



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

DIVISION OF PAROLE AND PROBATION

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GENERAL ORDER NO. 25-002

TO: All Division of Parole and Probation Employees

SUBJECT: OLEORESIN CAPSICUM ("OC") SPRAY

I. PURPOSE. The purpose of this General order is to provide policy and procedure for the authorized use of Department-issued oleoresin capsicum spray by Division of Parole and Probation employees.

II. POLICY. It is the policy of the Division of Parole and Probation that an employee who is trained and certified to use oleoresin capsicum spray is authorized to deploy it for defensive purposes while performing official duties. The use of oleoresin capsicum spray must be in accordance with this General Order.

III. DEFINITIONS.

(a) In this General Order, the following terms have the meanings indicated.

(b) Terms defined.

(1) "Accountable Property Officer" means an employee designated by an agency head to assume custody of and to direct the care and use of Department property under the agency's jurisdiction.

(2) "De-escalation tactics" means techniques intended to reduce the intensity of a conflict or potential violent situation.

(3) "Director" means the Director of the Division of Parole and Probation ("Division") or the Director's designee.

(4) "Duty supervisor" means the designated supervisor responsible for daily office operations at a Division office, as assigned.

(5) "Immediate supervisor" means a supervisor who evaluates and directly oversees or directs the work of Division employees.

(6) "Intermediate supervisor" means a supervisor who evaluates and oversees or directs the work of an immediate supervisor."

(7) "Matter of record" means a written statement prepared by an employee setting forth the facts and details of a particular event, conversation, or incident. A matter of record is an official business record of the Department of Public Safety and Correctional Services ("Department") and the Division.

(8) "Oleoresin capsicum" or "OC" means an organic substance derived from certain pepper plants that, when combined with a propellant and sprayed, produces a temporary inflammatory reaction of the eyes, nose, throat, and/or skin of an individual or animal exposed to the spray.

IV. CERTIFICATION AND TRAINING REQUIRED.

(a) An employee who has successfully completed an OC spray training course approved by the Maryland Correctional Training Commission is authorized to:

(1) Receive OC spray that the Department has approved and supplied;

(2) Carry and use the Department-issued OC spray in the course of performing the employee's official duties provided the use is consistent with:

(i) This General Order; and

(ii) The training received for the authorized use of OC spray.

(b) An employee who is authorized to use Department-issued OC spray may not transfer or give the employee's OC spray to a Department employee who has not been authorized to use it or to any other individual.

V. CERTIFICATION FOR USE OF OC SPRAY.

(a) The DPP Deputy Director of Administration shall request the following information from the Maryland Correctional Training Commission for each employee who successfully completes OC spray training prior to the issuance of OC spray:

- (1) Name of employee;
- (2) Classification of employee; and
- (3) Employee's region or program assignment.

(b) The Accountable Property Officer within the Director's Office shall maintain:

- (1) An electronic record of employees who have successfully completed OC spray training;
- (2) An electronic list of the employees to whom OC spray canisters have been supplied;
and
- (3) An electronic inventory of OC spray canisters stored in the Division's offices in order to track when to replace canisters that have expired, or canisters that are lost, stolen, depleted, or malfunctioning.

(c) The Deputy Director for Administration or designee shall provide the exclusive bargaining representative with an annual electronic report containing:

- (1) The name of each employee who has been issued an OC spray canister;
- (2) The expiration date of the OC spray canister issued to each listed employee; and
- (3) The steps management has taken or will take to replace expired canisters.

VI. USE OF OC SPRAY.

(a) An employee shall assess the area where OC spray will be deployed;

(b) To the extent possible, an employee shall use the following de-escalation tactics before resorting to the use of OC spray:

- (1) Taking time to assess the situation;
- (2) Moving non-aggressively;
- (3) Speaking slowly;

- (4) Remaining calm;
- (5) Maintaining a safe distance, thereby reducing the opportunity for physical contact;
- (6) Listening effectively;
- (7) Asking for the individual's cooperation;
- (8) Explaining the consequences of continued threatening behavior; and
- (9) Retreating from the location.

(c) If de-escalation efforts are ineffective, and if an employee has a reasonable basis to believe that the employee is in danger of imminent physical injury, an employee may use OC spray for defensive purposes only to:

- (1) Protect self or others from imminent physical injury in the performance of duties; or
- (2) Deter an animal attack.

(d) An employee may not use OC spray for the purpose of controlling non-compliant behavior or procuring the compliance of an individual under supervision if their actions do not pose a threat of physical harm.

(e) An employee who deploys OC spray shall immediately leave the area and, once in a safe location, report the incident to 911, seek additional support if needed, and follow any instructions received from the 911 operator.

VII. REPORTING THE USE OF OC SPRAY.

(a) **Initial report.** An employee who deploys OC spray shall immediately call the immediate supervisor when they are in a safe location. If the immediate supervisor is unavailable, the employee shall call the duty supervisor and the intermediate supervisor. If they are not available, the employee shall call any member of management.

(b) The supervisor who is notified pursuant to paragraph (a) shall telephone and email the Regional or Program Administrator to report the employee's deployment of OC spray immediately.

(c) The Regional or Program Administrator shall report the employee's deployment of OC spray immediately to the Director, Executive Deputy Director, and Deputy of Administration upon receipt of notification from the immediate or intermediate supervisor pursuant to paragraph (b).

(d) **Written report.** An employee who deploys OC spray shall submit a written matter of record to the employee's Regional or Program Administrator, with a copy to the employee's immediate and intermediate supervisors not later than 24 hours following OC spray deployment. If the employee is unable to do so due to hospitalization, injury, or any other reason, the report shall be submitted as soon as reasonably possible. The matter of record should set forth:

- (1) A description of events leading up to the deployment of OC spray;
- (2) The location of the OC spray deployment;
- (3) A detailed description of the actual deployment of the OC spray to include the employee's reasons for deploying OC spray;
- (4) The name of each individual involved in the incident; and
- (5) Whether first aid was rendered to anyone at the scene as a result of the deployment.

(e) The Regional or Program Administrator shall promptly forward the matter of record received pursuant to paragraph (d) to the Director, Executive Deputy Director, and Deputy Director of Administration.

(g) The Director's Office shall promptly contact the Internal Investigative Division to report use of OC spray for investigation.

(h) Upon a finding of an unjustified use of OC spray, the Appointing Authority shall initiate the disciplinary process within mandated timeframes.

VIII. OC SPRAY IS STATE PROPERTY.

(a) OC spray supplied to an employee by the Department is State property. As such, an employee who receives an OC spray canister shall be responsible for the proper maintenance of

the canister and is expected to exercise reasonable care in preventing loss, destruction, or theft of the property.

(b) Upon receipt of an OC spray canister, an employee shall be informed of how to access the Safety Data Sheet from the manufacturer.

(c) An employee shall immediately report the loss, destruction, or theft of an OC spray canister to the employee's immediate supervisor.

(d) An employee shall surrender to management the employee's OC spray when the employee resigns, retires, transfers, or is separated from the Division.

IX. INVENTORY CONTROL.

(a) Each Regional and Program administrator shall be responsible for controlling the inventory of OC spray within the administrator's region or program.

(b) The Director's Accountable Property Officer shall:

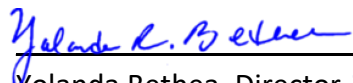
(1) Maintain an electronic record of all employee issued OC spray and the date of expiration;

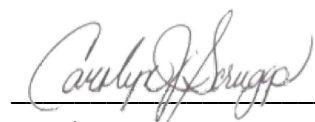
(2) Ensure OC spray replacements are ordered prior to expiration, and,

(3) Maintain an electronic record of replacement ordering of an employee's issued OC spray.

X. EFFECTIVE DATE: December 8, 2025

XI. APPROVED:


Yolanda Bethea, Director


Carolyn J. Scruggs, Secretary