



**Division of State Patrol
Policy and Procedure**

Number
2-8

Subject USE OF CHEMICAL AGENTS AND MUNITIONS	
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I. POLICY

It is the policy of the Division of State Patrol (DSP) to use effective measures to reduce the likelihood of potential injury to its officers and/or resistive/combatative subjects during a confrontational incident or its threat.

II. PUROPOSE

The purpose of this policy is to identify approved chemical agents and munitions, the training required to deploy these items and identify the proper deployment.

III. DEFINITIONS

- A. **Active Resistance** – Behavior which physically counteracts an officer’s control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.
- B. **Assaultive Behavior** – Direct actions or conduct that generates bodily harm.
- C. **Continued Resistance** – Maintaining a level of counteractive behavior that is not controlled by an officer’s current efforts.
- D. **Flexible Projectiles** – A munition generally made of a softer material that will have some give when it strikes its target, releasing its energy faster. Used as a protective alternative in order to overcome continued resistance, assaultive behavior, or their threats. (Examples include: **40MM Foam Baton, 40MM Impact w/ CS Powder, and 40MM Impact w/ Orange Marking Powder.**)

- E. **High Energy Projectiles** – Munitions designed to cause a high level of physical discomfort and possible incapacitation of an individual. Used as a protective alternative in order to overcome continued resistance, assaultive behavior, or their threats. (Examples include: **40MM Foam Baton, 40MM Impact w/ CS Powder, and 40MM Impact w/ Orange Marking Powder.**)
- F. **Low Energy Projectiles** – Munitions designed to deliver minimal energy to cause physical discomfort for pain compliance or mental distraction. Also used to move a crowd. Used as a protective alternative in order to overcome continued resistance, assaultive behavior, or their threats. (Examples include: **40MM .60Cal Sting Balls**)
- G. **Noise Flash Diversionary Devices (NFDD)** – A device creating a bright flash and loud sound to temporarily divert the attention of subjects in an immediate area.
- H. **Non-Flexible Projectiles** – A hard munition that has little or no give when it strikes a target. Used as a protective alternative in order to overcome continued resistance, assaultive behavior, or their threats. (Examples include: **40MM .60Cal Sting Balls**)
- I. **Oleoresin Capsicum (O.C.)** – Refers to a less-than-lethal product derived from the extract of the capsicum pepper plant, which causes inflammation over areas of contact (the face, eyes, nose, and mouth). Used as a control alternative against resistive or combative subjects, or aggressive animals.
- J. **Orthochlorobenzalmalonitrile (CS)** – A two-part chemical compound, when mixed, turns into a paste that is then dried and ground into a micropulverized particle. The effects include: severe burning sensation to the eyes (which causes involuntary eye closure), severe burning sensation to the skin and moist-wet areas of the body, nasal discharge. Tightness in the chest. Extreme exposure may cause dizziness, nausea and vomiting. Exposed persons may need assistance in walking.
- K. **Smoke** – This is considered an obscurant and should be used in conjunction with chemical agents (C.S or O.C.).

IV. TRAINING AND RECERTIFICATION

- A. Oleoresin Capsicum
 - 1. Prior to issuance of O.C., officers must complete the four-hour basic course as prescribed by the Wisconsin Department of Justice, Training and Standards Board. Officers must pass all portions of the proficiency and written exams and must submit to a product demonstration through physical exposure to O.C.
 - 2. Physical exposure may not be required when reasonable medical documentation is provided indicating that such exposure will likely cause unreasonable health risk to the employee.

- B. Chemical Agents (CS, OC large containers and Smoke)
 - 1. Annual Training will be provided for Chemical Agent Dispersal
 - a. This training includes classroom training and hands on practical application training.
- C. Less Lethal Impact Munitions
 - 1. Annual Training will be provided for impact munitions.
 - a. This training shall include firing impact munitions in a training/range environment for re-familiarity with the munitions' ballistic mannerisms.
- D. Noise Flash Diversionary Devices
 - 1. Annual Training will be provided for noise flash diversionary devices.
 - a. This training includes classroom training and hands on practical application training.
- E. A review of this policy should be conducted biennially.

V. USE OF CHEMICAL AGENTS AND MUNITIONS

- A. Oleoresin Capsicum
 - 1. The use of O.C. falls under Control Alternatives in the intervention options of the Disturbance Resolution Model, "to overcome active resistance or its threat." (See P&P 2-1, Attachment 1). Based upon threat assessment factors, officer/subject factors, and special circumstances known at the time, an officer may reasonably escalate to the use of O.C.
 - 2. Division supplied O.C. will be carried and stored in the holster, which generally will be worn in front of the firearm. A second option is to wear the holster on the reaction side, between the baton and ammo pouch.
 - 3. Division supplied O.C. may be carried while on duty and in civilian attire. (Smaller containers for this type of attire are available)
 - 4. O.C. spray will be used in accordance with the techniques taught by certified instructors.
 - 5. The following are situations that warrant the use of O.C. spray:
 - a. Used as a control technique to overcome active resistance or its threat.
 - b. Used as a control technique against an aggressive animal(s).
 - c. Sworn personnel shall perform periodic test sprays (at a minimum quarterly) of the carried O.C. to ensure proper function, discharge and level of product. If problems with the product exist or the canister reaches ½ full, it shall be replaced upon request of the officer.

6. It shall be the officer's responsibility to follow proper decontamination procedures after spraying a subject with O.C. Decontamination will take place after the subject is under control and the safety of the officer and others is assured.
 - a. Once the scene and subject are under control, he/she should be moved to fresh air until the effects of the O.C. diminish.
 - b. If available and officer safety is not compromised, the subject's eyes and face should be flushed with cool water. In many circumstances the flushing with water may have to wait until the officer's arrival at a secure facility (i.e. jail).
 - c. The officer will continue to monitor the subject for a reasonable amount of time and summon medical attention, if necessary, or if the subject requests it.
7. Reporting - Within 24 hours after application of O.C., the officer shall document and submit a Subject Management Supplement Report (eSP4504) concerning the use of O.C. spray. This report shall be completed utilizing the Division's electronic reporting system, linking all incident documents, and in accordance with applicable reporting procedures and directives.
 - a. Restrictions to Using O.C. Spray

The use of O.C. for other than authorized training/testing or defense of self or others is prohibited.
 - b. Threats Against Officer with Use of O.C. Weapons

Due to the incapacitating nature of O.C. spray, deadly force may be justified as a final escalation of force if an officer reasonably believes he/she or another person is facing the imminent threat of death or great bodily harm. This perception must be based on the totality of circumstances including threat assessment opportunities, officer/subject factors and special circumstances and not solely on the threat of, or exposure to, O.C.

B. Chemical Munitions (CS, O.C Large Containers, and Smoke)

1. When possible, adequate dispersal orders should be given before deploying chemical munitions into a crowd. When dispersal orders are given, clear directions about the location for safe egress for members of the crowd and if possible, allow a reasonable amount of time for the subject(s) to comply with the warning. These orders should, when possible, be given via loudspeaker.
 - a. Chemical munitions and dispensing equipment will be issued to trained officers when determined appropriate by a Division supervisor and the Region Commander or designee.
 1. Chemical munitions may normally be used only in situations where the supervisor has enough reason to believe that the situation cannot be controlled by less force.

2. Only personnel who have received Division approved training in chemical munitions will be assigned and authorized to use them during actual operations.
3. Chemical munitions may not be used in a situation when its use would likely escalate the incident or place other responders in jeopardy.
4. Prior to the deployment of chemical munitions, due regard will be exercised for the safety of any subjects, police officers, and citizens.
5. Scene containment and/or evacuation will be implemented when the use of chemical agents or smoke is anticipated.
6. The supervisor issuing the order to use chemical munitions is responsible for completing an Initial Weapon Discharge Report (SP4390).
7. Deployment shall follow Division Policy and training.

C. Less Lethal Impact Munitions

1. Less lethal impact munitions are intended to impede/subdue a subject when other methods are impractical or would present a serious threat to the life of the subject, officers, or other citizens. The Division has incorporated the use of less lethal impact munitions to de-escalate potentially violent confrontations. The use of these munitions may be called for in situations including, but not limited to, combative, violent, armed, or noncompliant subjects.
 - a. To minimize the potential for causing death or serious physical injury, the use of less lethal munitions shall be in accordance with Division approved training and Policy and Procedure.
 - b. Only personnel who have received Division approved training in less lethal impact munitions will be assigned and authorized to use them during actual operations.
 - c. Less lethal impact munitions may be utilized by trained employees during situations where training and experience indicate that other controls would be less effective, or prove dangerous, and viewed as reasonable under the protective alternatives with in the Disturbance Resolution Model.
 - d. Deployment shall follow Division Policy and Training.

- D. Noise Flash Diversionary Devices (NFDD)
1. Noise Flash Diversionary Devices create a bright flash and loud sound to temporarily divert or distract the attention of subjects in an immediate area. When practical, multiple tactics should be used in conjunction with the NFDD such as less lethal impact and/or chemical munitions.
 - a. Only personnel who have received Division approved training in NFDD's will be assigned and authorized to use them during actual operations.
 - b. The authorized NFDD munition is the 100 Meter Warning Signal (Aerial Flash-Bang) which is deployed using a 40mm launcher.
 - c. Deployment shall follow Division Policy and Training.
- E. When a Grenadier deploys any munition (Chemical, Impact or NFDD), a Subject Management report must be completed. If the munition is serialized and deployed, paperwork must be completed for the Federal Department of Alcohol, Tobacco and Firearms, by the Mobile Field Force Program Director at the Academy. When any munitions are used during an event, either the Staging Manager or Command Post personnel must log the item used within the munitions inventory tracking system utilized by the Division.
- F. Any subject exposed to impact or chemical munitions should, when possible be medically evaluated when the subject is taken into custody. However, some munitions are designed to disperse crowds and subjects may not be taken into custody. Under these circumstances, deploying officers must articulate why the subjects were not taken into custody and why we were unable to provide medical attention.

VI. REFERENCES

eSP4504, Subject Management Supplement Report
SP4390, Initial Weapons Discharge Report
DSP Policy & Procedure 2-1, Use of Force
DSP Civil Disorder Manual
Mobile Field Force SOP