

**JEFFERSON COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES**

ORDER NUMBER 100.116.7

TITLE: Deployment of Chemical Agents for Crowd Control and Dispersal

Effective: June 19, 2020

I. PURPOSE:

The purpose of this policy is to provide guidelines for the use of chemical munitions for crowd control and dispersal.

II. POLICY:

It shall be the policy of the Jefferson County Sheriff's Office to respect the constitutional rights of persons to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the exercise of constitutional rights, while also preserving the peace, protecting life and preventing the destruction of property. This policy will govern the use of chemical agents by members of the Jefferson County Sheriff's Office when such assemblies have turned unlawful and riotous.

This policy shall expound on the following specific topics at a minimum:

- A. Chemical Agent Equipment
- B. Authorization for Use
- C. Restrictions on Deployment
- D. SWAT Deployment During Civil Disobedience Events
- E. Conclusion of Civil Disobedience Incident

III. DEFINITIONS:

Chemical Agent - Chemical agents include, but are not limited to: inert smoke grenades, oleoresin capsicum (O/C), Chlorobenzalmalononitre (CS) gas grenades, to include thrown and launchable CS and OC, Pepperballs, and high capacity, extended range OC spray, commonly referred to as a "fogger".

Objective Reasonableness - A standard of caution wherein officers must determine the necessity for force, as well as the appropriate level of force, by evaluating the circumstances known to the officer at the time the decision to use force is made.

IV. PROCEDURE:

- A. Chemical Agent Equipment:

1. Special Weapons and Tactics (SWAT) is issued a range of equipment that includes, but is not limited to, inert smoke grenades, Oleoresin Capsicum (OC) and Chlorobenzalmalononitrile (CS) gas grenades, and launchable OC, CS, and pepper balls.
2. High-capacity, extended range OC spray, commonly referred to as “Foggers”, may be issued to all properly trained officers.

B. Authorization for Use:

1. Any use of chemical agents for crowd control or dispersal requires the briefing and express consent of the Sheriff or designee. If neither the Sheriff nor designee is readily available, the designated Incident Commander may grant approval.
 - a. Only in situations that turns violent, as described in section C of this order, as well as **General Order 100.116.6 - Public Assemblies, Demonstration and Riots**, may the Incident Commander order the deployment of chemical munitions without the Sheriff’s or designee’s approval.

C. Restrictions on Deployment:

1. Chemical agents will not be used for the purpose of frightening or punishing individuals or groups for exercising their constitutional rights. Chemical agents will not be used to disperse groups engaged in non-criminal activity.
2. Chemical agents are only allowed upon satisfying all of the following elements:
 - a. The incident commander ensures that clear and unambiguous warnings are issued stating that chemical agents will be utilized, in conjunction with a statement about why the area is being cleared (which law violations are being observed). This warning should accompany additional dispersal orders, as directed in section J of **General Order 100.116.6 - Public Assemblies, Demonstration and Riots**. Minus exigent circumstances the order should be read and documented as such:

“This assembly has been declared unlawful. All those remaining are in violation of the order to disperse. The use of chemical munitions are imminent and may occur without further warning. All persons remaining are ordered to leave the area at this time.”
 - b. Individuals are provided sufficient opportunity to heed the above-mentioned warnings and exit the area;
 - c. The impact of chemical munitions on individuals who are complying with lawful law enforcement commands is minimized; and
 - d. Ensuring and announcing a means of safe egress from the area that is available to individuals. However, if the subjects engaged

in the criminal acts which precipitated the need for chemical munitions deployment remain, attempts at a lawful arrest should be made without the need for a means of safe egress for those under criminal charges.

3. The above provisions do not apply to situations that turn violent when persons at the scene present an imminent threat of bodily harm to persons, or of damage to property, and when law enforcement officers must defend themselves or other persons against such imminent threats.

D. SWAT Deployment During Civil Disobedience Events:

1. The Sheriff or designee, or the Incident Commander will be responsible for all major civil disobedience decisions.
2. The Incident Commander will have the authority to manage and deploy resources in response to the following, and other, potential types of civil disobedience events:
 - a. Blocking of any highway ramp;
 - b. Blocking of access to any hospital or any other critical infrastructure;
 - c. Blocking of access to any business;
 - d. Blocking of access to any residential home; and
 - e. Enforcement action on any state or municipal law violations.
3. Recognizing that civil disobedience events may escalate quickly, and immediate action may be required in order to protect life or property, front-line supervisors are authorized to take action if it is determined that a delay would be detrimental to public safety. Any action taken should be documented in detail and reported to the chain of command as soon as the situation is rendered under control.
4. The Incident Commander will have the ultimate responsibility for any deployment of SWAT at the scene. The Incident Commander will ensure that when SWAT is deployed, they will have a clear purpose and direction, such as crowd movement, crowd dispersal, providing overwatch or addressing lethal threats.
5. The Incident Commander will direct SWAT in the deployment of any control equipment at their disposal.
6. Under these circumstances, the Incident Commander shall apply a standard of objective reasonableness to determine force responses necessary to effect arrest, in the defense of self/others or to control individuals in order to ensure the public safety.
7. All law enforcement personnel on scene will adhere to the Mission Statement of this policy regarding the preservation of life, property, and individual constitutional rights.
8. The Incident Commander will identify Documentation Teams to capture

and document protest actions in a CARE report. Details must include the following:

- a. Identity of the Commander approving deployment;
- b. Time(s) when warnings were issued;
- c. Specific criminal activity prompting deployment;
- d. Instructions given regarding the means of egress;
- e. Type and number of chemical munitions/rounds deployed; and
- f. Time when chemical munitions were deployed.

9. Any and all deployments of chemical munitions is considered a use of force incident and will be documented in accordance to **General Order 100.087 - Use of Force.**

E. Conclusion of Civil Disobedience Incident:

1. At the conclusion of any civil disobedience incident, the Incident Commander will conduct a Critical Incident Review detailed within an After Action Report of the event and the Jefferson County Sheriff's Office response.