



**DEPARTMENT OF CORRECTIONS  
MONTANA STATE PRISON  
OPERATIONAL PROCEDURE**

Procedure No.: MSP 3.1.8A	Subject: <b>USE OF CHEMICAL AGENTS &amp; OLEORESIN CAPSICUM (OC)</b>	
Reference: DOC Policy 3.1.8	Page 1 of 4	
Effective Date: November 2, 1999	Revision: (new effective date)	May 13, 2009
Signature / Title: /s/ Mike Mahoney / Warden		

## **I. PURPOSE**

To establish the procedures for the use of chemical and inflammatory agents that may be employed by trained staff to subdue an individual inmate or restore order among a disruptive group of inmates when lesser means of force are ineffective.

## **II. DEFINITIONS**

Hexachlorethane (HC) - classified as a chemical obscurant, color code yellow.

Non-Flammable Propellant - a propellant or delivery system that will not enhance an open flame or cause a fire from a spark.

Oleoresin Capsicum (OC) - a derivative of Cayenne pepper that is classified as an inflammatory agent, commercial color code black.

Orthochlorobensalmalononitrate (CS) - classified as a chemical lacrimator, color code blue.

Positional asphyxiation – death as a result of body position that interferes with one's ability to breathe.

## **III. PROCEDURES**

### **A. General**

1. Chemical and inflammatory agents may be used to:
  - a. Prevent serious injury or loss of life.
  - b. Prevent or suppress riots or disturbances that may escalate in intensity.
  - c. Prevent extensive, willful destruction of State property.
  - d. Assist in controlling an acting out inmate.
2. If order cannot be restored by application of less forceful methods, chemical and inflammatory agents may be deployed against inmates in the form of aerosol, foam, canister, projectile, or engine-powered dispensers.
3. Chemical and inflammatory agents will be stored and controlled in accordance with the provisions of *DOC/MSP 3.1.7, Emergency Equipment and Armory Operations* and *3.1.8, Use of Force & Restraints*.
4. Purchase of CS, OC, and HC products must be approved by the Warden.
5. All aerosol OC products will be nonflammable in nature. Refer to *MSP 3.1.7, Emergency Equipment and Armory Operations*.

### **B. Training**

1. Staff who use CS, OC, and HC must successfully complete an approved training program prior to using the product. Department certification standards do not require staff be subjected to a direct spray to the face.
2. Training must include, but is not limited to:
  - a. Tactical use of the product.
  - b. Effects of exposure to the product.
  - c. *MSP 3.1.8, Use of Force and Restraints* and the *DOC Control Continuum table*.
  - d. Decontamination procedures.

### **C. Types of Chemical and Inflammatory Agents**

1. CS (Orthochlorobenzalmalononitrate) is a chemical agent classified as an irritant, color code blue.
  - a. Effects:
    - 1) CS causes copious tearing and burning sensations in the eyes, and a stinging or burning sensation of the skin, especially in moist areas.
    - 2) CS is 75% psychological and 25% physiological.
  - b. Authorization for use:
    - 1) The Warden or designee will typically be the person authorizing the use of CS in the prison, however the Shift Commander may authorize the use of chemical agents in an emergency during which these individuals cannot be contacted quickly enough to obtain concurrence.
    - 2) The Shift Commander or designee will be present at the scene, and will make a final assessment of the situation before authorizing deployment of the CS.
    - 3) Except in extreme emergencies, staff will always give the inmate a verbal order to comply or surrender before deploying a chemical agent.
    - 4) When possible, staff will shut off the forced air ventilation system in the affected area to reduce the dispersal of chemical agents to unaffected portions of the building/area.
    - 5) Only those staff trained in the use and deployment of chemical agents will be authorized to deploy the agent in an indoor application.
  - c. Decontamination/after-care procedures:
    - 1) Fresh air, standing, facing in the wind while holding eyes open.
    - 2) Flush face with cool water.
    - 3) Avoid rubbing face or eyes or using soap.
    - 4) All individuals exposed to CS will be examined by medical staff as soon as practical. If there are any persistent symptoms of the agent, the individual's condition will be monitored until no further effects or symptoms remain.
    - 5) Apply a 10% solution of Tide or Joy mixed in distilled water to floors, walls, and ceiling of affected areas. Leave the solution on the surface for ten minutes, then rinse it with tap water.
  - d. Administrative safeguards
    - 1) The armorer or assistant armorer will only issue chemical agents from the Armory to staff authorized to access the armory.
    - 2) Chemical agents kept in the Command Post for emergency use will be issued on the order of the Shift Commander.

- 3) Staff will videotape all incidents involving the use of chemical agents when possible.
- e. Reporting Requirements
  - 1) When chemical and inflammatory agents are used under any circumstance in the prison, the Shift Commander will compile a complete report and forward it to the Warden.
  - 2) The Shift Commander's report will include, at a minimum, the following:
    - a) Incident reports from staff and witnesses involved in the initial episode in which chemical and inflammatory agents were used. Staff must file these reports with the Shift Commander prior to the end of the work shift in which the incident took place.
    - b) A report by the Shift Commander of the situation and the action taken prior to the use of chemical or inflammatory agents.
    - c) Copies of reports filed by the medical staff as a follow up to the incident regarding treatment of staff and inmates.
    - d) Copies of any disciplinary reports filed against the inmate(s) involved.
    - e) A notation regarding any referral to local law enforcement authorities for prosecution.
    - f) Copies of any tapes or photos of the incident or injuries sustained.
2. OC (Oleoresin Capsicum) is classified as an inflammatory agent and is color-coded black.
  - a. Effects:
    - 1) Closing of the eyelids.
    - 2) Swelling of the lining of the throat.
    - 3) Burning and swelling sensations to the mucous membranes.
    - 4) Inflammation of the skin similar to a burn.
    - 3) Temporary loss of muscle coordination.
  - b. Authorization for use:
    - 1) Staff may use OC in the following situations:
      - Where verbal direction is ineffective or inappropriate.
      - Where passive resistance techniques have failed and staff may have to use physical force to maintain control.
      - Where staff could reasonably use deadly force.
      - Where the inmate has refused to come out of a locked building, cell, cube, room or vehicle.
      - Other situations where training and experience may dictate the use of OC.
    - 2) The use of OC will be consistent with any applicable state or federal law, the guidelines of *MSP 3.1.8, Use of Force and Restraints*, and the manufacture's specific guidelines for usage.
    - 3) Staff should be aware that in the event an inmate gets control of an OC dispenser unit, a sprayed staff member could be incapacitated for up to 45 minutes. Therefore, to prevent incapacitation of a staff member, staff may apply additional force if the inmate threatens to use or uses the OC on a staff member.

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- c. Decontamination/after-care procedures:
    - 1) Fresh air.
    - 2) Free flowing cool water.
    - 3) Soap and water is needed.
    - 4) Do not use oil-based soap, salves, or creams on the skin for burning sensation.
    - 5) If the inmate is restrained, staff must maintain constant direct visual contact with the subject to avoid positional asphyxiation.
    - 6) Medical staff should see the inmate as soon as possible.
  - d. Administrative safeguards:
    - 1) State issued hand-held dispensers may be kept in locked housing units if authorized by the Warden or designee.
    - 2) Only individuals authorized by the Warden will carry or use OC in the facility. Individual staff will not be permitted to carry or use in the facility any commercially available irritant or compound similar to those used by the prison for that purpose.
    - 3) Where possible, staff will utilize protective gear when using OC.
    - 4) Staff will videotape all incidents involving the use of OC when possible.
    - 5) The Unit Supervisor may authorize immediate use of OC to prevent loss of life or serious bodily injury.
3. HC (Hexachloroethane) is a chemical agent classified as an obscurant and is color-coded yellow.
- a. Effects:
    - 1) Intensifies the effect of CS.
    - 2) Protective masks should be worn.
  - b. Use:
    - 1) Creates a smoke envelope, so it can be used for concealment, to confuse and disorient, or to determine wind direction and velocity.
  - c. Decontamination/after-care procedures:
    - 1) Fresh Air.
    - 2) Flush face with cool water.

#### **IV. CLOSING**

Questions concerning this operational procedure will be directed to the Shift Commander.

#### **V. ATTACHMENTS (none)**