GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations		**Section:** 403.6
Subject: Use of Force		**Topic:** Chemical Munitions
Accreditation: A.05.01, A.05.02, A.05.04,A.06.01	**Revised:**	**Reaffirmed:**
Enacted: 06/09/2016	**Last Review:** 05/26/2016	**Review:** 01/30/2017

I. PURPOSE

The purpose of this General Order is to establish policy and procedures governing the use of chemical munitions by sworn members of the Loudoun County Sheriff's Office.

II. POLICY

It is the policy of the Loudoun County Sheriff's Office that sworn personnel shall attend and successfully complete all applicable training. The deployment of chemical munitions by sworn personnel shall be done in accordance with General Order 403.1 and all applicable LCSO training protocols. However, it is ultimately the responsibility of the deputy to ensure that he/she deploys any chemical munitions within the standards of *Graham* v. *Conner*.

Performance of the law enforcement function raises the possibility that at some given time and under circumstances of necessity, deputies may be called upon to use chemical munitions in the performance of their duties. Therefore, the intent of this General Order is to provide guidelines governing the types of chemical munitions used and the means by which they are dispersed by sworn members of the agency. Specific instructions in regard to what types of munitions each division or specialty will deploy should be defined in their Standard Operating Procedures.

Deputies have an affirmative duty to act if they observe another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances, and shall safely intercede to prevent the use of excessive force. Deputies shall promptly report the incident to a supervisor.

III. DEFINITIONS

A. 40 mm Munitions Launcher: Used to deploy chemical, impact or barricade munitions to the area of an armed and/or barricaded subject when the use of thrown munitions would be unsafe or impractical.

B. 12 Gauge Shotgun, Chemical Munitions: Used to deploy 12 gauge chemical, impact or barricade munitions to the area of an armed and/or barricaded subject when the use of thrown munitions would be unsafe or impractical.

C. Chemical Agent Grenades: Used to deploy intermediary amounts of chemical agents into a specific area. Pyrotechnic grenades shall never be used inside any structure.

D. Smoke Grenades: Used to mask movement, to help deliver chemical agents, to determine wind direction or colored smoke will indicate the imminent use of chemical munitions. Smoke grenades shall never be used inside any structure; the use of smoke indoors will consume oxygen in the structure and can cause serious injury and/or death to persons inside.

E. Ferret Rounds: A launched munition that is a barricade penetrating round and disperses a powder or liquid chemical agent. This launched projectile breaks upon impact with a hard surface releasing the chemical agent.

F. Pepperball launcher (PS-SA200) – The Pepperball Launcher System shall only be used when Oleoresin Capsicum spray (OC) is impractical or unsafe to deploy. This less lethal weapon shall be used in accordance with the manufacturer's specifications and within the agency's guidelines for the use of less lethal force. The Pepperball launcher weapon fires a small round projectile at a safe impact level and filled with oleoresin capsicum powder. The Pepperball system shall only be maintained by certified personnel and deployed by trained personnel with a cover officer.

G. CS (Ortho Chlorobenzalmalononitrile): CS causes a prickling, burning sensation to the skin, especially moist areas, like the eyes, mouth, throat, nasal passages and armpits. CS causes excessive secretion of tears and excessive mucous discharge from the nose. CS causes involuntary closure of the eyes and under the full effect of CS, one will not be able to keep their eyes open. CS causes shortness of breath, feeling suffocated, burning sensation through the respiratory tract, coughing and sneezing. CS exposure may cause some individuals to be disorientated and confused. Some may also experience anxiety, fear and panic due to the discomfort associated with exposure to CS. One should react to CS anywhere from 3 – 7 seconds after exposure. The effects will dissipate within 5 – 15 minutes after removal from the contaminated area. The chemical agent in CS is non-flammable, but pyrotechnic grenades have a high fire potential. Do not use pyrotechnic grenades indoors when flammable material is present. The international color for CS is blue.

H. CN (Chloro-Aceto-Phenone): CN is not authorized to be used in any capacity and it is not carried in any form by any division of the LCSO. The international color for CN is red.

I. OC (Oleoresin Capsicum): See General Order 403.5

IV. PROCEDURE

A. Authorized Users

1. Chemical munitions will only be used by trained and authorized personnel. These chemicals are used primarily for dealing with situations of civil unrest, barricaded subjects or situations where other less lethal resources are not practical.

2. Each LCSO Division will have specific deputies or specialty units that are authorized to use chemical munitions as described in this general order. Those specialty units will have Standard Operating Procedures governing the use of chemical munitions for that specific unit.

B. Deployment

1. Chemical munitions may only be deployed when there is an exigent and immediate safety risk that is reasonably likely to be cured by the use of chemical munitions.

a. Refusal to obey commands alone does not constitute active resistance, even when that resistance includes physically preventing the manipulation of the subject's body.

b. Erratic behavior and mental illness alone also do not necessarily create a safety risk.

C. Levels of Contamination

1. Level 1 Contamination: This is defined as direct physical contact with the chemical agent. Level 1 contamination is the result of direct contact to the facial area by way of direct exposure from a device emitting chemicals through a pyrotechnic, powder or liquid.

2. Level 2 Contamination: This is defined as an indirect or secondary contact to the chemical used. Level 2 contamination is the result of attempting to control or physically touch another person or item, which has had a level 1 contamination (i.e., moving in and controlling a subject who has been contaminated).

3. Level 3 Contamination – This is defined as an area contamination. An example would be Ferret rounds or Pepperball saturation, intended to contaminate spaces that may be occupied by a barricaded suspect or suspects who refuse to leave an area.

D. All individuals having a Level 1 contamination shall be:

1. Examined or assessed by a medical provider (Rescue or ADC medical staff)

2. Transported to the closest emergency room if the reaction is worse than what is expected or taught during training.

E. Personal Decontamination and Aftercare

1. Remove the subject from the contaminated area and instruct him/her to sit and remain calm and quiet to reduce sweating.

2. Remind the exposed person to breathe normally. If the person is having difficulty breathing in through the nose, have him/her blow their nose and remove discharge. If assisting someone, PPE gear should be utilized.

3. Keep the eyes open while rapidly blinking the eyelids and expose the subject to fresh air.

4. If particles are lodged in the eyes, wash them out with copious amounts of cool water. One may need to hold the eye open and look back and forth in opposing directions. Flushing with clear, cool water for at least 10 minutes can relieve excessive skin contaminations.

   a. Do not allow exposed individuals to rub their eyes.

   b. Do not use creams, salves, or lotions to soothe the pain.

F. LCSO Authorized Delivery Equipment

1. 37mm and 40 mm single and multi-launchers

2. 12 gauge shot gun

3. Pepperball launcher (PS-SA200)

G. LCSO Authorized Delivery and Dissemination Methods

1. Expulsion or Blast Dispersion: Expulsion devices eject chemical agents into the atmosphere using various methods.

2. Detonator: Expels chemical agents utilizing a blasting cap, as in the Instantaneous Blast Grenade.

3. CO2 Cartridge: This method, as in the Flameless Expulsion Grenade, forces powder through ports.

4. Primer and Powder: Expels powder directly from the end of the barrel of a launcher.

    a. These devices offer little or no fire hazard. Primary use is for indoor situations, but some may be used outdoors.

5. Pyrotechnic – (Grenade)

    a. These devices release chemical agents into the atmosphere by means of compressed slugs or pellets of the agent and fuel mix, which burns 750 to 800 degrees Fahrenheit.

    b. The chemical particulates will attach themselves to the smoke produced by the pyrotechnic compound and vaporize as the smoke carries it through the atmosphere.

    c. These devices are primarily designed for outdoor use and should not be thrown into or onto buildings without proper flame containment or if designed for indoor use.

6. Aerosol

    a. Handheld Aerosol: The chemical agent is emitted into the atmosphere by means of compressed gases forcing a chemical laden carrier out of the nozzle of an aerosol container.

    b. Vapor Aerosol Grenade: Designed for indoor use, it delivers a very high concentration of OC in a powerful mist. It is not a fire hazard.

    c. Aerosol Grenade Fogger: Designed as an operator-controlled instantaneous initiated aerosol grenade. It is a non-pyrotechnic that contains no CFCs, is not a fire hazard and requires minimal decontamination.

7. Ferret

    a. The Ferret rounds are a frangible projectile filled with chemical agent. The Ferret Rounds are non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, particleboard doors, and interior walls. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the agent.

H. Training

1. The LCSO shall have several deputies trained as grenadier instructors, and will

re-certify as instructors as mandated by the training company. Trainers should be limited to the discipline which will use chemical agents, such as SWAT, SOT, CDU and possibly front line supervisors.

2. Certified trainers shall teach an annual basic class for agency users. Classes shall consist of lecture, a test and hands on practical exercises.

3. Agency users shall be required to attend a basic class annually.

4. Agency trainers shall be required to have and maintain at a minimum general instructor certification.

V. REPORTING

A. Any deputies witnessing or involved in the incident shall submit an IBR or supplemental incident report thoroughly documenting the events.

B. In all cases where there is a use of force, regardless of injury or complaint of injury, the supervisor shall complete a full and thorough investigation of the incident and document the investigation on the Administrative Investigation Inquiry Use of Force form.

1. Refer to General Order 302 for further direction on completing Administrative Investigation Inquiries.

2. Any deployment of chemical munitions that results in serious injury or requires hospitalization shall be reported to the Internal Affairs section, which shall conduct an investigation.

3. If a death occurs, it shall be investigated in accordance with General Order 403.12, Use of Force.

C. The impact area shall be photographed and any other evidence shall be documented appropriately.

1. Typical evidence related to uses of force may include, but are not limited to: video (in-car and/or body cameras), witness statements, incident reports and/or supplemental incident reports, related physical evidence, etc.

D. The on-scene supervisor shall notify the chain of command of the deployment of Chemical Munitions in all cases that result in death, serious injury or requires hospitalization.

E. Copies of all documents shall be forwarded to the Internal Affairs section.