



City of Racine Police Department  
**Policy and Procedure**

**Number: 613**

Subject: <b>Use of Chemical Agents</b>		
Date Issued: <b>10-21-1988</b>	Date Revised: <b>03-18-2019</b>	Revision Number: <b>5</b>

## POLICY

The Racine Police Department acknowledges that circumstances may warrant the use of chemical agents. Exclusive of tactical situations as defined by Procedure # 609, it is the Department's policy to deploy those agents within the following guidelines.

## DEFINITIONS

**Chemical Agent** – A compound that is commercially manufactured which will irritate the skin, respiratory tract, and eyes. It will reduce the capacity for physical action upon contact with the human body. For the purposes of this procedure, Department chemical agents shall be limited to CS or OC agents and smoke.

**Unlawful Assembly** - A group of three (3) or more persons causing a disturbance of public order such that it is reasonable to believe that injury to persons or damage to property will occur unless the group is immediately dispersed.

## PROCEDURE

When a member of the Department encounters an unlawful assembly where it may become necessary to disperse the group through the use of chemical agents, or the circumstances of an incident warrant the use of chemical agents, the following steps shall be taken:

### MEMBER

1. Advise Dispatch of the unlawful assembly of persons or the incident location and request a Supervisor respond to the scene.
2. Request other assistance as required.
3. Attempt to confine and/or contain the actions of those involved.
4. Attempt to identify potential leaders within the group of an unlawful assembly whose removal via arrest may further the efforts to disperse the assembly.
5. Attempt to affect the arrests necessary to remove antagonists or other persons refusing to disperse from the area.
6. Deploy chemical agents as directed by a Supervisor.
7. Make arrangements for transporting persons sustaining injury to a medical facility for treatment.
8. Compile a use of force report and turn in to supervisor.

### SUPERVISOR

1. Respond to the location and evaluate the situation.
  - a. Request additional officers as needed.
  - b. Advise the Shift Commander, if the situation allows, of the current events and evaluate the need for use of chemical agents.

- c. If immediate deployment of chemical agents is dictated by exigent circumstances, the on-scene Supervisor may authorize deployment. The on-scene Supervisor shall notify the Shift Commander as soon as practical following the deployment under this circumstance.
2. Confer with the Shift Commander to evaluate the situation and the need to deploy chemical agents.
3. For unlawful assemblies, order the assembly to disperse in a loud audible manner.
4. For other incidents warn those involved of the impending use of chemical agents when it is safe for the officers and public to give a warning.
5. Upon authorization to deploy chemical agents, notify all officers at the scene that chemical agents may be deployed and instruct each member to wear the protective mask as necessary.
6. Notify Communications and request fire and rescue units remain on standby in the vicinity. Arrange for crowd control equipment (shields and/or flex cuffs) to be brought to the scene. Officers should already have riot helmets and batons with them per Policy 324.
7. Have Communications notify any hospital, clinic, residential care facility, or any other facility whose occupants may be adversely affected about the potential drifting of the chemical agents.
8. If assistance is required for the deployment pattern:
  - a. Distribute canisters to other officers trained in the use of chemical agents.
  - b. Advise the officers to deploy chemical agents only when ordered and in the quantity and location specified.

## NOTE

Be aware that there are two different types of munitions used, pyro and non-pyro (Officers trained in the use of these munitions will know the difference). If pyro munitions are used a fire extinguisher should be available. If possible, Racine Fire should be deployed and staged upwind from the deployed gas.

9. For unlawful assemblies:
  - a. Form a line of equipped officers (gas mask, baton and helmet if necessary) to move the crowd using established crowd control techniques as deemed necessary.
  - b. Position the officer(s) in a manner that allows for the assembly at least one avenue to disperse.
  - c. In a loud audible manner, order the assembly to disperse, giving three (3) warnings of your intent to deploy chemical agents. The warning must include "This is the Racine Police Department. This is an unlawful assembly, you are ordered to disperse immediately. If you fail to do so, you are subject to arrest." Advise dispatch after each warning so it can be documented.
  - d. Allow sufficient time after the warning for the assembly to disperse.
  - e. If the assembly fails to disperse and conditions continue to warrant the use of chemical agents, deploy the agents as authorized. Deployment of smoke as a ruse, prior to the deployment of chemical agents, can be considered as an option. If using CS gas, only two canisters at a maximum should be used as smoke is a carrying agent for CS gas and can multiply the effects up to 4 times the normal amount.
10. After use of chemical agents, and at unlawful assemblies the area has been cleared, ensure the following:
  - a. Order any necessary arrests.
  - b. The area is searched for persons requiring medical attention, providing "after care" or transportation to a medical facility.
  - c. Decontamination information and assistance is provided.
  - d. "After care" to anyone taken into custody is provided.
  - e. All damage to public or private property is photographed.
  - f. Any injuries are documented.
  - g. All used munitions bodies are photographed in place.
  - h. All used munitions bodies are collected and inventoried.
11. Complete an Incident report and Use of Force report detailing the use of chemical agents including:
  - a. Factors that necessitated the deployment of such agents.

- b. The type and number of munitions expended, include type and number of munitions deployed for delivery.
- c. Method used to deploy the munitions.
- d. The order in which munitions were deployed.
- e. Who deployed the munitions.
- f. What avenues of escape were afforded to the crowd to allow for dispersion.

### **SHIFT COMMANDER**

1. Upon notification by a Supervisor of the potential need for chemical agents, provide input and direction as to the deployment of the agents.
2. Evaluate the situation and the need to deploy chemical agents based on all available information. Authorize the deployment of chemical agents when appropriate.
3. Call in an additional Commander to assist as IC or SC if appropriate.
4. Upon notification by the on-scene Supervisor that chemical agents were deployed based on exigent circumstances; evaluate the results of the deployment and current status of the incident.
5. Review all reports regarding the incident.
6. Make notifications as prescribed in Procedure #212.

### **INCIDENT COMMANDER**

Upon receiving notification of an unlawful assembly and the need to deploy or the deployment of chemical agents;

1. Respond to the scene if directed to do so by the Shift Commander and assume command of the scene.
2. Respond to the Department and assume any duties as directed by the Shift Commander.
3. Assume the duties of Shift Commander when a Sergeant is performing the duties of the on-duty Shift Commander.

### **RELATED PROCEDURES**

- [Table of Contents](#)
- [212 – Reporting of Major, Unusual, or Noteworthy Occurrences](#)
- [375 – Incident Command System](#)
- [602 – Use of Non-Lethal Force](#)
- [609 – Tactical Situations](#)
- [612 – Demonstrations](#)
- [716 – Command Responsibility at Police Situations](#)

### **RELATED STATUTE**

- 947.06 – Unlawful Assemblies and their Suppression