

**MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDER**

CHAPTER 4 - WEAPONS
GO-04-01
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DATE
03/21/05

USE OF CHEMICAL AGENTS

POLICY

Chemical agents are intended for use by an officer attempting to subdue an attacker or a violently resisting suspect or inmate; in anticipation of violence or resistance; or under other circumstances that permit the lawful and necessary use of force. Chemical agents shall never be used indiscriminately.

Deputies shall carry only chemical agents approved by the Marin County Sheriff's Office and shall be used in accordance with this policy. Deputies shall not possess or use chemical agents without having completed the mandatory Department training for the specific chemical agent being used.

DEFINITIONS

Chemicals Agents: Includes Oleoresin Capsicum (OC), "Tear Gas" weapons as described in PC section 12401, CS, CN, and inert smoke diversionary devices.

OC: Oleoresin Capsicum

PROCEDURE

Chemical agents may be applied to subjects from distances of three feet or more in circumstances over which the officer can exercise control. When used at distances of less than three feet, care should be taken to avoid spraying chemical agents directly into the eyes of a subject, to avoid the hydraulic needle effect.

Deputies shall not expose an individual to chemical agents for longer than the absolute minimum length of time required to establish control over him/her.

Chemical agents shall not be used in a custody environment without a supervisor's authorization, unless immediate action must be taken to prevent imminent injury to any person.

Great care shall be exercised in using chemical agents upon persons who confine themselves in closed vehicles or jail cells from which they refuse to emerge or resist being removed. Removal of persons from vehicles, jail cells, or confined spaces shall be accomplished as quickly as possible after the application of chemical agents.

Prior to the use of personal or duty aerosol OC, persons upon whom OC is used should appear to be alert and in possession of their normal protective reflexes, such as blinking, eye closure, breath holding and turning away from the applied stream of OC.

Chemical agents shall not be used on a person once the person is subdued and under physical control.

Chemical agents may not be used in demonstrations, riots and other civil disorders unless under the direction of command officers.

FOLLOW UP PROCEDURES AFTER USE OF OC

Deputies shall constantly monitor any subject who has been exposed to Chemical agents for signs of difficulty in breathing.

Prior to transporting and whenever possible, fresh water shall be provided to the person for the purpose of flushing his/her eyes.

If the person is being booked, deputies will notify detention personnel and medical staff that chemical agents have been used, and the subject should continue to be monitored for signs of difficulty breathing.

Deputies who are exposed to chemical agents may go to Marin General Hospital for treatment. If the exposure is significant, the affected Deputy shall request transportation rather than attempt to drive him/herself.

MANDATORY REPORTING PROCEDURES

Whenever chemical agents are used, a detailed description of the circumstances attending its use must be included in the incident report. The required description shall be full and complete, not merely a statement that chemical agents were used. If, for some reason, a person upon whom Chemical agents were used, escapes, is not taken into custody or is otherwise unidentified, the use of Chemical agents shall still be thoroughly described in the incident report.

Arresting officers shall note the time of the use of chemical agents in a prominent place on the offense report.

When deputies are treated for exposure to chemical agents, they are responsible for having this fact noted in writing, and a copy placed in their personnel file for future review. The notation shall include the date and time of exposure, date and time of treatment, case number of incident and name of supervisor.

RELATED STANDARDS:

P.C. 4574

Graham v. Conner 490 U.S. (1989).

Tennessee v. Garner 471 U.S. 1(1985).

Burns v. Honolulu 82 District Court #79-0274 9th Circuit Court of Appeals #81-4665.

Penal Code section 12401.

Penal Code section 843.

AFFECTED DIVISIONS

All.

DATE OF REVISIONS:

03-21-05

01-06-94

12-30-98

By order of:

ROBERT T. DOYLE
SHERIFF