

11 August 2017

C87217

Mark Hanna  
[fyi-request-6193-edc461a1@requests.fyi.org.nz](mailto:fyi-request-6193-edc461a1@requests.fyi.org.nz)

Dear Mr Hanna

Thank you for your email of 11 July 2017, requesting information about the Corrections Amendment Regulations 2017 and the routine deployment of pepper spray in New Zealand Prisons. Your request has been considered under the Official Information Act 1982 (OIA).

Public safety and reducing re-offending are the ultimate goals for the Department of Corrections. In accordance with the Corrections Act 2004, we must make public safety paramount when managing offenders, and administer all sentences in a safe, secure, humane and effective manner. All prison facilities are operated in accordance with New Zealand legislation and based on other agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Pepper spray has been available to prison personnel since 2012, when it was rolled out nationally following a twelve month trial. Previously the Regulations specified that pepper spray must be stored securely and only used in planned use of force events, when approved by the Prison Director. The amended Regulations allow trained and authorised staff to routinely carry pepper spray on their person.

All custodial staff and managers are currently trained in the use of pepper spray for planned use of force incidents and will be required to re-qualify and undertake additional training following amendment of the Regulations. This training will cover when it is appropriate to use pepper spray and how it is to be used. The training will be phased across sites over the coming months. All staff are required to undertake a Control and Restraint refresher course each year, which it is mandatory they pass. The use of pepper spray is included in this refresher.

Custodial staff also receive ongoing specialist training in tactical communications, de-escalation and negotiation, including use of pepper spray and what processes staff should follow after use.

You have asked three questions about the Corrections Amendment Regulations 2017:

1. *All advice given to the Chief Executive of the Department of Corrections regarding the Corrections Amendment Regulations 2017.*

I am advised there is no documentation that falls within scope of your request with respect to the Corrections Amendment Regulations 2017.

2. *Regulations 123B(1) and 123B(3)(b) refer to adequate training in the use of pepper spray. Please release all documents regarding what is considered "adequate training" for this purpose, and regarding the training offered to Corrections Officers regarding the use of pepper spray.*
3. *All internal guidelines and documentation regarding the use of pepper spray by Corrections Officers.*

Please find attached all documentation that falls within scope of your request. Note, some information has been withheld in accordance with the following sections of the OIA:

- Section 6(c) of the OIA, as the release of this information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
- Section 6(d) of the OIA, as the release of this information would be likely to endanger the safety of any person.
- Section 9(2)(a) of the OIA, to protect the privacy of natural persons, including that of deceased natural persons.

We have also identified an Executive Leadership Team Memorandum dated 24 May 2017 and titled 'Pepper Spray Deployment,' which makes reference to the training provided to custodial staff. I have extracted the relevant section below for your reference. The remainder of this document falls outside the scope of your request.

#### *Training*

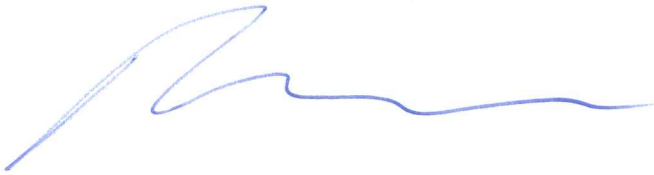
18. *In order to be issued with pepper spray, authorised frontline custodial staff will receive on-site training in carrying and using individual pepper spray from mid-June 2017. Authorised frontline staff at Auckland Men's Prison will be the first to receive training.*
19. *The training is an extension of current tactical operations training and will be a three hour face to face session including the opportunity to practice firing the pepper spray using inert training product and considering scenarios to develop decision making. The Police pepper spray micro learning package will be adapted for use by frontline custodial staff to augment on site training.*

- 20 *Training will be delivered by the current C&R trainers.*
- 21 *It is likely that there will be an operational cost impact due to the need to deliver training during a short time frame. This cost impact is being defined as work continues in this area. It is not included in this budget request.*

Please note, although this extract states that Auckland Prison was to be the first prison where staff would receive training in the new deployment methods of pepper spray, for operational reasons the decision was made to move this to Rimutaka Prison. 80 percent of staff at Rimutaka are scheduled to have been trained by October 2017.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Department. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

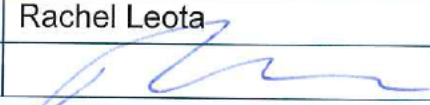


Rachel Leota  
Acting National Commissioner


## Chief Executive Memorandum

Decision date:	5 July 2017		
Title:	Individual carry pepper spray - training		
Author:	S 9(2)(a)		
Group:	Service Design & Implementation		
Noting	<input type="checkbox"/>	Approval	<input checked="" type="checkbox"/>
Endorsement	<input type="checkbox"/>	Discussion	<input type="checkbox"/>

Author Sign-off:			
Name:	S 9(2)(a)	Title:	Senior Advisor
Signature:		Date:	

Sponsor Sign-off:			
Name:	Rachel Leota	Title:	Acting National Commissioner
Signature:		Date:	7/7/17

Recommendations:		
It is recommended that you:		
a)	Approve the training package for the deployment of individual carry pepper spray.	Yes / No

Approval Sign-off:			
Name:	Ray Smith	Title:	Chief Executive
Signature:		Date:	7/7/2017

## **Purpose**

1. This paper requests that you approve the training for staff who will carry individual pepper spray.

## **Regulations background**

2. Section 123C(4) of the Corrections Amendment Regulations 2017, state that officers trained in the use of pepper spray must undergo refresher courses, approved by the chief executive, at least once a year.

## **Overview of training**

3. The training package comprises of a 3 hour face-to-face training session to give staff an understanding of both the updated Regulations regarding the deployment of individual carry pepper spray, and its appropriate use. Following the session, micro learning packages on various topics regarding pepper spray will be available to support the learning.
4. The Custodial Practice Manual and the Prison Operations Manual have been approved for publishing and align with the training content.
5. The package has been developed by the Learning & Development team with input from the Tactical Operations, the Project and the Chief Custodial Office teams.
6. It has also been reviewed and approved by the appropriate managers in these teams, and by Rachel Leota, Acting National Commissioner.

## **Key focus areas**

7. By the end of the training session, participants will be able to:
  - a. describe the changes in regulations regarding the issue and use of pepper spray and the implications it has for Corrections staff
  - b. describe the risks of carrying and using pepper spray in a spontaneous/unplanned situation
  - c. demonstrate an understanding of the operational policy and tactical options framework
  - d. apply the appreciation process
  - e. describe the process for the deployment and decontamination of pepper spray
  - f. describe the reporting requirements relating to pepper spray use.
8. The training also ensures that staff are aware that all officers issued with individual carry pepper spray must also be issued with and carry an on body camera and must, at the earliest practical opportunity, record any incidents where pepper spray is presented towards or deployed against a prisoner.

9. At the end of the training session, participants will be assessed via both written and visual methods. The written questionnaire will require a passing score of 100%.
10. The visual assessment will be carried out by observing the participant in scenario based situations. The Instructor will assess the participant and ensure they are demonstrating the use of tactical options appropriate to the situation and are able to explain and justify their actions using the TEN-R risk assessment framework.
11. These skills will also need to be demonstrated when candidates attend the refresher training within the next 12 months.

### **Next Steps**

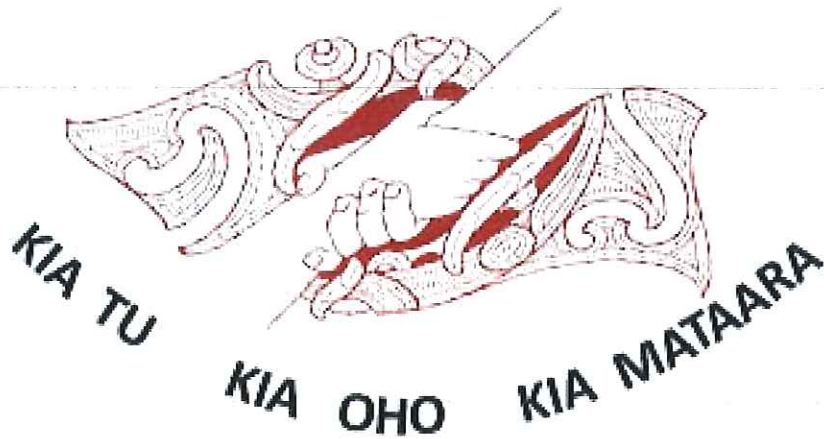
12. Pending approval, the Tactical Operations team will be able to begin training staff on 7 July 2017, in preparation for the go-live date of 10 July 2017.



Facilitator  
Guide



DEPARTMENT OF  
**CORRECTIONS**  
ARA POUTAMA AOTEAROA



"Working together to keep each other safe"

# Pepper Spray





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# 1 Pepper spray – Spontaneous use

## Introduction

When resolving serious incidents in prisons, corrections officers use a range of tactical options to minimise the need to use force against prisoners, including de-escalation techniques and negotiation. If these tactical options are unsuccessful, the use of physical force may become necessary to restore security and prevent harm to others.

Despite efforts to minimise injuries during use of force, the incidents can present risk to both staff and prisoners. While most injuries are relatively minor (for instance, sprains and bruises) they have the potential to be serious, particularly in situations where there is debris on the cell floor, where the prisoner is armed with a weapon, or where any person could be exposed to the prisoner's faeces, blood or other bodily fluid.

Pepper spray can be the least harmful way of responding, by temporarily incapacitating the prisoner, making it easier to safely restrain and relocate them. Once compliant, the prisoner can be relocated, decontaminated and assessed by Health staff for any unexpected reaction.

### 1.1 Learning outcomes of this training session

By the end of this session, participants will be able to:

- Describe the changes in regulations regarding the issue and use of pepper spray and its implications for staff.
- Describe the risks of carrying and using pepper spray in a spontaneous situation.
- Demonstrate understanding of the operational policy and tactical options framework
- Apply the appreciation process.
- Describe the process for the deployment and decontamination of pepper spray.
- Describe the reporting requirements relating to pepper spray use.


## 1.2 Updated regulations

From July 1, 2017 Pepper Spray can be used as a planned response **and** also as an spontaneous response as a tactical option in use of force incident.

**Question to the group:** How is this different from the use of pepper spray before 1 July 2017?

Use the table below to discuss how using pepper spray in spontaneous situations (right side column of the table) is different from using it in planned situations.

Planned use	Spontaneous use
<p>1. A corrections officer trained in the use of pepper spray may only use pepper spray for <b>planned use</b> when all of the following conditions apply:</p> <ol style="list-style-type: none"> <li>There is a planned control &amp; restraint (C&amp;R) incident;</li> <li>All members of the C&amp;R team are trained and current in C&amp;R and pepper spray.</li> <li>Health staff must be present at the decontamination area.</li> <li>The prisoner is displaying 'assaultive' behaviour; and</li> <li>Approval to use force, including the use of pepper spray, has been given by the prison manager (or delegated authority who has been trained).</li> </ol>	<p>1. For <b>spontaneous</b> use, individual carry pepper spray can only be used if there are reasonable grounds to believe the use of physical force is necessary (refer Use of Force IR.02) and in the following circumstances:</p> <ol style="list-style-type: none"> <li>There is a need to respond immediately and</li> <li>it is not practicable to obtain approval for planned use of force and</li> <li>The officer has reasonable grounds for believing the use of individual carry pepper spray is necessary               <ul style="list-style-type: none"> <li>• in self-defence</li> <li>• in the defence of another person or</li> <li>• to protect the prisoner from injury.</li> </ul> </li> <li>In the case of escape or attempted escape (including recapture of any person who is fleeing after escape).</li> <li>To prevent the prisoner from damaging property, or in the case of active or passive resistance to a lawful order.</li> </ol>
<p>2. Where practicable, seek advice from Health Services on whether the prisoner has any medical conditions that would prevent the use of pepper spray.</p>	<p>2. Pepper spray must be used in a way that minimises pain or injury to the prisoner, as far as it is consistent with protecting prison security or the safety of any person.</p>

<p>3. A corrections officer designated as “Number 1” within a Control and Restraint team has the final decision on whether to use pepper spray, including the type of pepper spray canister to be used. (Note: this does not apply to individual carry canisters).</p>	<p>3. As part of the risk assessment process for any external escort, the decision to authorise individual carry pepper spray will be based on S 6(c)</p> 
<p>4. Pepper spray must be used in a way that minimises pain or injury to the prisoner, as far as it is consistent with protecting prison security or the safety of any person.</p>	<p>4. Approval to carry pepper spray must be entered as a specific comment in the transport instruction after completion of the risk assessment refer S.02.01).</p>

Conclude the discussion with the key changes to note:

From 1 July 2017 the change in regulations allows officers carrying individual issue pepper spray.

Carrying Pepper spray is considered use of force as defined in the Corrections Act  
It may be used;

- a. a. to respond in self-defence, in the defence of another person, or to protect the prisoner from injury. Pepper spray could also be used:
- b. In the case of an escape or attempted escape (including the recapture of any person who is fleeing after escape).
- c. To prevent the prisoner from damaging any property.
- d. In the case of active or passive resistance to a lawful order

### 1.3 Escort duties

When escorting prisoners for the purpose of a court appearance or any other external escort. Consideration should be given to the individual carry of pepper spray during the duration of escort. Staff who carry pepper spray must also wear an On Body Camera where it is lawful to do so.

The prison director or delegated authority (who has been trained on use of pepper spray), may authorise escorting staff to carry pepper spray for the duration of the escort.

**Question: What considerations do they make?**

S 6(c)

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**Question: What approvals are needed?**

- Approval to issue individual carry pepper spray must be entered as a specific instruction on the escort documentation and
- Approved by the prison director or delegated authority (who has been trained in the use of pepper spray).

**Question: What else is needed?**

Officers authorised to carry pepper spray while on an external escort must also have a decontamination kit readily available in the escort vehicle.

## 1.4 Administrative procedures

### Training

- All corrections officers must undergo and complete approved training in the use of pepper spray.
- Corrections officers must undergo refresher training annually.

### Carrying and using pepper spray

Below is a summary of the updated policy regarding the carry and use of pepper spray in an spontaneous situation. Discuss the points and make sure participants have a clear understanding as it reflects their responsibilities in carrying pepper spray for use in spontaneous situations

1. Only corrections officers trained in the use of pepper spray and designated for the duration of their daily duties as a senior corrections officer (SCO) or an initial responding officer (IRO) or any officer designated on the authority of the prison director may be issued with individual carry pepper spray.
2. It is the officer's responsibility to check the condition of the pepper spray canister, tamper seals and expiry date before use.
3. If any of the above has been compromised, the canister should not be issued and the canister brought to the attention of the principal corrections officer (PCO).
4. The pepper spray issue register must be completed before carrying of pepper spray.
5. A corrections officer issued with individual carry pepper spray may only carry and use it while carrying out duties in a prison or while on approved external escort duties.
6. Pepper spray must be used in a way that minimises pain or injury to the prisoner and is proportional to protecting prison security or a person's safety.
7. Pepper spray can only be used against prisoners.
8. Pepper spray must be carried securely in the issued holster at all times.
9. Holster must only be attached to the duty belt.
10. A security officer must not carry pepper spray under any circumstance.
11. All officers who are issued individual carry pepper spray must also wear an On Body Camera and activate at the earliest most practical opportunity.

### Pepper spray must not be used against:

S 6(c)



### **Safe and secure storage**

The prison director must ensure that an administrative system is in place for the storage and issuing and return of pepper spray.

Live pepper spray must be stored in a dedicated safe. Inert training canisters must be securely stored. Canisters should not be exposed to direct light or placed near heating devices.

A pepper spray register must be maintained and record:

- the number and type of canisters in storage
- the serial number of each canister
- when the canister was received
- the expiry date of each canister
- the storage location of the canister
- when the canister(s) were issued and to whom
- when the canister(s) were returned to storage and by whom
- when the canister(s) was used and
- when the canister(s) was disposed of.

### **Requirements for reporting**

1. All incidents involving the presentation or use of pepper spray must be reported (as per POM IR.06 Incident Reporting) within two hours.
2. In addition, if pepper spray is used the prison director and regional commissioner must be informed within two hours.
3. All video recording of the incident and decontamination procedures including on body camera footage and or CCTV footage, must be provided on a secure USB device (USB



Flash drive) to National Office - Chief Custodial Officer within 72 hours of the incident occurring.

4. If a corrections officer has been exposed to pepper spray and experiences any physical symptoms as a result of being sprayed, the corrections officer must complete the H&S 01 Accident Report Form.

## **1.5 Disposal**

Discuss the disposal process with participants. It is important for staff to know how to dispose of used canisters and those with an expiry date. Their sites must have a procedure for who is responsible for disposing the empty canisters and also how and where to do it (point 5 below).

1. A pepper spray canister must be disposed of once it has reached its expiry date.
2. Once a pepper spray canister has been used in an incident, it must be separately, securely stored until it has been cleared for disposal.
3. When disposing of pepper spray, a corrections officer must wear appropriate safety apparel – the minimum is rubber gloves, safety glasses and face mask.
4. The two approved methods of disposal include emptying the contents of the canisters:
  - a. into the air in a secure outside environment where there is no risk of contamination to the corrections officer or a third party
  - b. or into a large container of water (e.g. 44 gallon drum). Check for any residual pressure or content by activating the canister under the surface of the water and check for bubbles. This drum can be emptied after an extended period as the pepper spray breaks down after time in the water.
5. The disposal must be recorded for audit purposes and the process should be overseen by the security manager of the site.
6. Once the canister has been emptied completely, a corrections officer must arrange (and supervise) the canister being crushed at a scrap metal dealer.

## **1.6 Transportation**

Transportation of pepper spray will be in accordance with:

1. Land Transport Rule: Dangerous Goods 2005, Rule 45001
2. International Civil Aviation Organisation: Technical Instructions for the safe transport of dangerous goods by air (document 9284).

Note: At no time is pepper spray to be carried by any escorting officer when on an aircraft.

## **1.7 Issue and audit checks**

It is the responsibility of the officer who has been issued pepper spray to conduct visual checks of the device before and at the conclusion of their shift.

If any of the above areas have been compromised, In particular, whether the tamper seal is intact, the expiry date and any nozzle blockages.

the device should not be issued and the device brought to the attention of the supervising officer.

The daily issue and return of pepper spray must be recorded, checked daily and contain the following details:

- a) officers name
- b) date and time of issue
- c) serial number of canister
- d) date and time of return.

At a minimum, site security managers must conduct a monthly check of:

1. the general condition of pepper spray canisters (both for planned and spontaneous use)
2. that the daily issuing and return of pepper spray has been recorded
3. the correct reporting procedures have been carried out for any canister that has been discharged
4. all pepper spray assigned to the site is accounted for. If anomalies are identified then these must be fully investigated.

## **1.8 Procedures after pepper spray has been used**

1. In a spontaneous response, the corrections officer who deployed pepper spray is responsible for:
  - a. Securing the used canister for any future investigation (refer S.01.Res.17 Seized item management).and preserving the chain of evidence
  - b. Reporting the use of pepper spray (as per POM IR.06 Incident Reporting) within two hours.
2. Once the prisoner has been restrained (using approved C&R locks or mechanical restraint e.g. hand cuffs) and is compliant, a corrections officer must:
  - a. Ensure the prisoner is not left lying face down with their hands restrained behind their back.
  - b. Check that the prisoner's breathing has not been adversely affected
  - c. Immediately request medical assistance from health staff before relocating the prisoner if the prisoner has difficulty resuming normal breathing.
3. When escorting a prisoner who has been pepper sprayed to the decontamination area the prisoner must:
  - a. Be handcuffed behind their back to prevent them touching their eyes and aggravating the effects of the spray (unless for medical reasons it is not appropriate to do so).
  - b. Not have their faces covered and a spit hood must not be used.
4. Health staff should be present during the decontamination process to manage any medical emergencies. However, in spontaneous use of pepper spray incidents, it is not expected that staff will wait for the arrival of health staff before decontamination can commence.
5. If the event occurred during an external escort or in transit; staff must immediately notify the supervising prison for further direction and call emergency services- Police and Ambulance for assistance if required.
6. The prisoner must be examined by a registered health professional as soon as practicable after the application of pepper spray and within the identified 3 hour health response period
7. Only compliant prisoners will be decontaminated by a corrections officer.

## **1.9 De-contamination process**

1. A corrections officer, or any other person, affected by pepper spray or physically injured as a result of the incident, will be seen by health staff if requiring immediate medical attention.
2. A corrections officer trained in the use of pepper spray is responsible for the decontamination process.
3. During the decontamination process the prisoner will remain handcuffed, unless health staff request the removal of the handcuffs (i.e. to remove contact lenses, or affected clothing).
4. If the prisoner's displays any adverse symptoms after the decontamination process, a corrections officer should seek immediate further medical assistance from health staff.
5. Once a corrections officer has completed decontamination, the prisoner must be provided with alternative clothing and an opportunity to shower.

## **1.10 Recommended decontamination procedure**

Where applicable, the custodial staff or health staff (where in attendance) will offer the following assistance:

### ***Reassurance***

Advise that the effects will only be temporary; identify effects being experienced and offer guidance and direction.

### ***Face into the wind***

A cooling breeze will assist rehabilitation and provide temporary relief

### ***Sunlight***

Stay out of sunlight as the heat intensifies the pain

### ***Apply cool water***

Cool water will temporarily ease discomfort, but may prolong the effects.

### ***Sabre Decon Cleanse***

Available to remove pepper spray from the pores and eyes. Spray onto face and dab off with clean cloth or paper towel. Do not wipe off as this will further spread the spray and cause further decontamination.

### ***Sabre eyewash adaptor***

Can also be utilised with either a water bottle attachment or directly attached to a hose with low pressure water output.

### ***Clothing***

Remove contaminated clothing where appropriate.

### ***Contact lenses***

Have the prisoner remove their own contact lenses (this will require removing the handcuffs)

Ensure that prisoner's hands are washed before they remove their contact lenses.

### ***Rubbing eyes***

Encourage the prisoner not to rub their eyes as this intensifies the burning sensation (In most cases the prisoner will be handcuffed behind their back).

### ***Shower***

Inform the prisoner not to have a hot shower after being sprayed as this may aggravate the symptoms (luke warm water is preferred).

## **1.11 Preservation of evidence**

1. Prior to any cleaning taking place a corrections officer must determine whether the incident is likely to be reviewed by the prison or investigated by Police. If this is the case, a corrections officer must
  - a. Preserve the scene (refer IR.02.06 Scene preservation), and
  - b. Identify and secure all evidence (refer S.01.Res.17 Seized item management).
  - c. Any pepper spray canisters that are retained as evidence must be placed in the safe dedicated to used pepper spray canisters.

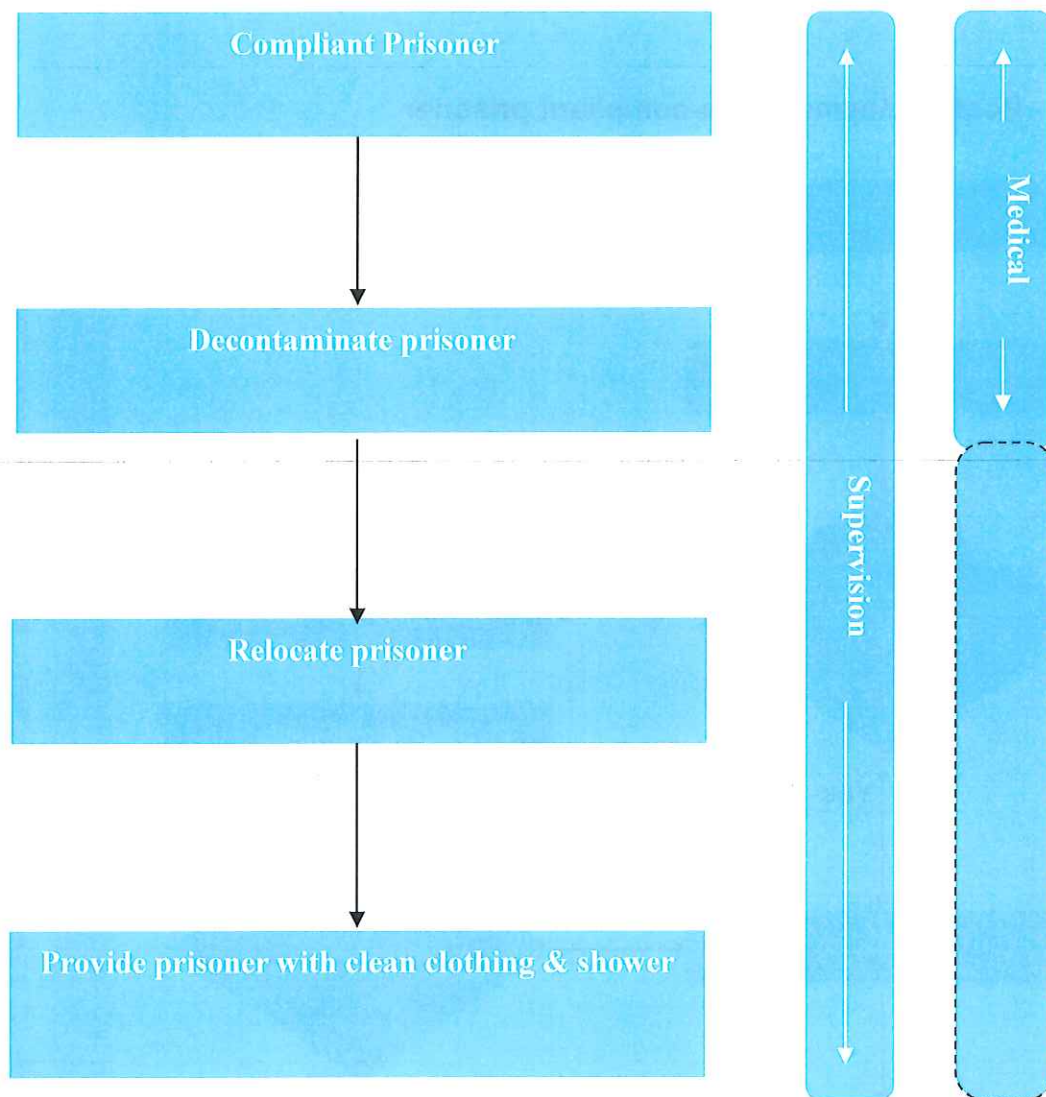
## **1.12 Cleaning contaminated areas**

1. Cleaning of the contaminated area may only occur if the area has not been declared a crime scene and:
  - a. the incident will not be subject to an internal review or Police investigation; and
  - b. sufficient time has elapsed to allow the area to be adequately ventilated.
2. The cleaners (prisoners) must:
  - a. be issued with disposable overalls, face mask, goggles and gloves

- b. remove and wash (normal laundry process) all bedding and clothing exposed to the spray
  - c. wash all fixed surfaces with soap and water
  - d. place all other property exposed to the spray in a plastic bag or box.
3. A corrections officer must label the plastic bag or box as contaminated, and with the date the property is to be returned to the prisoner, and place in secure storage for 10 days.
4. The packing and removal of the prisoner property by the cleaner(s) must be supervised by a corrections officer.

### **1.13 Clean up of staff and equipment**

5. Following the resolution of the incident involving the use of pepper spray, a corrections officer must:
  - a. be provided with an opportunity to shower to remove residual spray (if required)
  - b. arrange for their overalls to be washed (normal laundry process), or be provided with a suitable alternative to replace any contaminated clothing
  - c. ensure any affected protective equipment is washed with soap and water, or according to the specific instructions for cleaning the equipment (i.e. respirators and SRBA).
  - d. If the prisoner is non-compliant, do not decontaminate.



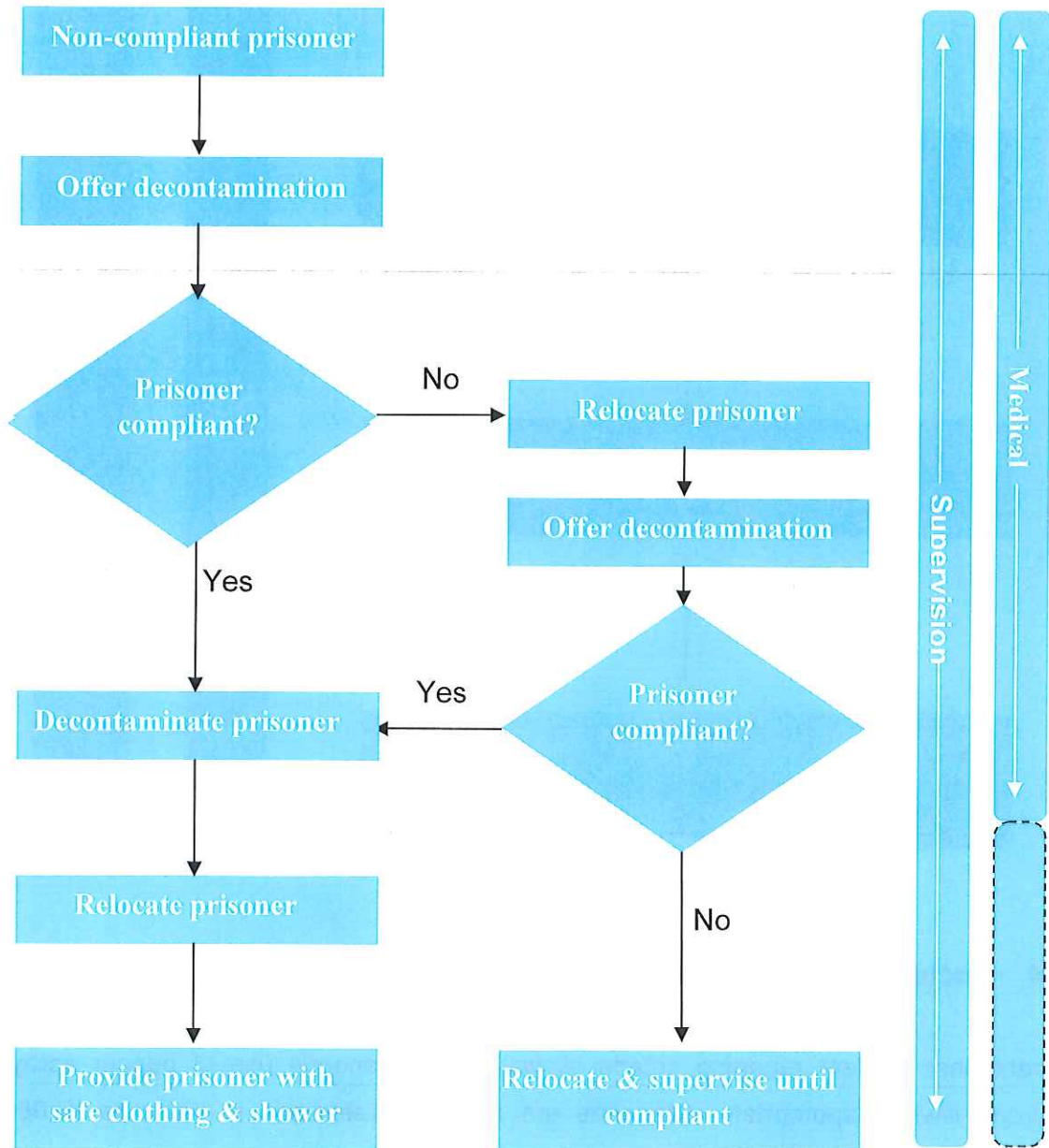
#### 1.14 Incident reporting involving the use of pepper spray

Current post incident reporting criteria allows for spontaneous use of pepper spray to be recorded if/when appropriate categories are selected: reference is made to IR.06.Sch.01 Schedule of incident categories.

Spontaneous use of pepper spray could be reported in two reporting categories: 'Non-Lethal Weapons – Pepper Spray' and 'Use of Force – Spontaneous'.

Pepper spray that is drawn at a prisoner but not discharged is required to be reported under 'Non-Lethal Weapons – Pepper spray drawn but not used, in conjunction with any other category relevant to the incident.

**1.15 Post deployment non-compliant prisoner**





## 2 Tactical options

### 2.1 Guiding principles

Staff are guided by the following key principles:

- Staff will act within the law at all times.
- Ensuring the safety of staff and prisoners is of paramount importance.
- De-escalation techniques will be applied according to the situation.
- Operational risk is assessed.

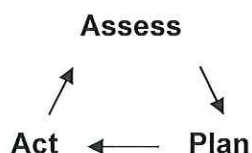
The Tactical Options Policy provides a model for the assessment and continuous reassessment of an incident by recognising a range of behaviours within a given context. Staff can then plan by selecting from a range of tactical options the most appropriate to the circumstance, thus acting in a manner that will maximise safety of all parties involved in an incident.

The policy provides a framework to understand and articulate why the decision to choose a particular option was reasonable and lawful, especially in cases where physical force is used.

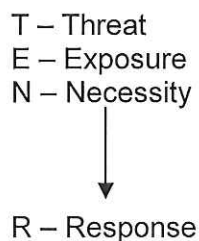
### 2.2 Tactical Options Model

The Tactical Options Model has three distinct sections that work in unison and interconnect to support reasonable and lawful decision making based on the circumstances of the incident.

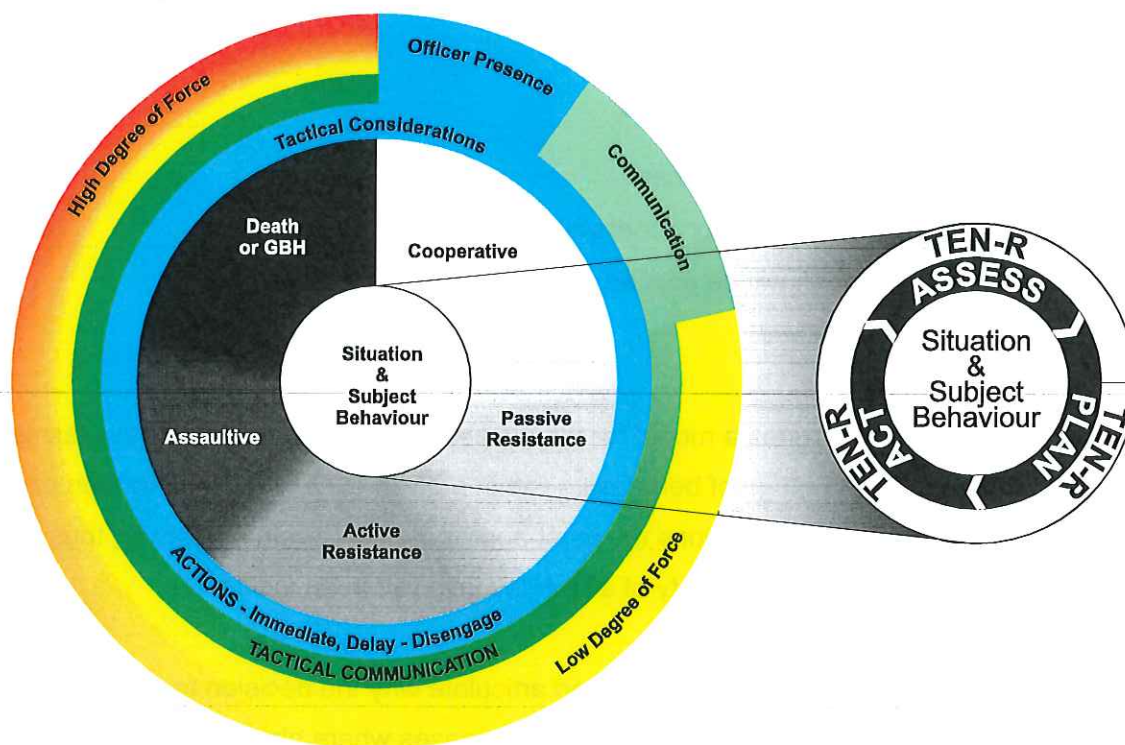
The central concept of the process:



This is a continuous process as the situation develops. The process of Assess – Plan – Act is supported by an operational risk assessment called TEN – R:



## 2.3 Tactical options



## 2.4 Effects of pepper spray

### Psychological (60%)

- Confusion or disorientation
- Intense panic
- Distraction – loss of focus
- Losing the will to fight

### Physical (40%)

- A burning sensation on exposed skin
- Breathing made more difficult by constricted bronchial passages
- Eyes burning and involuntary closing
- Reducing muscle coordination
- Freely dilating blood vessels
- Gagging or gasping for breath
- In some cases, the spray may not be effective and there may be no response.

## 2.5 Introduction to delivery system and holster

### Pepper spray

S 6(c)



S 6(c)



Staff who have been issued with pepper spray must carry out the following checks before starting their shift:

- Overall check canister for dents and damage
- Check tamper seal is intact
- Nozzle is clear
- Place the canister back in the holster.

### Holster

S 6(c)



S 6(c)



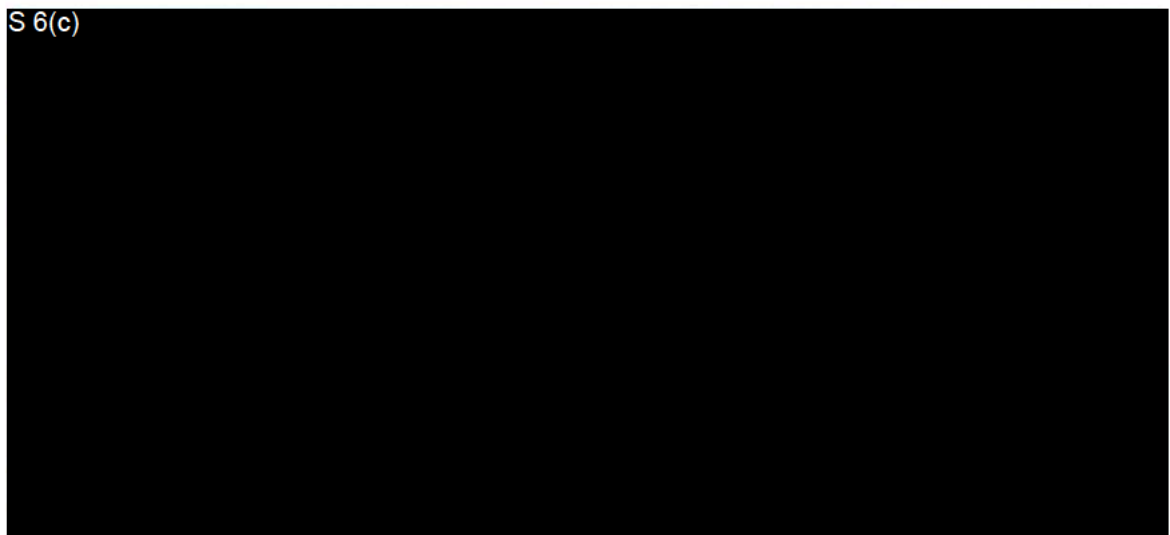
S 6(c)



## 2.6 Drawing the canister

### Strong side / standard draw

The drawing of pepper spray is a use of force and needs to be justified, and recorded as per the IR.06 Incident reporting process and their manager and the prison director are informed.



#### Instructors Notes

- Students practice 1 on 1
- Discuss TEN-R
- Discuss tactical options (Tactical Communications, distance control, cuffs)

## 2.7 Proper grip

S 6(c)



S 6(c)



### Instructors Notes

- Students practices on their own

## 2.8 Two types of spraying position

### Long range position

S 6(c)

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S 6(c)

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S 6(c)

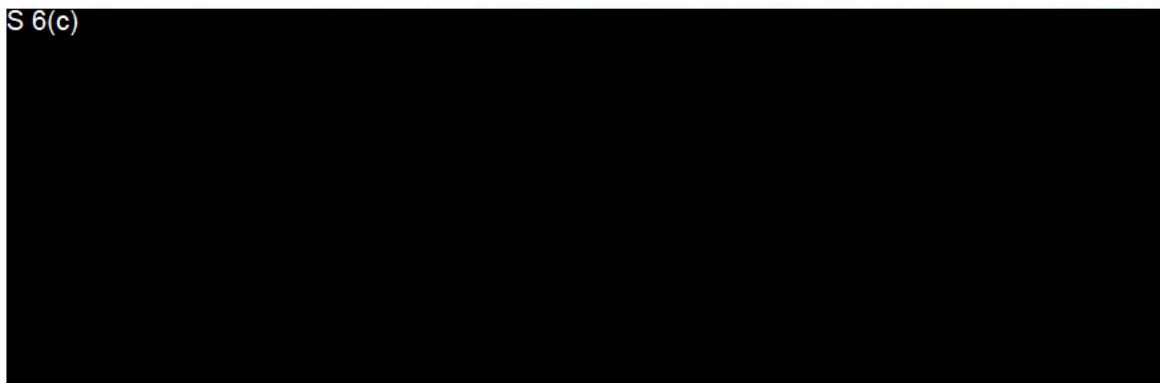
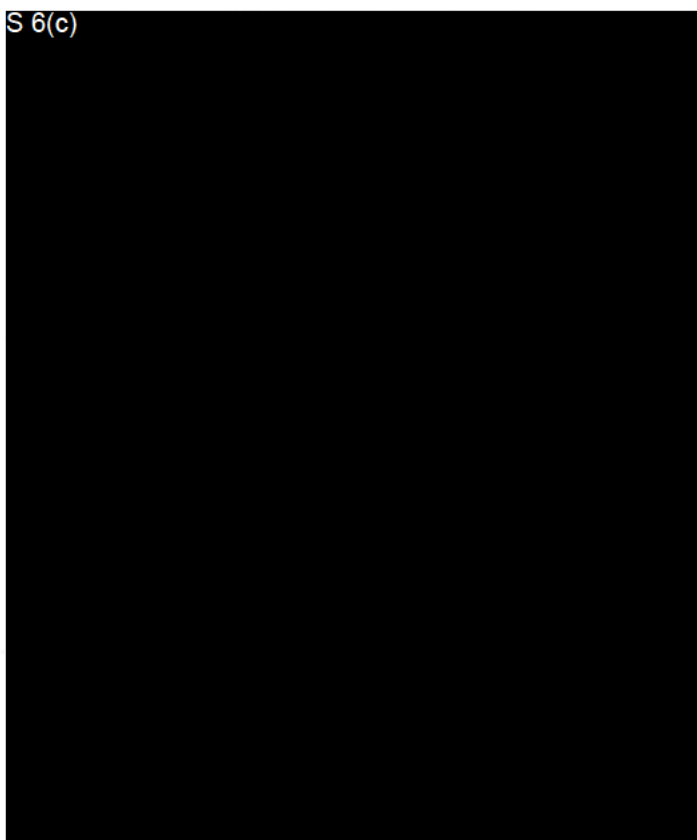
A large black rectangular redaction box covering the content of the third image.

#### Instructors Notes

- Students practice 1 on 1
- Discuss TEN-R
- Discuss tactical options (Tactical Communications, distance control, cuffs, spraying)

## Close range position

This is used when the officer is in a close quarter contact position with the subject.



### Instructors Notes

- Students practice 1 on 1
- Discuss TEN-R
- Discuss tactical options (Tactical Communications, distance control, cuffs spraying)

## 2.9 Spray and move

### Vertical Spraying (single prisoner)

S 6(c)

A large black rectangular redaction box covering the content of the first image.

S 6(c)

A large black rectangular redaction box covering the content of the second image.

#### Instructors Notes

- Students practice 1 on 1
- Discuss TEN-R
- Discuss tactical options (Tactical Communications, distance control, cuffs spraying)



## Horizontal spraying

S 6(c)

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### Instructors Notes

- Students practice in three's
- Discuss TEN-R
- Discuss tactical options (Tactical Communications, distance control, cuffs spraying)

## Spray and move

S 6(c)

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S 6(c)

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S 6(c)

A large black rectangular redaction box covering the majority of the page's content.

### Instructors Notes

- Students practice 1 on 1
- Discuss TEN-R
- Discuss tactical options (Tactical Communications, distance control, cuffs spraying)

## 2.10 General aftercare / cuffing

Once the prisoner has been sprayed it is important that the officer gives reassurance and aftercare to the prisoner. Immediately after being sprayed, the prisoner should be advised to allow their eyes to remain closed for as long as necessary, and not to rub their eyes or face as this will only aggravate the effects.

S 6(c)



S 6(c)




### Instructors Notes

- Students practice in three's
- Discuss TEN-R
- Discuss tactical options (Tactical Communications, distance control, cuffs spraying)

## 2.11 Drawing the canister at different distances (practical exercises)

S 6(c), S 6(d)



### Instructors Notes

- Students practice 1 on 1
- Discuss TEN-R
- Discuss tactical options (Tactical Communications, distance control, cuffs spraying)

## 2.12 Officer protection considerations

### Contact and cover

S 6(c)



S 6(c)



#### Instructors Notes

- Students practice in three's
- Discuss TEN-R
- Discuss tactical options ((Tactical Communications, distance control, cuffs spraying)

## Spraying officer

S 6(c)



S 6(c)



### Instructors Notes

- Students practice in three's
- Discuss TEN-R
- Discuss tactical options ((Tactical Communications, distance control, cuffs spraying)

## 2.13 Canister retention

S 6(c)



S 6(c)

### Instructors Notes

- Students practice 1 on 1 different angles and movement
- Discuss TEN-R
- Discuss tactical options ((Tactical Communications, distance control, cuffs, spraying)

## 2.14 Staff that have been knocked to the floor

S 6(c)

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S 6(c)

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### Instructors Notes

- Students practice 1 on 1
- Discuss TEN-R
- Discuss tactical options ((Tactical Communications, distance control, cuffs, spraying)



## 2.15 Decontamination



Decontamination aerosol



Eye wash adaptor on a bottle and hose



### Teaching Points

- The prisoner is hand cuffed and relocated to the designated decontamination area.
- Reassure the prisoner that the effects are only temporary
- A corrections officer will complete the decontamination process on the prisoner.
- Decontamination should only be applied when a prisoner is compliant.
- Decontamination may not be necessary where the Cell Buster has been used unless the prisoner's skin has been exposed to liquid spray.
- The prisoner must remain handcuffed behind their back throughout the decontamination process.
- Where possible Health staff should be present during decontamination or must be contacted immediately if the prisoner displays any adverse symptoms or a medical emergency.

## **2.16 Reporting the use of pepper spray**

The drawing of pepper spray is a use of force and needs to be justified, and recorded as per the IR.06 Incident reporting process, the staff members manager and prison director need to be informed.


Staff who have used the pepper spray in a spontaneous incident are responsible for

- Securing the used canister for any further investigations (refer S.01. Res. 17 Seized item management and preserving the chain of evidence.
- Use of pepper spray on a prisoner must be reported (as per POM IR 06 Incident reporting) within two hours

If the seal on the canister is broken the member of staff must make arrangements to either have the canister resealed if the canister has not been deployed or, if the canister has been activated it should be replaced.

### 3 Scenario training

S 6(c), S 6(d)



## 4 Assessment

It is important for trained staff to show comprehension and understanding of decision considerations in when and how to use pepper spray in a threatening situation. Especially where they are carrying it on their person and are expected to make professional judgement as to how and when to use it. Therefore the assessment will be carried out by visually observing the participant in scenario based situations. The Instructor will assess the participant and ensure they are demonstrating the use of tactical options appropriate to the situation, The Instructor will caution the prisoner that pepper spray will be used if the prisoner do not comply with instructions, then using the pepper spray correctly and as trained when the situation/prisoner cannot be successfully de-escalated or if the prisoner fails to comply.

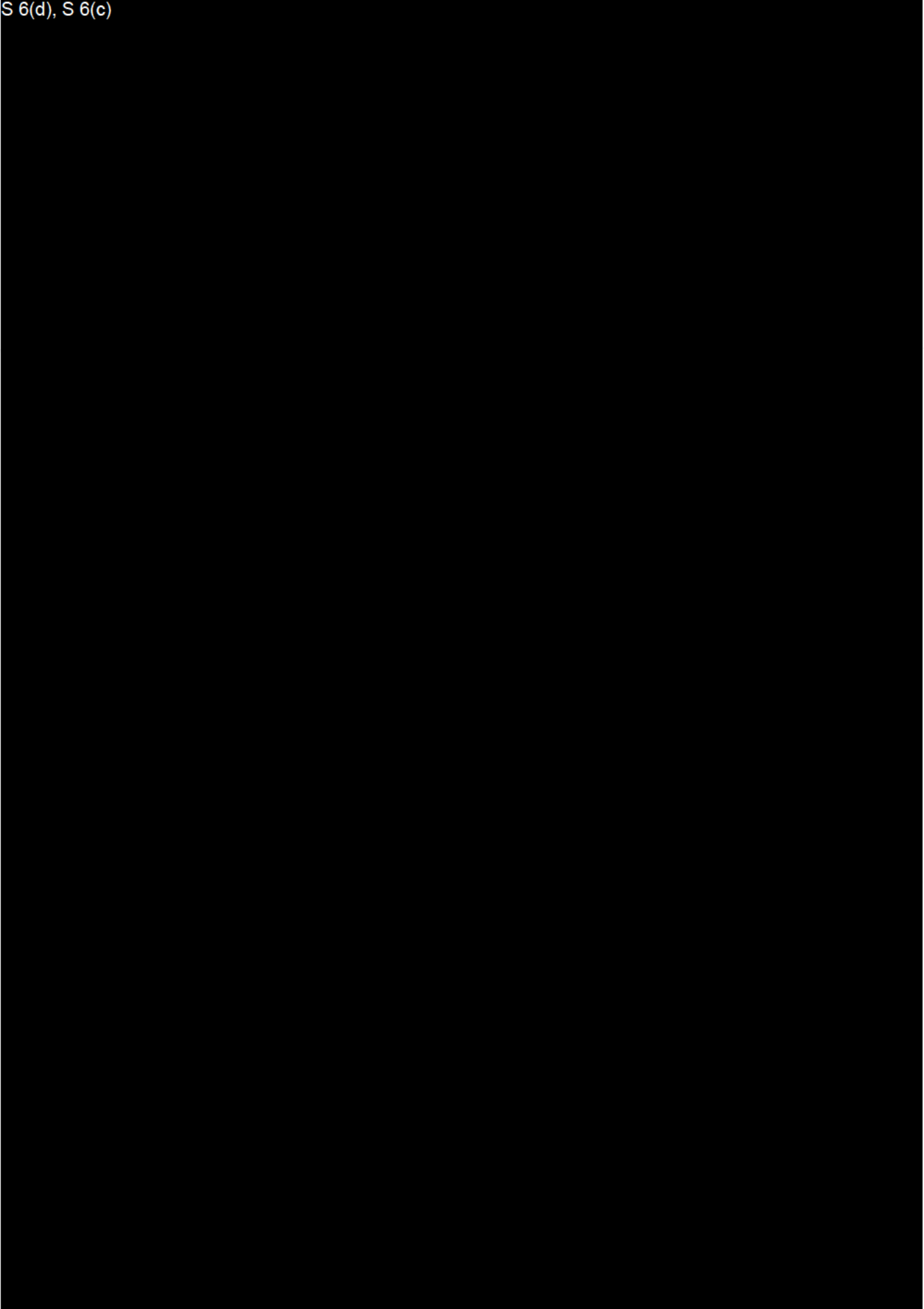
### Assessment criteria

#### Decision making

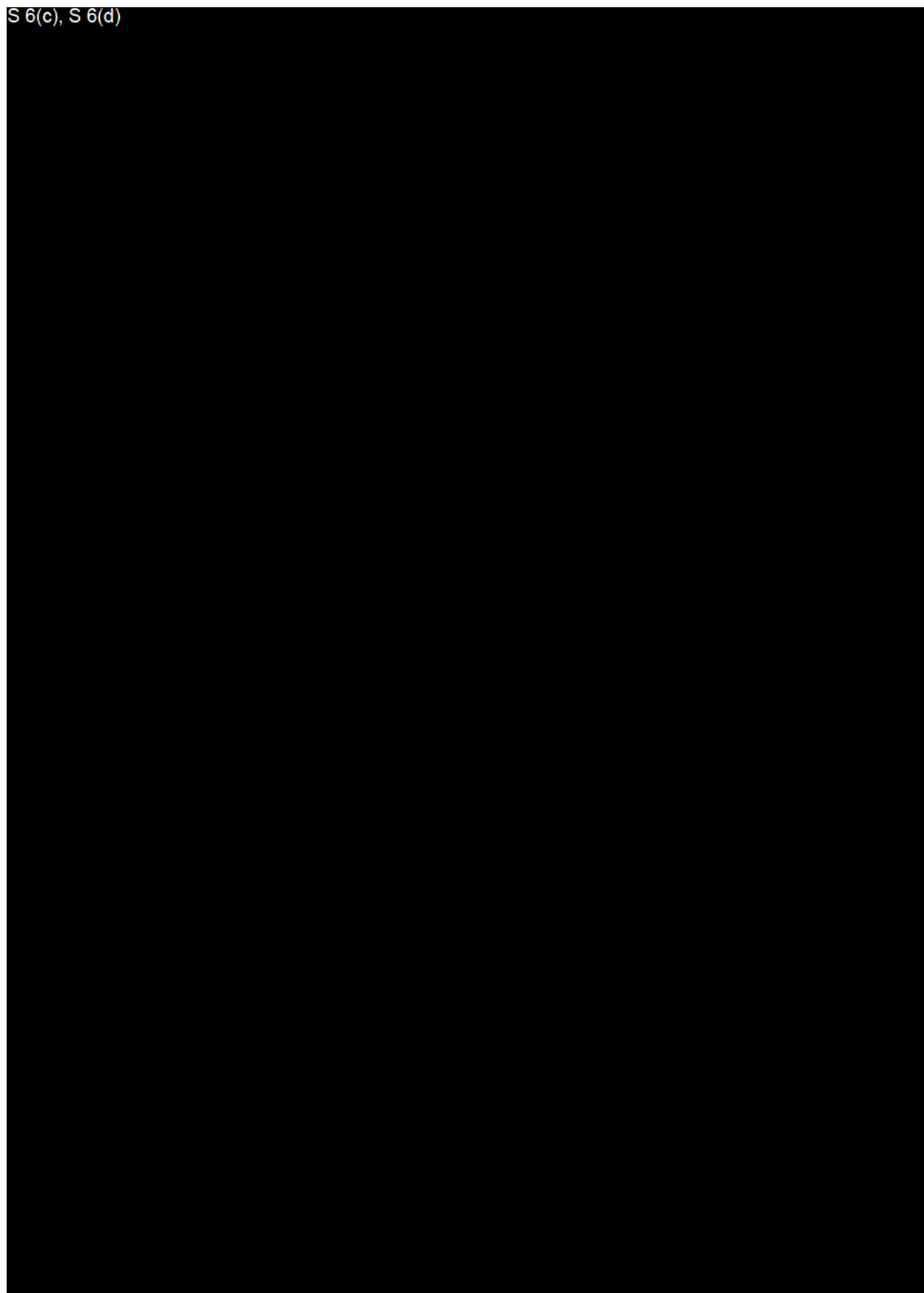
- Effective use of TEN-R shows comprehension and application of perceived cumulative assessment (PCA)
- Effective de-escalation where required
- Caution re the use of on body camera and intended use of pepper spray where situation requires it
- Decision to use/not use
- Demonstration of techniques when use
- Grip
- Space/distancing
- Spray

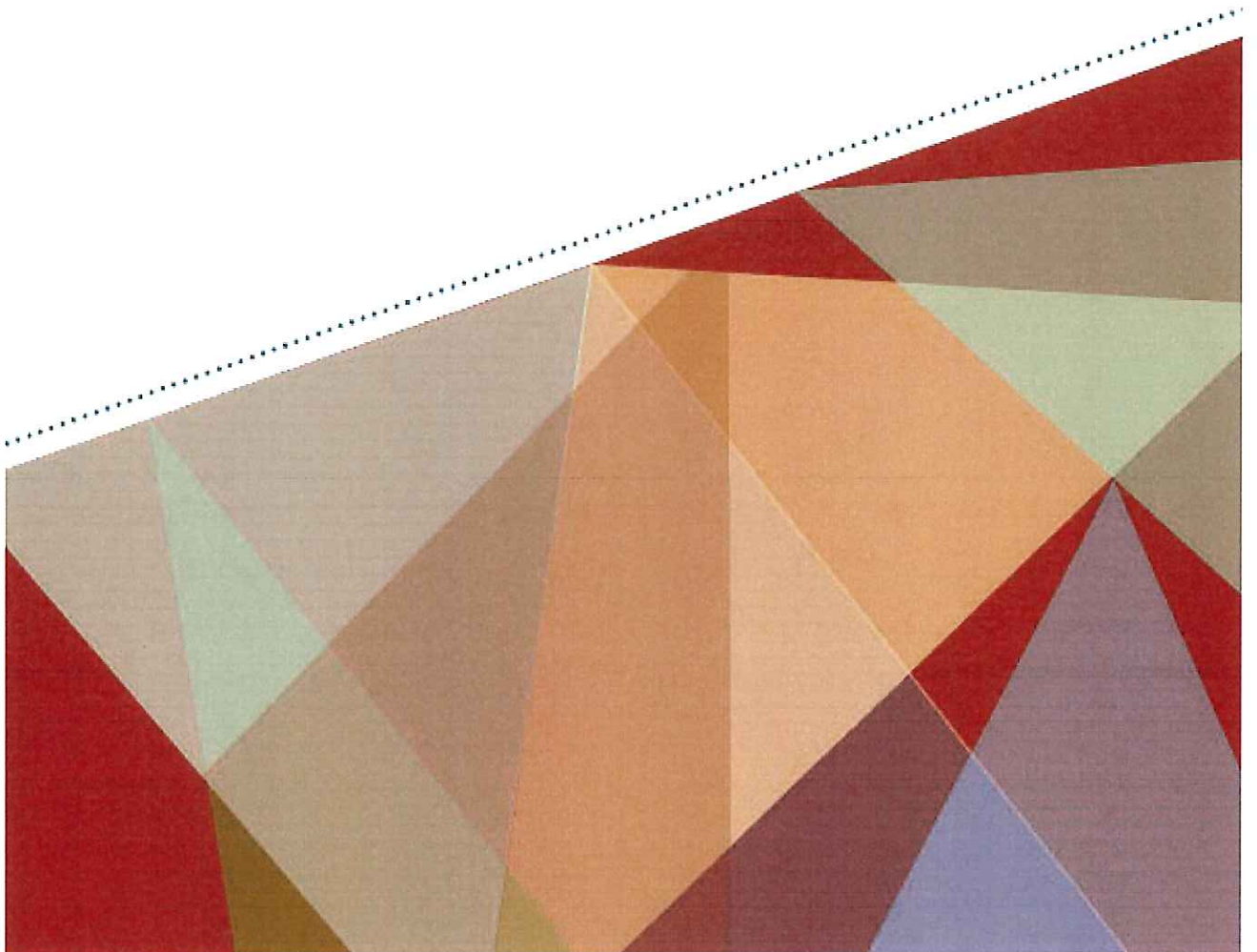
It is also proposed that the seven questions below are completed to ensure the participant has taken note of the updated regulations regarding the use of pepper spray when required within a spontaneous use of force situation. This test to be included in the workbook to be administered by the instructor and signed off as part of the training. A score of 100% is required to successfully complete the training

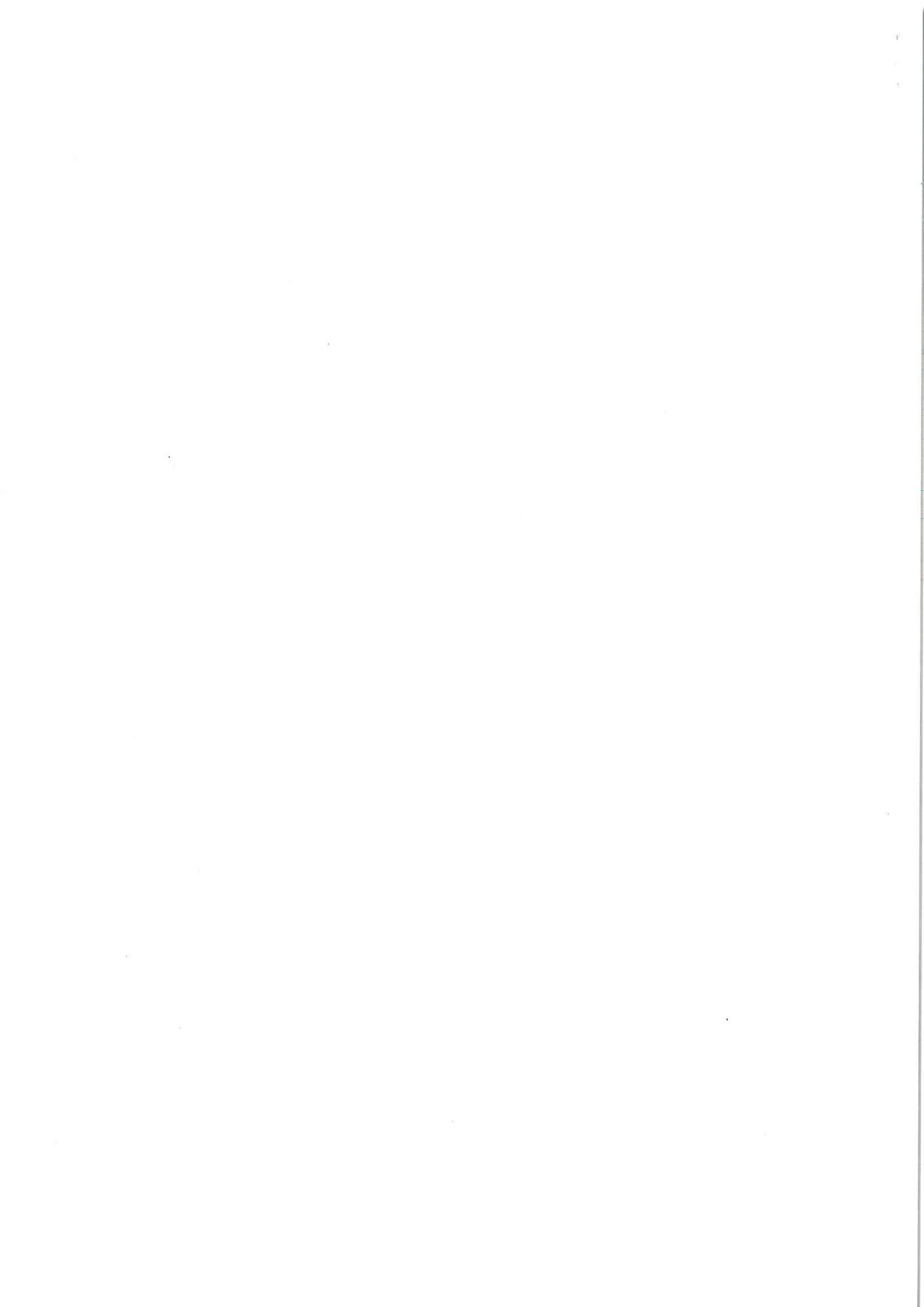
S 6(d), S 6(c)



S 6(c), S 6(d)









# Pepper spray in use



**From 1 July 2017, to ensure the safety of everyone on this site, officers may be carrying pepper spray.**

- > Pepper spray will be phased in at all prisons – starting with Rimutaka.
- > All staff must be trained before being authorised to carry pepper spray.
- > Not all staff will carry pepper spray. Pepper spray will be issued to selected staff at the start of a shift.
- > Authorised staff may use pepper spray as a tactical option, including in a spontaneous use of force incident.
- > All staff issued with pepper spray will be required to wear an on body camera.
- > All pepper spray will be stored in a secure area.
- > See **S 9(2)(a)** for more information.



## Individual carry Pepper Spray - Training Strategy

This training strategy proposes a face-to-face training session to give staff an understanding of both the updated Regulations regarding the deployment of individual carry pepper spray and its appropriate use. Following the session, micro learning packages on various topics regarding pepper spray will be available to support the learning.

### What

The *face-to-face* training will be 3 hours in length, and contain 2 modules. The modules will be split according to theory (90 min) and practical training (90 min).

#### *Module 1 - Theory will cover:*

- a quick overview of what Oleoresin Capsicum (pepper spray) is and its effect
- the changes to the Corrections Regulations, including who it can be issued to, its authorised use and deployment
- purpose of the changes (to assist in the safety of staff and others)
- which custodial roles will be issued with pepper spray
- who pepper spray can and can't be used on, including
- chain of evidence requirements and safe disposal of activated and discharged canisters
- procedure on daily issue and return, reporting obligations, storage and security checks.

#### *Module 2 - Practical will cover:*

- situations where pepper spray may be drawn or used in unplanned situations against a prisoner
- understanding cautioning statements before deployment
- demonstration and hands on training of the activation, delivery and targeting of gel when using an individual issue pepper spray canister
- attachment of holster to duty belt, and practising deploying canister from holster in various scenarios
- aftercare (decontamination of the prisoner and the environment after pepper spray has been deployed), and associated staff safety risks.

The *micro learning packages* located on the Safety Learning Hub will be designed to support the training session, they are not a pre-requisite to the *face-to-face training*. Packages will begin to become available from August 2017. There will be a number of separate packages on various topics, such as when to use pepper spray, how to deploy pepper spray (similar to the on body camera packages). It is estimated to take a learner 10 minutes per package, to complete.

### When

Training will be delivered for Auckland prison during the last three weeks of June 2017. The delivery of the training sessions at remaining sites will require Prison Directors to agree on the specific training days and times with the Regional Training Managers.

The remaining sites will be trained in a phased, roll out in consultation with the Prison Directors.

Catch up sessions and annual refresher training will occur at all sites. Regional training coordinators monitor refresher training due dates for all staff in their region.

## **Who will deliver training**

The Department's Tactical C&R instructors will deliver the training. They will be trained and prepared for delivery of the Pepper Spray training in the field by the Tactical Operations group staff.

## **Who will attend training**

All corrections officers will attend the training, including the PCO, SCO and managers.

The first site to receive individual carry pepper spray will be Auckland Prison. 80% of custodial staff at the site must be trained prior to pepper spray being issued.

## **Assessment**

### *Face-to-face*

Instructors review demonstrations of use and dealing with scenarios in the classroom situation. This will also need to be demonstrated when candidates attend the refresher training within the next 12 months.

### *Micro learning packages*

The person completing the training with staff can record completions via the Safety Learning Hub. These are automatically uploaded to LMS.

## **Out of scope**

Modifications will be made to the existing product training and C+R training packages. However, MK9 training and Tactical options training, including the APIR decision-making model will not be delivered on the same day as part of this training package as staff will already have completed this as part of their earlier training.

- [Home](#)
- [Policies & guidance](#)
- [Prisons](#)
- [Custodial Practice Manual \(CPM\)](#)

## SPONTANEOUS USE OF PEPPER SPRAY

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On this page

- [1. Use of pepper spray](#)
- [2. Approving individual carry pepper spray \(ICP\) for temporary removals / escorts](#)
- [3. Procedures after spontaneous use of pepper spray](#)
- [4. De-contamination process](#)
- [5. Decontamination procedure](#)
- [6. Audit checks](#)
- [7. Preservation of incident scene and evidence](#)
- [8. Cleaning a contaminated area](#)
- [9. Clean up of staff and equipment](#)
- [10. Requirements for reporting spontaneous use of pepper spray](#)

Pepper spray in this section refers to: Mark 3 containers.

### 1. USE OF PEPPER SPRAY

---

1. The individual carry pepper spray (ICP) may only be used if there is reasonable grounds to believe the use of it is reasonably necessary in the following circumstances:
  - a. In self-defence, in defence of another person, or to protect the prisoner from injury.
  - b. In the case of escape or attempted escape (including recapture of any person fleeing after escape)
  - c. To prevent the prisoner from damaging property or
  - d. In the case of active or passive resistance to a lawful order.
2. Pepper spray, when used, must be used in a way that minimises pain or injury to the prisoner as far as it is consistent with protecting prison security or the safety of any person.
3. Pepper spray must not be used against:

S 6(c)



**Note:** All officers issued with individual carry pepper spray must also be issued with and carry an On-Body Camera and must, at the earliest practical opportunity, record any incidents where pepper spray is presented towards or deployed against a prisoner or prisoners.

## 2. APPROVING INDIVIDUAL CARRY PEPPER SPRAY (ICP) FOR TEMPORARY REMOVALS / ESCORTS

---

1. The prison director or delegated authority (who has been trained on use of pepper spray), may authorise escorting staff to carry pepper spray for the duration of the escort. Consideration is based on S 6(c)
2. The approval to issue individual carry pepper spray must be entered as a specific instruction on the escort documentation and approved by the prison director or delegated authority (who has been trained in the use of pepper spray).
3. Officers authorised to carry pepper spray while on escort must also have a decontamination kit readily available in the escort vehicle.

S 6(c)

## 3. PROCEDURES AFTER SPONTANEOUS USE OF PEPPER SPRAY

---

1. Once the prisoner has been restrained (using approved C&R locks or mechanical restraint) or is compliant, a corrections officer must:
  - a. check that the prisoner's breathing has not been severely affected
  - b. immediately request medical assistance from health staff if the prisoner has difficulty resuming normal breathing; before relocating the prisoner if the event occurred during an external escort or in transit, staff must notify the supervising prison for further direction and call emergency services – Ambulance and Police – for assistance if required.
  - c. Ensure the prisoner is not left lying face down with their hands restrained behind their back.
2. The prisoner must not have their faces covered; the use of a spit hood is not permitted.
3. The corrections officer who deployed the individual carry pepper spray canister is responsible for:
  - a. Securing the used canister for any future investigation and
  - b. Reporting the use of individual carry pepper spray within two hours of its use.
4. The post incident procedures must be followed as per POM IR.05 Post Incident

## 4. DE-CONTAMINATION PROCESS

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1. The prisoner must be escorted to the decontamination area handcuffed behind their back (unless for medical reasons it is not appropriate to do so) to prevent them touching their eyes and aggravating the effects of the spray.
2. The prisoner must not have their faces covered; the use of a spit hood is not permitted.
3. A corrections officer trained in the use of pepper spray is responsible for the decontamination process.
4. Decontamination will only commence when the prisoner is compliant and safely contained. This will be carried out by a corrections officer.
5. During the decontamination process the prisoner will remain handcuffed, unless health staff request the removal of the handcuffs (i.e. to remove contact lenses, or affected clothing).
6. If decontamination is required while on escort either proceed to nearest prison facility or Police station to carry out decontamination procedure.
7. Once a corrections officer has completed decontamination, the prisoner must be provided with alternative clothing and an opportunity to shower (if required).
8. A corrections officer, or any other person, affected by pepper spray or physically injured as a result of the incident, will be seen by health staff if requiring immediate medical attention.
9. The prisoner must be examined by a registered health professional as soon as practicable after the application of that force within the identified three hour health response.

S 9(2)(a)

Ideally, health staff should be present during the decontamination process however; staff must not wait for health staff to arrive to commence the decontamination.

## 5. DECONTAMINATION PROCEDURE

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1. Reassure the prisoner that the effects are only temporary and that you will assist.
2. Hold decontamination spray 30 cm from face and spray liberally on all contaminated areas as soon as possible.
3. After 5-10 seconds **blot** affected areas with a clean cloth or paper towels.
4. Continue to use cool clean water to cool and wash skin and flush eyes.
5. Do not **wipe** spray from face as this will only spread the pepper spray and cause further contamination.

## 6. AUDIT CHECKS

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1. It is the responsibility of the officer who has been issued the individual carry pepper spray (ICP) to conduct checks of the device / canister at the commencement and at the conclusion of their shift
2. In particular checks must be made on whether the tamper seal is intact, the canister has not expired and any blockages to the nozzle.
3. If any of the above applies, the ICP is not to be issued and the canister brought to the attention of the supervising officer.

## DAILY AUDITS

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The daily issue and return of ICP must be recorded and the following details noted:

1. officer's name
2. serial number
3. date and time of issue
4. date and time of return.

## MONTHLY AUDITS

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Site security manager must check:

1. the general conditions of all pepper spray canisters (both for planned and spontaneous use).
2. the units records of the daily issuing and return of the ICPs
3. all ICPs assigned to the site are accounted for and if anomalies are identified, these are reported and fully investigated.
4. that any event when an ICP was discharged has been reported according to procedures.

## 7. PRESERVATION OF INCIDENT SCENE AND EVIDENCE

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1. Prior to any cleaning taking place the prison director (or delegated authority) must determine whether or not there is a need to preserve the incident scene and identify and secure all evidence.

## 8. CLEANING A CONTAMINATED AREA

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Cleaning of the contaminated area may only occur if:

1. The incident will not be subject to an internal review or Police investigation.

2. Sufficient time has elapsed to allow the area to be adequately ventilated.
3. The packing and removal of the prisoner property must be supervised by a corrections officer.
4. The cleaners must:
  - a. wear disposable overalls, face mask, goggles and gloves
  - b. remove and wash (regular laundry process) any bedding and clothing exposed to the spray
  - c. wash / wipe all fixed surfaces with soap and water
  - d. wash / wipe (if practicable) all other prisoner property exposed to the spray
  - e. place all contaminated prisoner property in a plastic bag or box.
5. A corrections officer must label the plastic bag or box as pepper spray contaminated, and follow POM P.06.01 Checking prisoner property before transfer (paragraphs 1 to 4). The container is placed in storage for at least 10 days. The prison director must decide if the property will be returned to the prisoner, be kept in storage, sent out or disposed of.

## 9. CLEAN UP OF STAFF AND EQUIPMENT

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1. Following the resolution of the incident involving the use of pepper spray, a corrections officer must:
  - a. be provided with an opportunity to shower to remove residual spray (if required)
  - b. change the clothing worn, including the stab resistant body armour (SRBA) during the incident if it has been contaminated with the pepper spray.

## 10. REQUIREMENTS FOR REPORTING SPONTANEOUS USE OF PEPPER SPRAY

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1. All incidents involving use of pepper spray on a prisoner must be reported (as per POM IR.06 Incident Reporting) within two hours.
2. In addition, the Prison Director and Regional Commissioner must be informed within two hours.
3. The OBC video recording and any other available video footage of the incident must be provided to the National Office Chief Custodial Officer's team within 72 hours of the incident occurring.
4. If a corrections officer has been exposed to pepper spray and experiences any physical symptoms as a result of being sprayed, the corrections officer must complete the H&S (Health & Safety) Accident Report.

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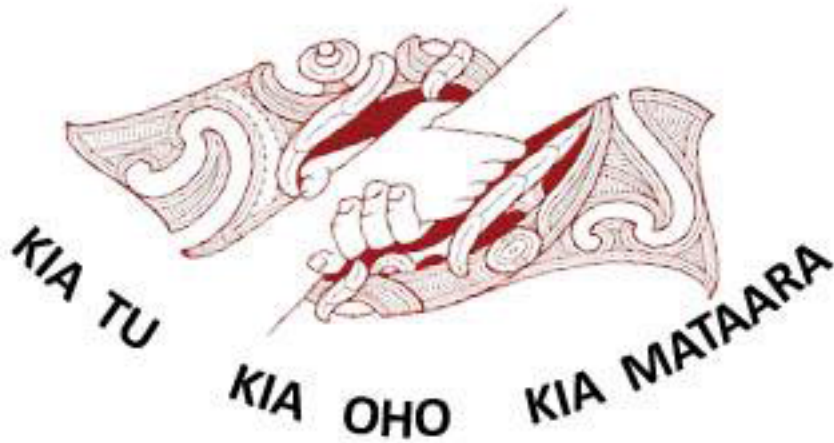




Participant's  
workbook



DEPARTMENT OF  
**CORRECTIONS**  
ARA POUTAMA ADTEAROA



"Working together to keep each other safe"

# Pepper Spray

July 2017





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# Pepper spray

## Structure and purpose of the training session

From 1 July 2017 the use of pepper spray will include spontaneous use and refer to the MK3 canister. The changes in the carry and use of pepper spray are contained in this workbook and the training session will last approximately 3 hours.

Processes and procedures addressing the planned use of pepper spray training, for example Tactical Options framework and the decontamination process, are revisited. This is to ensure you use the correct decision making process before a spontaneous event and that you use the correct decontamination procedures.

## Learning objectives

By the end of this session, participants will be able to:

- Describe the changes in regulations relative to the issue and use of pepper spray and the implications for Corrections staff
- Describe the risks of carrying and using pepper spray in a spontaneous situation
- Demonstrate an understanding of the operational policy and tactical options framework
- Apply the appreciation process
- Describe the process for the deployment and decontamination of pepper spray
- Describe the reporting requirements relating to pepper spray use





**What are the requirements regarding the disposal of the MK3 pepper spray containers?**

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**What are involved in the audit checks re pepper spray?**

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**What are the procedures after pepper spray has been used in a spontaneous situation?**

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## Tactical Options policy

### Guiding principles

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### Components of the Tactical Options model

#### Assess

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#### Plan

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#### Act

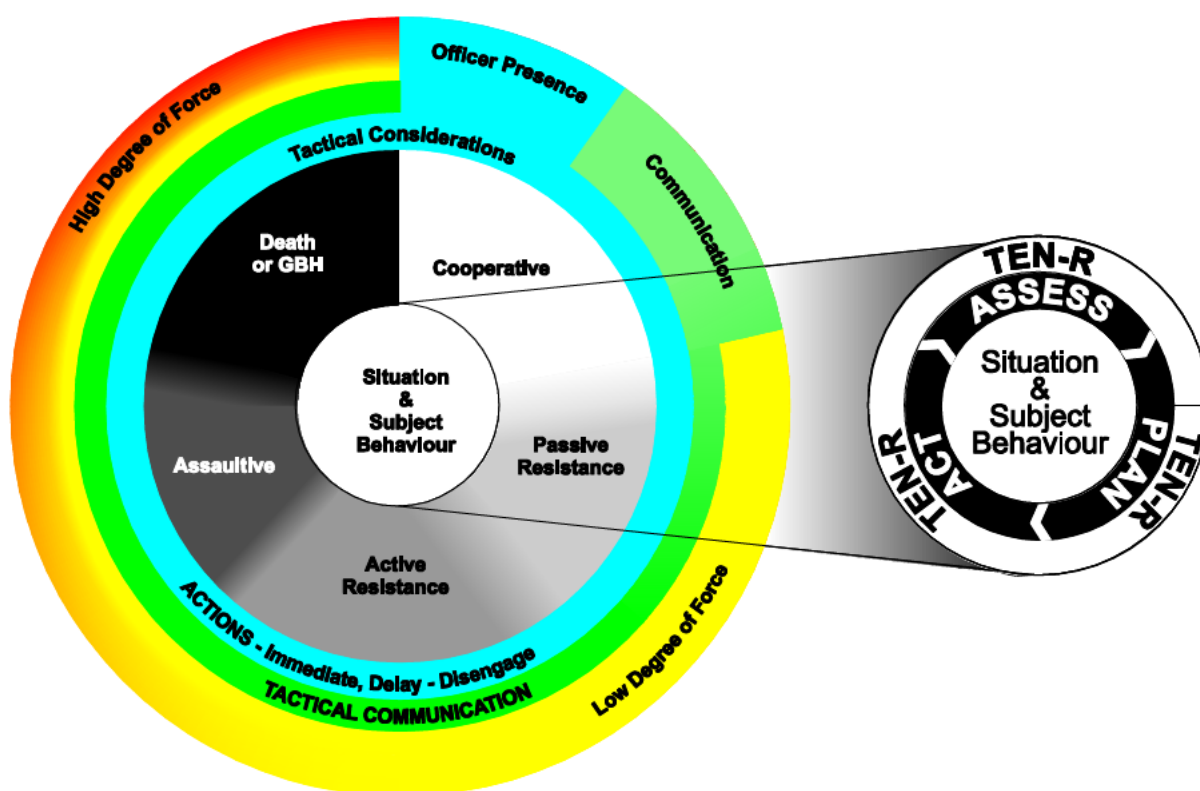
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Concept	Description of the steps in the process
T –	
E –	
N –	
R –	



## Characteristics of the MK3 canister and holster

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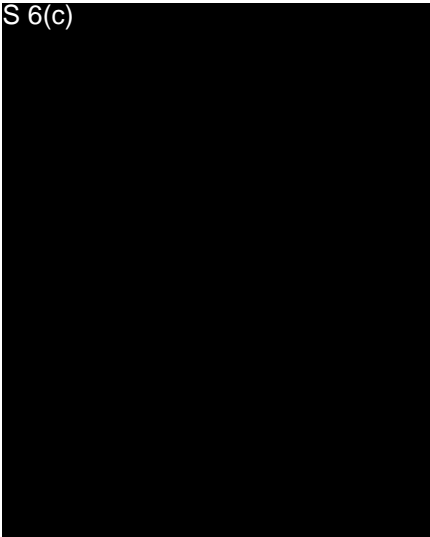
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<p><b>Canister</b></p> <p>S 6(c)</p> 	<p>Staff who have been issued with pepper spray must carry out the following checks before starting their shift:</p> <ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li></ul>
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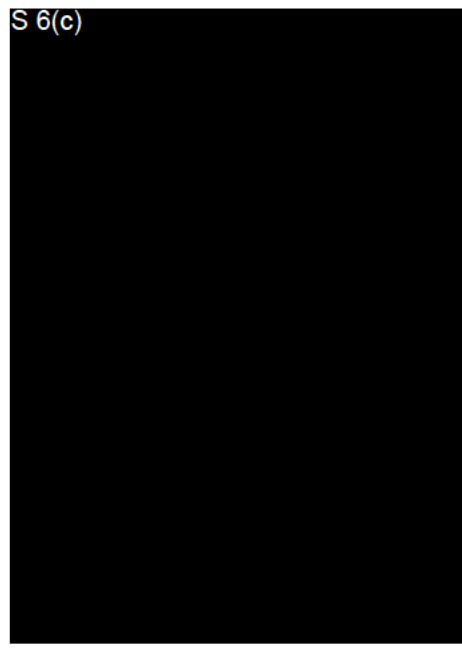

<p><b>Holster</b></p> <p>S 6(c)</p> 	<p>S 6(c)</p> <p><b>Things to remember:</b></p> <ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li></ul>
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**Spray and move**

Vertical spraying (single prisoner)	
	
<ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li></ul>	

Horizontal spraying (more than one prisoner)	
	
<ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li></ul>	

## Movement

S 6(c)

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S 6(c)



What movements are involved?

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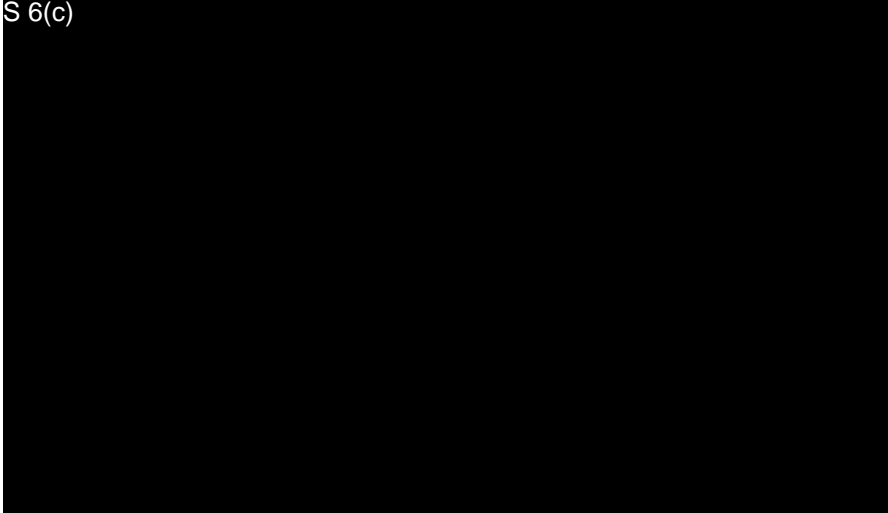
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**Officer Protection considerations**

S 6(c)

A large black rectangular redaction box covering the majority of the page content under the 'Officer Protection considerations' heading. The text 'S 6(c)' is visible in the top-left corner of the redacted area.

**Contact and cover**

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S 6(c)

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**Spraying Officer**

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**Canister retention**



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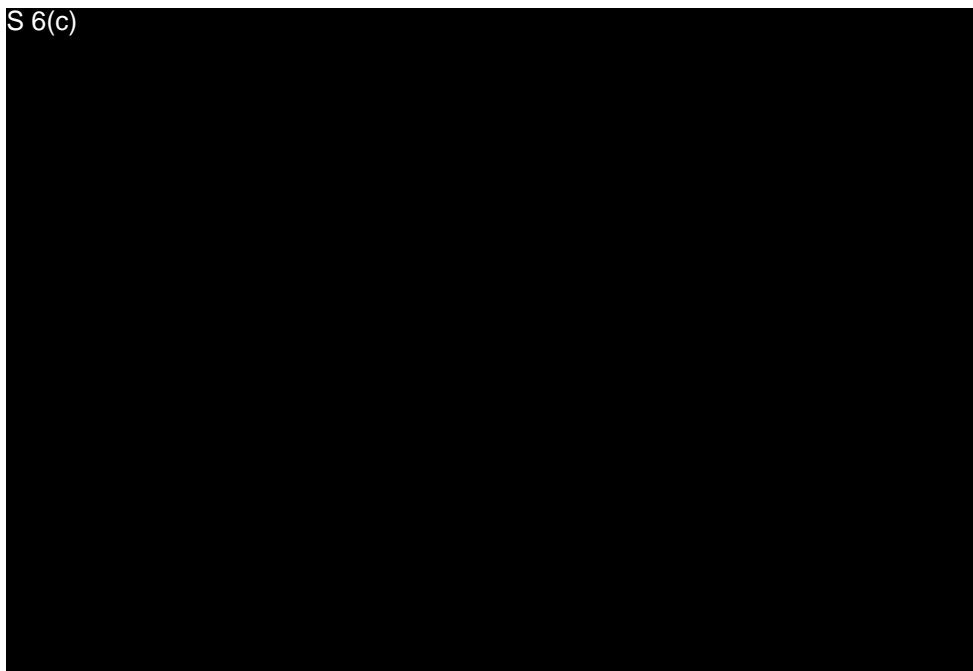
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**Staff member knocked to the floor**



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Decontamination spray



Eye wash container



Eye wash adapter on hose



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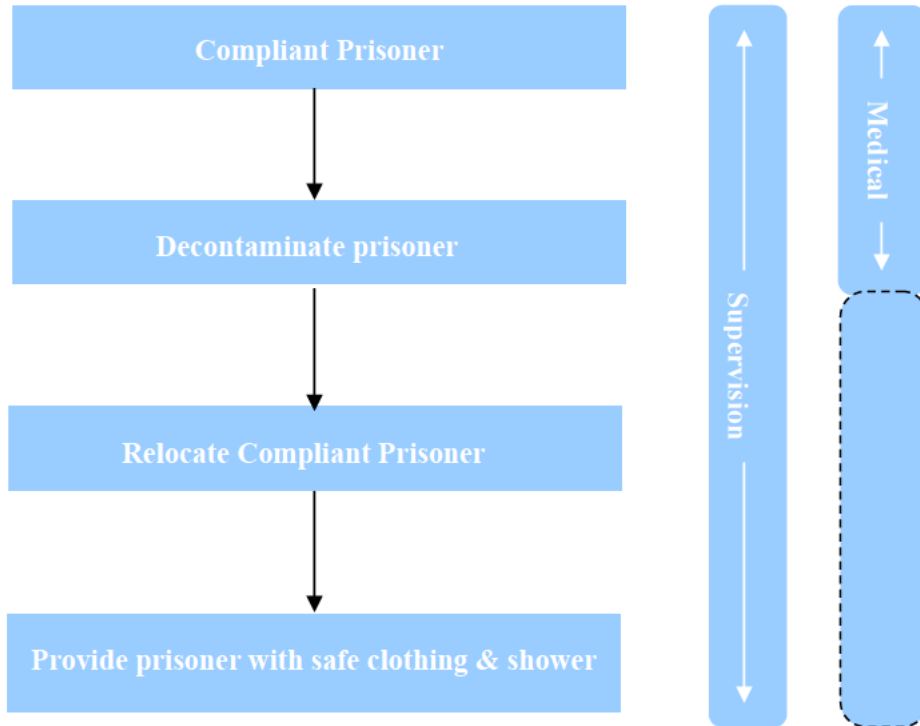
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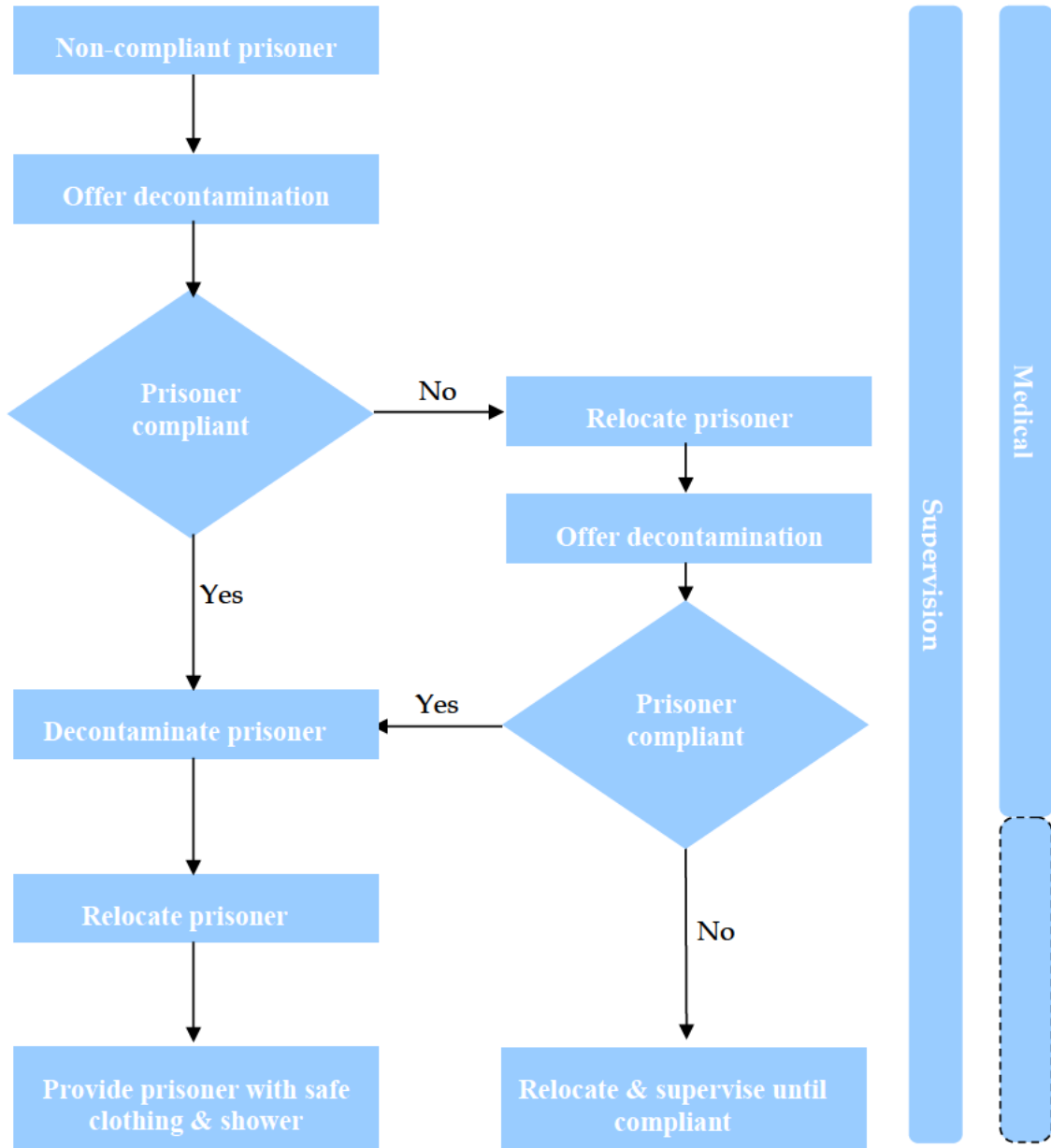
## Scenario 1

## Scenario 2

## Post deployment — Compliant prisoner



## Post Deployment — Non-compliant prisoner



# Written test

## Instructions

Below is a series of questions to check your understanding of carrying and using pepper spray in spontaneous situations.

Your instructor will give you instructions to answer the questions in writing and will then discuss the answers with you.

If you are unsure about some of the answers, go through the material again and refresh your understanding. You will also have the opportunity when discussing the answers to check your understanding with the rest of the participants and the instructor.

### 1. Under what circumstances can pepper spray be considered in a spontaneous situation?

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### 2. Under what circumstances must pepper spray not be used?

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### 3. What is the procedure for carrying and or using pepper spray on escort duty?

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**4. Select either true or false for the following statements**

		True / False
i	All officers for the duration of their daily duties may be issued with individual carry pepper spray.	
ii	Corrections officers, issued with individual carry pepper spray, have the responsibility to check the condition of the pepper spray canister, tamper seals and expiry date before use.	
iii	The pepper spray issue register must be completed before carrying of pepper spray	
iv	Pepper spray must always be securely carried in the pockets of the Corrections Officers SRBA	

**5. What are the responsibilities of a corrections officer who has deployed pepper spray in a spontaneous response?**

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**6. If the event occurred during an external escort or in transit, what must the escort staff do?**

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**7. Explain the acronym TEN-R**

- T
  
- E
  
- N
  
- R



