



Jeffrey R. Gahler,
Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONAL POLICY

Use of Chemical Agents

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1. Purpose

To provide Harford County Sheriff's Office (HCSO) employees with guidance on proper procedures regarding situations when chemical agents are used.

2. Policy

Deputies have been given the responsibility to protect and serve all citizens while balancing the need for officer safety and are granted the authority to use force when necessary to accomplish lawful ends. This authority is grounded in the laws of the State of Maryland, the United States Constitution, Court rulings and the provisions of this policy. Recognition of, and respect for the dignity of all persons and the value of human life will guide all training, leadership, and procedures, as well as guide deputies in the use of force.

3. Definitions

ACTIVE AGGRESSION: overt, hostile, attacking movements or actions by a subject, which may cause injury to the deputy. This aggression may manifest itself through actions including, but not limited to, punching, kicking, biting, or pushing.

ACTIVE RESISTANCE: physical evasive movements or behaviors to defeat a deputy's attempt at arrest or control, including physical bracing, twisting, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into custody.

CHEMICAL AGENTS: substances designed to irritate the eyes and mucous membranes (e.g., CS gas (2-chlorobenzylidene malononitrile), PepperBall brand less-lethal launching system munitions, oleoresin capsicum (O.C.) spray, etc.).

LESS LETHAL PHILOSOPHY: a concept of planning and applying force that meets operational objectives that is neither likely nor intended to cause death or serious physical injury.

OLEORESIN CAPSICUM (O.C.) SPRAY: An aerosol container of chemical spray (non-flammable propellant and base), which contains 5% cayenne pepper.

PASSIVE RESISTANCE: subject is not physically cooperating with the deputy's attempt to restrain them and is not assaulting the deputy or trying to escape (e.g., going limp, etc.).

PEPPERBALL: a brand name of a concentrated formula of 0.5% PAVA (capsaicin II) projectile that is dispensed by a launcher and used for direct impact and area saturation.

USE OF FORCE: any execution of a physical act to control a person, overcome resistance and/or defend oneself or another. The force may entail the use of body parts, issued Agency defense equipment, an instrument of necessity, or deployment of a K-9.

4. References

[OPS 0501](#) Use of Force

5. Procedures

A. O.C. Spray

1. Issuance of O.C. Spray

- a. O.C. Spray will be issued to HCSO members only after receiving the approved training and demonstrating proficiency in accordance with standards provided by the HCSO Training Academy.
- b. Only Agency approved O.C. Spray dispensers will be issued to HCSO members.
- c. Law enforcement deputies at the rank of sergeant and below, who elect to carry the Agency approved O.C. spray while in uniform, will do so in the Agency issued holster on their duty belt.
- d. When the O.C. Spray is carried by other members, it will be secured in the Agency holster and attached to a waist belt.
- e. Members are accountable for their issued O.C. Spray and are responsible for its care and upkeep.
- f. When off-duty, O.C. Spray dispensers must not be accessible to civilians.
- g. Depleted, outdated, or damaged O.C. Spray dispensers will be exchanged at the Quartermaster.

2. Deployment of O.C. Spray

- a. The O.C. inflammatory agent is considered a low-level control and restraint technique when applied in a manner consistent with the HCSO procedures and training.
- b. Members will only use O.C. Spray when it is objectively reasonable to effectively and safely resolve an incident, based on the totality of circumstances, and in accordance with [OPS 0501](#) Use of Force.
- c. It is not appropriate to use O.C. Spray on subjects who are compliant or who are exhibiting only passive resistance.
- d. Members should, wherever possible and appropriate, use de-escalation techniques, including defusing the situation through warnings and verbal persuasion.
- e. O.C. Spray should not be deployed in an Agency vehicle.
- f. O.C. Spray should not be used against a suspect in physical control of a vehicle in motion (e.g., car, truck, motorcycle, all-terrain vehicle, etc.) unless exigent circumstances exist.

- g. O.C. Spray will not be used when the subject has been successfully restrained and in custody or is otherwise under control.
- h. Members will use caution while in contact with the subject to avoid cross contamination.
- i. Subjects will be secured as quickly and safely as possible.
- j. Any affected persons should be removed from the contaminated area as quickly and safely as possible.
- k. Members will flush the eyes and face of the affected subject with clean water as soon as possible after the subject is secured. Members should reassure subjects that symptoms are temporary and attempt to relieve anxiety by talking to subjects.
- l. Members will request the assistance of Emergency Medical System (EMS) for further treatment, if necessary.
- m. The on-duty supervisor will be notified through dispatch as soon as possible after the use of O.C. Spray.
- n. Members may use O.C. Spray on an animal that presents a danger to the member or other persons if there are no other humane means to control the animal. If the animal exhibits signs of distress, Animal Control must be contacted.
- o. Modifications or alteration to the O.C. Spray dispenser are prohibited. Members will report any problems with the O.C. Spray dispenser to their immediate supervisor.
- p. Supervisors will inspect the O.C. Spray dispenser bi-monthly to ensure that any problems with the dispenser are addressed immediately and documented on the Personnel and **Vehicle** Inspection **Sheet** ([SO-139](#)).
- q. Members will obtain replacement O.C. Spray dispensers from the Quartermaster after any discharge of O.C., regardless of the amount of O.C. used. Members will also obtain replacement O.C. Spray dispensers for expired, damaged dispensers or dispensers with broken seals.

3. Storage

- a. O.C. Spray dispensers will not be stored in direct sunlight or in places where the temperature may reach 120 degrees Fahrenheit, such as in the trunk of a car.

B. Other Chemical Munitions

- 1. Only deputies trained and certified through the HCSO Training Academy in the use/deployment of CS gas, PepperBall brand less-lethal launching system munitions, or any other system are authorized to dispense these agents for crowd control purposes or in situations where other options are not desirable.
- 2. Before the deployment of other chemical munitions, the member will verify that:
 - a. Clear warnings that chemical agents, force, etc. will be utilized are communicated to the individuals subject to such force;

- b. The individuals are provided sufficient opportunity to heed the warnings and exit the area;
 - c. The effect of such uses of force will be minimized on those individuals who are complying with lawful enforcement commands;
 - d. There is a means of safe egress from the area available to the individuals; and
 - e. At no time will any use of force be used to frighten or punish individuals for exercising their constitutional rights.
 - f. **Deployments of chemical munitions during a riot/civil disturbance require the approval of the Incident Commander.**
3. Any individual who has been injured or complains of an injury will receive medical assistance in accordance with [OPS 0501](#) Use of Force, as soon as any civil disturbance has cleared and it is safe to do so.

C. Reporting the Use of Chemical Agents

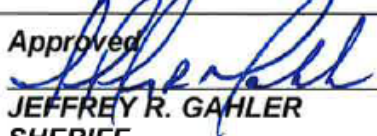
1. Whenever a member discharges a chemical agent, for an operational purpose, the member must immediately notify his supervisor or the on-duty supervisor.
2. Members will document the event in an Incident Report for the original call for service or a Supplemental Report **or Tactical Report to the Special Response Team (SRT) Commander** prior to the end of that member's tour of duty.

D. Supervisory Responsibilities

1. Any supervisor who is notified of a use of chemical agents must follow the guidelines established in [OPS 0501](#) Use of Force.
2. The supervisor completing the Use of Force Report **in the RMS** will verify that the member made the appropriate entry on an Incident Report or Supplement Report as required above.
3. The supervisor will complete a Use of Force Report **in the RMS** before the end of the supervisor's tour of duty and forward it through the chain of command.
4. **Deployments during a tactical incident by the SRT will be documented in the Tactical Report by the SRT Commander.**

E. Chain of Command Review

1. Shift Lieutenants, Duty Officers and Division Commanders will ensure the use of force reporting requirements, training, investigations, review process and distribution of the Use of Force Reports **in the RMS** are conducted in accordance with the procedures established in [OPS 0501](#) Use of Force.

Approved  JEFFREY R. GAHLER SHERIFF DATE <u>12/27/2022</u>
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