



USE OF LESS-LETHAL CHEMICAL AGENTS		
new: ✓ rescinds: 20.6 ✓ amends:		cross-reference: accreditation standards: NYSLEAP Standard(s): 14.1, 20.1, 20.6, 20.7 & 21.2
effective date: November, 2019	amend date: May, 2020	

This General Order is for office use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for office administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish parameters for the type of chemical agents to be carried by members of this office and to insure that members of this office are properly trained in the use thereof. In addition this order defines the policies governing the issuance, wearing, and deployment and reporting the usage of chemical agents.

II. DEFINITIONS

See G.O. 900 Use of Force – General

III. POLICY

The main responsibility of Sheriff’s Office members is to protect the life and property of civilians. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or others.

IV. PROCEDURE

Less-Lethal Chemical Agents

- A. The only authorized chemical agent of this office is the office issued Oleoresin Capsicum 0.7%.
- B. No members shall be permitted to carry or possess any chemical agent without first having successfully completed an approved training course in the use of that chemical agent and complete annual training thereafter.
- C. All uniformed members shall be issued an O.C. 0.7% canister which shall be carried in an authorized holster and carried on the officer’s duty belt. Non-uniformed officer may carry

O.C. devices of an alternative design, in an alternate manner as expressly authorized by the Sheriff.

- D. No member shall carry or possess any other type of chemical agent.
- E. All chemical agents will be the sole responsibility of the individual officer to which it is issued. Members shall keep all chemical agents safe and within his or her control at all times.
- F. Chemical agents shall only be removed from their holsters for lawful use, proper storage, care and maintenance or inspection by a competent authority.

Less-Lethal Chemical Agents Usage

- A. Members shall only utilize physical force in accordance with Article 35 of the New York State Penal Law and Office rules and regulations as they pertain to the use of force. *See G.O. 900 Use of Force – General.* O.C. spray may be used to gain or maintain control of persons who are actively resisting arrest or lawful custody, or exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons.
- B. Use of O.C. spray is prohibited from being used on a handcuffed or secure prisoner absent combative and/or violent behavior that cannot be reasonably dealt with or controlled by using hands-on control measures or other arrest control techniques.
- C. Use of O.C. spray is prohibited from being used on subjects who are compliant or who are exhibiting only passive resistance, such as nonviolent and/or peaceful protestors, absent exigent circumstances, such as where there is imminent danger to life or property.
- D. Use of O.C. spray is prohibited from being used when the subject is operating or in control of a motor vehicle, unless circumstances exist where the use of OC spray could safely terminate the dangerous actions of an individual, who poses an immediate serious threat to the safety of themselves, the officer and/or others.
- E. Members should not use O.C. spray against individuals with frail health, the elderly, children, or persons with known respiratory conditions, unless exceptional circumstance are present that pose an immediate threat of harm to the member or another party and no reasonable alternative is available.
- F. Use of O.C. spray on an animal is permissible to deter an attack or to prevent injury to an officer or others. Using O.C. spray on an animal shall be documented in an incident report.

Deploying of Less-Lethal Chemical Agents

- A. O.C. 0.7% produces a stream shaped spray effective 8 to 12 feet away. Maximum effective range is 8 to 12 feet; however optimal distance is 3 to 8 feet. Members should not deploy O.C. spray from a distance that is less than 3 feet from the person, unless absolutely necessary.

- B. Members must consider factors such as wind, weather, building ventilation and the possibility of contamination of other members, or self, prior to using O.C. spray. Members shall exercise due care to avoid contamination of unintended persons.
- C. Whenever practical and reasonable, officers should issue a verbal warning prior to using O.C. spray against a subject in an effort to gain compliance. Officers should allow a subject a reasonable amount of time to comply with a warning prior to using O.C. spray, unless doing so would compromise the safety of an officer or another person.
- D. Direct a single spray burst, lasting between one to three seconds, at the subject's face. A single application, that contacts the subject's face, is normally sufficient. While multiple applications will not increase the effectiveness of the chemical agent, additional applications are permissible if the first or subsequent burst(s) are not observed to strike the face of the subject. Slightly longer bursts may be necessary when a subject is farther way or when environmental conditions are a factor. Each application of O.C. spray constitutes a use of force, and may only be used when objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person.
- E. Use only the amount of chemical agent necessary to control the subject(s). Once the individual(s) are under control and in custody no further exposure to the chemical agent is permitted.
- F. All uses of O.C. spray shall be reported immediately to the on-duty supervisor and documented on a Defensive Action Report. If OC spray is displayed to gain compliance from the subject a Defensive Action Report shall be completed.
- G. Supervisory personnel shall monitor the use of chemical agents. *See G.O. Use of Force – General.* A Defensive Action Report shall be filed when displayed and/or used. Supervisory personnel shall complete the Defensive Action Report – Administrative Review form, conduct inspections and take corrective action when a deficiency is noted. Improper use of O.C. spray shall be documented and reviewed.

Following the Deployment of Less-Lethal Chemical Agents

- A. Officers will make every effort to relieve the exposed parties discomfort when safe to do so by:
 - 1. Remove the subject to an area that is not contaminated with the chemical agent and face the subject into the wind;
 - 2. Have the subject stay still and attempt to breathe normally through the nose;
 - 3. Provide verbal instructions on how to wash affected areas and reassurance that the symptoms will subside over time;
 - 4. Allow the affected person to flush the affected area with cool clear water or BioShield;
 - 5. Do not use lotions, salves or creams on affected area;

6. Non-oil based soaps may be used to remove any residual resins from the skin;
 7. Wet paper towels or ice packs may be utilized to reduce inflammation of the skin;
 8. Contact emergency medical services if the subject displays a reaction not consistent with the expected reaction to aerosol O.C. Spray or if the subject indicates that they have a pre-existing medical condition that may be aggravated by O.C. spray.
- B. Members should not keep an O.C. sprayed subject in a face-down position any longer than reasonably necessary to take the subject into custody, in order to avoid positional asphyxia. Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe.
1. Placing a person face down in restraints causes the body weight to be placed on the diaphragm and inhibits the ability to breathe. Placing a person on their back can cause radial nerve damage to the wrist and forearm area. A safer position is to roll the restrained person over on his/her side, thus eliminating pressure on the diaphragm and still controlling the person on the ground as may be necessary.
- C. The subject should be continually monitored and not left alone until the effects of the O.C. spray have completely diminished.

V. INSPECTION AND STORAGE OF CHEMICAL AGENTS

- A. All chemical agent stock not issued to sworn personnel will be stored in either the locked cabinet within the Sergeant's Office or the Armory. Bi-annual inspections of all chemical agents stored and issued shall be conducted by the Quartermaster or his designee.
- B. Canisters which have passed their predetermined expiration date shall be stored separately from the useful stock and new canisters will be issued to personnel. Expired canisters may be used for training purposes.
- C. Officers are responsible to maintain all O.C. spray devices issued to them in an operational and charged state, and to request a replacement for a damaged, inoperable, or empty device.

By Order Of



Derek Osborne
Sheriff