

LESS LETHAL WEAPONS:



Pepper spray

What is it and how may it be used lawfully

Handheld chemical irritants, commonly known as “pepper spray” (also known as **OC**: oleoresin capsicum), **PAVA** and **CS** spray, are defensive weapons and may be used to respond to a person who is engaged in physical violence against a police officer or others. It is meant to be used against individuals at close quarters.

HOW DOES PEPPER SPRAY WORK?

Police use the device to spray into the face of a person at a distance of up to several metres, delivering the active chemical agent to the eyes, nose and mouth to cause temporary irritation to the eyes, upper respiratory tract and skin. There are also larger spraying devices (similar in size to fire extinguishers or insecticide spraying devices) that discharge a greater volume likely to affect more people at a time.

EFFECTS & RISKS

Warranted effects

- ✓ Temporary tearing of the eyes
- ✓ Breathing difficulties
- ✓ Coughing
- ✓ Burning sensation
- ✓ Skin irritation

These are all supposed to stop after a short period.

Unwarranted effects & risks

- ✗ Chemical burns to the respiratory tract tissue and digestive system or internal bleeding. The solvent designed to disperse the irritant can cause burns or other injuries if they have not evaporated before contacting the skin.
- ✗ If anyone nearby is smoking or using a projectile electroshock weapon, this can set the solvent on fire.
- ✗ If sprayed from too close a distance, the impact of the jet can cause eye injury.

WHEN CAN PEPPER SPRAY BE USED LAWFULLY?

THRESHOLD AND PURPOSE

- ✓ In self-defence or defence of others against persons who pose an imminent threat of injury to another person.
- ✓ Purpose should be to make the person stop the violent behaviour through temporary incapacitation but not to cause severe injury to the person, or lasting health effects.

PROHIBITIONS

- ✗ When a person offers only passive resistance or does not present a threat to another person.
- ✗ When the person has already been brought under control.
- ✗ To punish the person.

HOW CAN PEPPER SPRAY BE USED LAWFULLY?

Do's

- ✓ After a warning with sufficient time granted to comply with the order.
- ✓ To be sprayed towards the face of a person, but from a distance that prevents physical injury through the impact of the spray or burning the skin.
- ✓ Use must stop as soon as the person is complying.

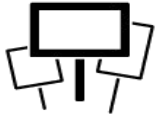
Don'ts

- ✗ Sprayed from a too close distance (risk of eye injury or burns).
- ✗ Random spraying at a group of people.

WEAPONS TO BE PROHIBITED

- ✗ Devices that have excessive toxicity.
- ✗ Devices that are designed to deliver excessive quantities of chemical irritant.

PEPPER SPRAY AND PROTESTS



Peaceful assemblies must be facilitated:

- ✓ Police may only use pepper spray to the minimum extent necessary against individual persons engaged in violence against persons.
- ✗ Pepper spray should never be sprayed randomly at a group of people nor as a means of dispersal against people who are only passively resisting.

PEPPER SPRAY AND CHILDREN



The use of any weapon against children must be avoided!

- ✗ Pepper spray is likely to have a greater effect on children with a risk of more severe consequences for their health.
- ✗ Children are less likely to present a threat that justifies the use of pepper spray.

INSTRUCTIONS AND TRAINING



Authorities must provide clear regulations, instructions and training on when and how to use pepper spray properly, including how to minimize harm and when it is not appropriate to use pepper spray. The use against persons who are only passively resisting must be explicitly prohibited.

- ✓ The decision on the deployment of pepper spray should only be made based on a thoroughly established legitimate operational need that is in compliance with international human rights law and standards on the use of force.
- ✓ Pepper spray, like all weapons used by the police, should undergo rigorous, independent testing to ensure it is safe and appropriate for use in compliance with human rights laws and standards. Any equipment with a significant risk of causing excessive or otherwise unwarranted injury or harm should not be used.
- ✓ Only certified police officials should be authorized to carry pepper spray.
- ✓ Each use of pepper spray should be reported and law enforcement officials must be held accountable for any unlawful use of pepper spray.

MORE INFORMATION



- Amnesty's [Position Paper](#) and [Summary](#) on Chemical Irritants
- Amnesty's [Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) and [Summary](#)
- [UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#)
- Amnesty's [Police and Human Rights resources website](#)

