of physical injury. Unreasonable and excessive force is not justified, nor is use of any force when a park ranger knows, or reasonably should know, such force is unlawful or unnecessary. Pepper Spray shall not be used against a citizen who peacefully submits and complies with park ranger instruction during an altercation or threat of an altercation or who has already ceased an assault.

(d) Visitors have a right to express verbal disagreement with a park ranger's actions and no force can be used in response to offensive language alone. Pepper Spray cannot be used to retaliate against language that is merely offensive but is not imminently physically threatening. Threats or threatening actions made to park rangers while performing their duties, which are perceived as life threatening to the ranger, are not considered mere verbal disagreements.

(e) After spraying an individual or animal, the park ranger must immediately notify local law enforcement authorities, request their assistance, and notify his/her supervisor. See Paragraph 6i After Use Guidelines, for further information.

(2) Pepper Spray **CAN BE** used against an individual who acts or reacts violently towards a park ranger under any or all of the following circumstances:

(a) After the park ranger has attempted verbalization and warning techniques (when possible) and the individual continues to act or reacts violently towards the ranger in a life-threatening manner;

(b) When the circumstances reasonably indicate that attempting to control or withdraw from the situation may lead to an escalation of force with a risk of serious physical injury to the park ranger;

(c) When the individual assaults a park ranger. However, if a person strikes or assaults the ranger, then ceases the assault and retreats, or is removed from the scene so as not to pose a further threat to the ranger's safety, the ranger may not pursue and use pepper spray against the individual;

(d) When the individual is physically assaulting an agent the of U.S. Army Corps of Engineers. For the purpose of this guidance, an “agent” of the Corps of Engineers includes Corps of Engineers employees, volunteers who are officially registered under the Corps Volunteer Program, and contractors who are performing services under a signed contractual agreement with the Corps. The park ranger is under no obligation to use pepper spray to protect any official agent of the Corps of Engineers if such action will place the ranger at greater personal risk.

(3) Pepper Spray **SHALL NOT** be used against a person who:

(a) Does not pose a physical threat to the park ranger.

(b) Submits peacefully and complies with park ranger requests and instructions during an altercation or threat of an altercation involving the ranger or park visitor.

(c) Is expressing mere verbal disagreement that does not physically threaten a park ranger.

(d) Is threatening/assaulting another person who is not an official agent of the U.S. Army Corps of Engineers; See paragraph 6 d. (2) (d) for the definition of an agent.

(e) Does not pose a significant risk to park ranger safety (i.e., elderly, very young, and disabled in an obvious manner) unless there’s a presence of a weapon or other circumstance that reasonably warrants the use of Pepper Spray.

(4) Examples of authorized and unauthorized use of Pepper Spray are contained in Appendix C.

f. Guidelines for Use.

(1) Manufacturer’s instructions and industry training for use, care, and storage of Pepper Spray must be followed. Canisters must be secured at all times to prevent use by unauthorized persons, and must not be stored in vehicles or other locations of extreme temperature variations.

(2) Aerosol canisters must be shaken and tested regularly in order to ensure that the aerosol weapon system is properly functioning. Spray only from an upright position. Users should familiarize themselves with their canisters by spraying a short burst with the wind at their backs, so as to establish the distance and width of the spray. Test should be conducted only outdoors and away from people and animals.

(3) It is important not to spray upwind, because the effects of blowback upon the user can be severe. Spraying in a crosswind will reduce the effective range, although it will not risk blowing spray upon the user.

(4) The park ranger should maintain a distance of four to six feet when spraying an individual. A person can be sprayed directly on the face up to the maximum range allowed on

individual delivery systems. Although pepper spray can be used at a close range, for immediate effect on the respiratory system, it is recommended that spraying be done at a distance of not less than 2 feet. At shorter ranges, the person's eyes will immediately shut and cause incomplete exposure to the spray. Spraying between the minimum range of 2 feet and the unit's maximum range will provide instant evaporation, assuring effective impact upon the respiratory system, quickly incapacitating the individual. A description of the physiological effects of Pepper Spray is contained in Appendix D.

g. Guidelines for Method of Carry. Pepper Spray will be carried using a clip or snap holster designed specifically for four-ounce Pepper Spray canisters.

h. Guidelines for Tactical Use. When possible, the park ranger's weak foot should be forward and the strong foot behind. Feet should be shoulder width apart or wider to create a balanced stance. The head should be directly over the hips and the weight is equal on both feet with knees slightly bent. During an assault, the park ranger should:

(1) Provide verbal warning if appropriate and reasonably safe to do so.

(2) Spray directly into the person's face (eyes, nose, and mouth). In most cases, a direct hit in the face will instantly shut the eyes and effect the respiratory system.

(3) If the attacker continues to be a threat, apply a second spray toward his nose and mouth.

(4) Stop spraying when the attacker's resistance ceases. Depart the area and await local law personnel.

i. After Use Guidelines. These guidelines are designed primarily to ensure the safety of the park ranger as well as the safety of bystanders and the individual. After using Pepper Spray on an individual, the ranger will:

(1) When necessary, use approved unarmed self-defense techniques to escape from the incident.

(2) Leave the immediate area and remain a safe distance from the individual.

(3) Maintain visual contact with the person if reasonably safe to do so.

(4) Encourage park visitors, bystanders and other persons to move to a safe location.

(5) Contact local law enforcement officials (state that Pepper Spray has been used), other Corps personnel and appropriate medical response team (if appropriate).

(6) Continue to monitor the situation from a safe distance until local law enforcement arrives.

(7) (optional) Provide the following first aid to the individual only if it is safe to do so (note: the ranger is under no obligation to provide first aid to the individual):

(a) Monitor the individual and provide verbal reassurance that all effects are temporary.

(b) Move the individual to an uncontaminated area and face him towards the wind when possible. The person should be told to relax, breathe normally and not to walk around.

(c) Use cool water (if available) to rinse the resin from the face. Eyes should be flushed with water. Do not rub affective areas. Cool water will allow for a quicker recovery. Cleaning affected skin areas with soap and water will help remove the sticky resin and expedite the recovery process. Contact lenses should be removed by the individual.

(d) Use an authorized decontamination kit (if available) furnished by the training vendor or other approved source.

(e) Ask the person if he has a heart or lung problem, diabetes, high blood pressure, or any other serious medical condition. Provide pertinent information to the responding local law enforcement officer or medical.

(f) Assure that the individual receives medical attention if symptoms persist after 30-45 minutes. All symptoms should disappear within 30-45 minutes with no aftereffects.

(g) Contact immediate supervisor or work leader to report the incident

(h) Complete all required USACE incident report forms as specified in paragraph 6 j. below.

(i) Initiate action to file the incident as a Title 18 case.

j. Reporting Requirements.

(1) All incidences of Pepper Spray use must be properly documented in accordance with normal reporting procedures and in accordance with the District Commander's Immediate Notification Policy. This reporting requirement includes situations where, in the opinion of the park ranger, the mere presence of Pepper Spray altered the outcome of the incident. Incidences must be reported through proper channels to HQUSACE (CECW-ON) within 24 hours. By definition, any incident requiring Pepper Spray represents a Title 18 assault to the employee and filing actions should be taken accordingly.

(2) A review will be made of each incident to determine the circumstances under which Pepper Spray was used and what other actions were pursued prior to the use of Pepper Spray.

k. Training Requirements.

(1) All park rangers must complete the basic Pepper Spray Aerosol Basic Training Course, a 6-hour block of instruction, prior to receiving certification and authorization to use Pepper Spray.

During Fiscal Years 2002 and 2003, HQUSACE-approved contractors and/or Corps employees, who have successfully completed the advanced Instructor Pepper Spray training course, will conduct this training. The Visitor Assistance Program for Natural Resources Management PROSPECT Course will be modified to include this training in 2003.

(2) Basic 6-Hour Course. The basic course requires students to attend classroom training, participate in practical exercises, pass all techniques on a proficiency exam and complete a written 20+ question exam with a 70% minimum passing score. Course includes the option of the student being sprayed during training or observing someone else being sprayed either in-person or on a video. The actual spraying of students under the basic course is highly recommended for the student to gain a through awareness and appreciation of the impact of using pepper spray on a individual and the personal effects of the spray if used accidentally or maliciously on a ranger. Recertification is required every 2 years by passing the written exam and all techniques on the proficiency exam.

(3) Advanced 8-hour Instructor Course". A select number of employees will attend the vendor-sponsored 8-hour Advance Instructor ("Train-The-Trainer") Pepper Spray Course on a voluntary basis. The instructor course requires students to attend classroom training, participate in practical exercises, pass all techniques on a proficiency exam and complete a written 30+ question exam with an 85% minimum passing score. Training authorization is required every year by the vendor and recertification is required every four years by completing the 8-hour advanced course. Completion of this course will qualify the employee to conduct the basic course. Per industry requirements, students who take the instructor course must be sprayed as part of the training process. Each division will be responsible for procuring the advance training course from an HQUSACE-approved contractor. Each district must submit a course outline and vendor name to HQUSACE for approval prior to conducting the advanced training course.

(4) Course Requirements. Training courses must meet industry standards and contain, at a minimum, the following subject matter taught in a combination of classroom instruction and practical exercises:

(a) HQUSACE Pepper Spray Policy and Standard Operating Procedures (i.e. self-defensive use only, used within scope of employment, agency/employee liability, local law considerations, reporting requirements, etc.)

(b) Effects of Pepper Spray (on face, eyes, respiratory system, animals, humans)

(c) Properties/Types of Pepper Spray (concentration, delivery system, canister models, storage requirements, replacement requirements)

(d) Carrying methods

(e) Recognizing the threat / situational analysis

(f) When to use Pepper Spray (use of force options)

(g) How to use Pepper Spray (verbal commands, spraying, defensive body positions, movement methods, drawing/spraying techniques)

(h) After Use Guidelines (policy requirements, optional decontamination procedures)

(i) Practical Training Exercises to include the actual spraying of students (mandatory for students in the advanced "Train-The-Trainer" Course and optional for students in the basic course).

(5) Training Learning Objectives. Students must satisfy the following training performance objectives prior to receiving certification:

(a) Demonstrate a thorough understanding of USACE policy on the use of Pepper Spray for defensive purposes only.

(b) Demonstrate a thorough understanding of when Pepper Spray can be used.

(c) Identify the agency/personal liability when using Pepper Spray outside the scope of employment.

(d) Know and understand any state or local laws and/or ordinances that pertain to the possession and use of chemical aerosol spray.

(e) Identify the effects of Pepper Spray on human beings and animals.

(f) Define a chemical irritant and a chemical inflammatory.

(g) Identify the different models of pepper spray and specific contents and capabilities of each.

(h) Demonstrate the proper way to carry pepper spray in accordance with HQUSACE instructions.

(i) Demonstrate a proper stance and position of the body when holding Pepper Spray in the hand for use or potential use with all techniques taught in the course.

(j) Deliver verbal directions or commands to combative individuals while holding pepper spray device in the hand or using the pepper spray device.

(k) Accurately spray in one-second bursts at simulated physically combative individuals.

(l) Identify the ways to decontaminate an area that has been exposed to Pepper Spray.

(m) Identify the first-aid procedures available for administering to individuals who have been exposed to pepper spray.

(n) Identify the ranger reporting requirements contained in this SOP.

(6) Training Documentation. Districts are required to maintain a training database that documents all required visitor assistance training per employee, including Pepper Spray training. Documentation must include, at a minimum and for all initial and refresher Pepper Spray training: the employee's name and location, course title/location/hours, training completion date and whether the employee was sprayed as part of the training course.

FOR THE COMMANDER:



ROBERT H. GRIFFIN
Major General, USA
Director of Civil Works

- 4 Appendices
- App A – Legal Review of Liability Issues
- App B – Hazard Analysis Process
- App C – Examples of Authorized and
Unauthorized Use of Pepper Spray
- App D - Physiological Effects of Pepper Spray