

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM: Edgardo Garcia**
Chief of Police

SUBJECT: CHEMICAL AGENTS
SEE BELOW

DATE: May 22, 2020

Memo# 2020-020

SUBJECT

DUTY MANUAL REVISION – L 2609 USE OF CHEMICAL AGENTS
DUTY MANUAL REVISION – A 3012 USE OF CHEMICAL AGENTS BY CSOs
DUTY MANUAL REVISION – S 1144 CHEMICAL AGENTS

BACKGROUND

A recent review of Duty Manual section L 2609 – Use of Chemical Agents, revealed that it requires revision in order to include the Department’s full complement of Chemical Agent options and to bring the section’s language up to contemporary standards.

Duty Manual sections A 3012 and S 1144 have been updated to comport with the new language in DM L 2609.

ANALYSIS

The Duty Manual has been revised to reflect the following changes to Department policy regarding chemical agents. Additions are shown in *italics and underlined*. Deletions are shown in strike through form.

L 2609 USE OF CHEMICAL AGENTS:

Revised: 05-22-20

~~Only chemical agents authorized by the Chief of Police as specified in DM Section S 1100 (Authorized and Required Equipment) will be used.~~
Chemical Agents are substances designed to irritate the eyes and mucous membranes. Chemical Agents are classified as a Category II use of force for the purpose of assessment under DM L 2605.5 – COMMAND OFFICER’S RESPONSIBILITY BY USE OF FORCE CATEGORY. When properly used, chemical agents are a valuable de-escalation tool. In many instances, chemical agents can reduce or eliminate the necessity to use other force options to gain compliance.

The use of chemical agents must be justified by a suspect's active resistance and/or a credible threat of physical harm. Chemical agents can be used by officers in self-defense, on suspects resisting a lawful detention or arrest, to prevent individuals from gathering in a specific area during an unlawful assembly, directly on violent crowds, or to encourage a suspect to exit an enclosed structure, vehicle, or open space.

Only Chemical Agents authorized by the Chief of Police will be used. Department personnel shall not use chemical agents (including delivery munitions or devices) without first receiving training from a Department approved Chemical Agents Instructor and/or Less Lethal Impact Munitions instructor.

Currently Authorized Chemical Agents include but are not limited to Oleoresin Capsicum (OC) spray, OC powder, Chlorobenzylidene Malononitrile (CS) gas, CS powder and CS liquid.

OC Spray Cannisters: All sworn Officers and Community Service Officers are authorized to use Department issued OC spray canisters containing .2% Capsaicinoid.

The following chemical agent devices may only be deployed by specialized personnel and units that have been authorized to do so by their respective Bureau Chiefs:

Aerosolized Chemical Agent Dispersal Device: Aerosolized dispersal devices containing OC, similar "pepper" irritants, or malodorants may be used with approval from a supervisor or an incident commander.

Less Lethal Impact Munitions (LLIM): LLIMs containing OC Powder, similar "pepper" irritants, or malodorants may be used with approval from a supervisor or an incident commander. When an LLIM is directed at an individual such use shall also comply with Duty Manual section DM L 2629 – USE OF PROJECTILE IMPACT WEAPONS.

NOTE ON CROWD CONTROL:

- [REDACTED]
- When aiming an LLIM at a violent individual during crowd control circumstances, officers are reminded of their responsibility for accurate round placement and their duty to avoid striking unintended subjects. In such circumstances, officers shall consider alternate solutions if the crowd density creates an unnecessary risk of striking individuals against whom the use of an LLIM would be unjustified.

The following chemical agents and chemical agent devices may only be deployed by members of the MERGE Unit.

Kinetic Energy Impact Munitions (KEIM): KEIMs (e.g. ferret rounds) containing OC Powder, similar "pepper" irritants, CS powder, CS liquid or

malodorants may be used with approval from a MERGE supervisor or an incident commander. The high kinetic energy of KEIMs makes them inappropriate to direct at individual persons except in deadly force encounters (as defined in Duty Manual Section L 2602.1 – DEADLY FORCE).

NOTE ON CROWD CONTROL:

[REDACTED]

- KEIMs will not be directed at specific persons for crowd control purposes.

CS Gas: The deployment of CS gas and delivery devices must be in compliance with the following:

- Absent exigent circumstances (e.g. officer or citizen rescue) CS munitions will not be used without prior approval from the MERGE commander or his/her designee.
- [REDACTED]
- Absent exigent circumstances, emergency medical personnel will be staged on-scene prior to the deployment of CS gas.

A 3012 USE OF CHEMICAL AGENTS BY CSOs:

Revised: 05-22-20

Only chemical agents authorized by the Chief of Police as specified in DM Section S 1100 (Authorized and Required Equipment) will be used. A CSO may only use his/her OC Spray in self-defense situations or in defense of others as long as their conduct was reasonable under the circumstances. Such use must comply with DM L 2609 – USE OF CHEMICAL AGENTS.

S 1144 CHEMICAL AGENTS:

Revised: 05-22-20

Officers assigned to or functioning in a uniformed capacity, either on-duty or off, may only carry chemical agent canisters issued by the Department.

Officers functioning in a plainclothes capacity, or members in an off-duty status, may carry either the Department-issued chemical agent canister or the smaller variety by the same manufacturer containing the same agent.

Regardless of which canister type is carried, any use of said chemical agent must comply with DM L 2609 – USE OF CHEMICAL AGENTS.

ALL DEPARTMENT PERSONNEL

SUBJECT: DUTY MANUAL REVISIONS - CHEMICAL AGENTS

May 22, 2020

Page 4

ORDER

Effective immediately, all sworn personnel will adhere to the above listed Duty Manual changes.

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form the name 'Edgardo Garcia'.

EDGARDO GARCIA
Chief of Police

EG:CS:PC