

COURT POLICY AND PROCEDURE DIRECTIVE 1993-001

Subject: USE OF FORCE Effective Date: 5-01-93
Non-Lethal Force-Chemical Aerosol

Issued By: Daniel L. Sullivan, Chief Judge Circuit Court
Terrence P. Bronson, Chief Judge District Court
Joseph A. Costello, Jr., Judge Probate Court

PURPOSE

The purpose of this directive is to establish Court policy in regards to the use of non-lethal force. It is designed to establish guidelines for what weapons and tactics may be used by the designated employees of the Court. The policy establishes provisions for the treatment of injuries or the complaint of injuries.

POLICY

The use of non-lethal force shall be restricted to circumstances authorized by law. The use of non-lethal force is intended primarily for situations involving unarmed citizens.

1. DEFINITIONS:

A. Non-lethal Force: That amount of force which when used is not intended to result in serious injury or death.

B. Reasonable Force: What constitutes reasonable force depends on the facts in the particular case. The reasonableness of the force used must be judged in light of the circumstances as they appeared to the designated employee at the time he/she acted. Reasonable force is generally considered to be that force which an ordinarily prudent and intelligent person, with the same knowledge and experience, and in the same situation as that of the designated employee would have deemed necessary under the circumstances.

C. Non-lethal Weapon: For purposes of this policy, a non-lethal weapon is a chemical agent dispensed on persons for purposes of subduing a subject in a non-lethal method in accordance with provisions outlined in sections 2A through 2C.

2. AUTHORIZED USE ON NON-LETHAL FORCE:

A. Non-lethal force may be used in the following situations and when other alternatives are not available or have failed.

1. In self-defense or defense of another person.
2. To prevent a person from injuring him or herself.
3. Against persons creating a public disturbance in order to maintain public order.

NON-LETHAL FORCE (2)

4. Against animals menacing or attacking a citizen or an employee.

B. Designated employees shall only use the degree of force they reasonably believe is necessary to control the situation. Factors to be considered in determining the degree of force to be used are:

1. Physical size, strength and weaponry of the person(s) as compared to the employee(s).
2. Nature of the encounter.
3. Actions of the person(s).
4. Exigent circumstances, i.e., availability of back-up, number of persons involved.

C. Any tactic that is likely to cause serious injury or death, such as "Choke Holds", may not be used in a non-lethal force situation.

D. The Chemical Spray shall not be discharged if a Court employee is aware that an infant of a person suffering from a respiratory disorder is in the immediate vicinity. Such persons have especially sensitive respiratory systems and the use of the chemical spray may cause an unintended injury.

3. NON-LETHAL WEAPONS:

A. Effective immediately, the chemical agent "FREEZE", or its equivalent, is to be considered an authorized non-lethal weapon. This device is a weapon, and as such shall not be used indiscriminately. Its use is intended to reduce the possibility of injury to both the offender and to the employee.

1. Designated employees who are issued "FREEZE" or its equivalent, will be required to carry it in the approved holster.

2. Designated employees should carry the "FREEZE" or its equivalent, unit in their weak hand when considering using the chemical agent.

3. Designated employees shall be trained in the proper use of "FREEZE" as manufactured by Aerko International, Fort Lauderdale, Florida, or its equivalent, prior to it being issued to them.

B. A "Use of Chemical Irritant Report" must be completed whenever a designated employee uses a chemical agent. This report will be filed through the Court Administrator or Director.

Employees are prohibited from carrying or using a non-lethal weapon that has not been approved by the Court.

NON-LETHAL FORCE (3)

D. The authorized use of the chemical agent "Freeze" or its equivalent, will be granted by and for the Judges to their designated employees. The authorized use of "Freeze" or its equivalent, will be only during Court hours and only in Court premises. The chemical agent "Freeze" or its equivalent cannisters shall not be removed from the assigned Court premises.

4. MEDICAL TREATMENT:

A. General : All personnel shall be alert to any injury or complaint of injury occurring as a result of the use of non-lethal force. Any visible injury or complaint of injury shall result in the injured subject being transported to a medical facility examined and/or treated by the attending medical staff.

5. Treatment After Exposure to Chemical Agent:

1. The person should be warned not to rub affected areas, since rubbing after exposure will only increase the irritation.

2. If the agent is used in an enclosed area such as a small room, open all windows and allow the area to ventilate.

3. Areas of the body exposed to the liquid will be flushed with water as soon as practical following the exposure to the Chemical Spray.

4. Under no circumstances should salves greases or oils be applied to the affected areas by Court personnel. This will only trap the irritant to the skin.

5. If the liquid has stuck to the clothing of the person and that person is to be incarcerated, the individual will be given an opportunity to shower and will be furnished with jail clothing to replace his/her own clothing.

6. After exposure to the Chemical Spray the subject will be physically observed and interviewed thirty (30) minutes after exposure.

This observation and interview should allow the Court employee to observe any obvious problems that could develop. This observation and interview shall be listed on the incident report.

b. If treatment appears to be warranted or the person requests treatment, the person will be taken to a medical facility for examination.

5. TRAINING:

A. Issuance and review of Court policy and use of force form.

NON-LETHAL FORCE (4)

B. Chemical Agent Description:

1. 2 oz. Cannister: The cannister is capable of 50 one-second bursts or one 50-second burst. It has an accurate range of up to 12 feet.

2. Propellant used is a liquid that vaporizes as the volume of the container decreases; 70 psi. Blend of halogenated hydrocarbons, alcohols, and ketones pressurized with isobutane.

3. Cap is designed so that it can't be pulled off. The lining is made of epoxy and is designed to hold up for the life of the container.

4. It is non-flammable.

5. Ingredients: Orthochlorobenzalmalononitrile [CS] 1%; which is ten times as powerful as the old CN. It is an irritant.

6. Oleoresin Capsicum [OC] 1%; which is a derivative of cayenne pepper. 30 to 50 times hotter than jalapenos. It is an inflammatory.

7. Ultraviolet marking dye; can be detected under UV light for up to 48 hours. It cannot be washed off.

8. Effects: Generally these symptoms will occur even if the subject tries to cover his face with his hands or holds his breath; however, some tests have shown that the spray was less effective on subjects wearing goggles.

9. Reactions: Reaction to the agent is almost instantaneous and can consist of:

- a. Severe burning sensation to the skin applied.
- b. Tearing and involuntary closing of the eyes.
- c. Mucous drainage from the nose.
- d. Tightness in chest and difficulty breathing.
- e. A sense of panic sets in.
- f. Effects disappear gradually, usually within 20-30 minutes.
- g. Effects are similar on animals.

C. Application of the Chemical Agent

1. The cannister should be held in the non-shooting hand and should be prepared for use prior to an assault occurring, if possible.

2. The fingers are wrapped around the cannister and the thumb placed on the concave portion of the actuator (button). The thumb is depressed, causing the liquid stream to discharge.

3. Point of aim is the face, specifically the nose, mouth, and eyes. Continue spraying until the subject stops resisting.

NON-LETHAL FORCE (5)

4. Spraying Techniques: Single Subject - Point and Shoot; best with liquid stream, using circular and vertical motion. Multiple Subjects - Point and Shoot; using lateral spraying motion.

5. After spraying, stand back and allow the agent to take effect (aprox. 2-5 seconds), and advise the subject what you want him/her to do.

6. Employ other control techniques (handcuffing, knee strike, angle kick, take down) as appropriate.

a. Use caution when controlling the suspect so not to become contaminated with residuals.

b. Use caution after the suspect has been sprayed as he/she may fall when panic sets in.

7. Decontamination Process: Allow the subject to stand facing into the wind after they are under control. Open all windows to help the subject recover, while being careful to avoid becoming contaminated. Flush the affected area with cool water.

D. Other Precautions:

1. Chemical Spray should be tested every two months outdoors. Expiration date is on the bottom of cannister.

2. Chemical Spray is issued and turned in by and to the Court employee's direct supervisor.

E. Video Ohio Highway Patrol.

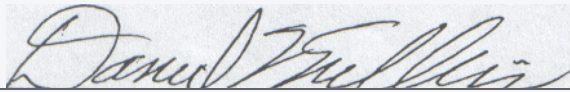
F. Questions/Discussion (This is an alternative weapon, not a replacement).

G. Written Test.

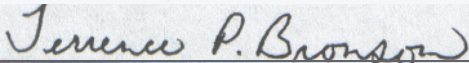
H. Volunteer demonstration.

I. Issuance of cannister and carrier.

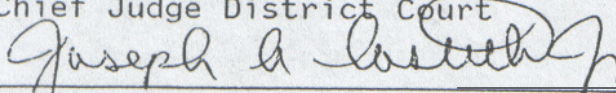
6. REVIEW of NON-LETHAL FORCE POLICY: The three (3) Chief Judges of Monroe County are responsible for the review and revision of the policy as needed.



DANIEL L. SULLIVAN
Chief Judge Circuit Court



TERRENCE P. BRONSON
Chief Judge District Court



JOSEPH A. COSTELLO, JR.
Judge Probate Court

HON. TERRENCE P. BRONSON
Chief District Judge
HON. PAUL E BRAUNLICH
District Judge
HON. PATRICIA COSTELLO
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STATE OF MICHIGAN
DISTRICT COURT - FIRST JUDICIAL DISTRICT

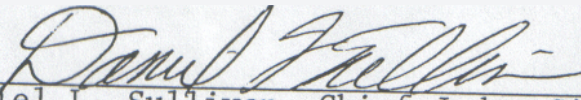
PROBATION DEPARTMENT
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December 8, 1993

COURT POLICY AND PROCEDURE DIRECTIVE 1993-001 ADDENDUM

Condition 3(E) is added as follows: E. The authorized use of "Freeze", or its equivalent, will be allowed off the Court premises by Probation Officers conducting Court business.

Approved by:

 Dec 10, 1993
Daniel L. Sullivan, Chief Judge Circuit Court

 Dec 9, 1993
Terrence P. Bronson, Chief Judge District Court

 12/9/93
Joseph A. Costello, Jr., Judge Probate Court