

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

CHEMICAL AGENT OR RIOT CONTROL EQUIPMENT
SUBJECT

DATE: JANUARY 11, 2022

NO: Q-1h

FROM: INTERIM CHIEF JIM CHRASKA

TO: ALL PERSONNEL

**INDEX: CHEMICAL AGENT AND RIOT
CONTROL EQUIPMENT
AGENTS OF CHEMICALS FOR RIOTS
RIOT CONTROL EQUIPMENT**

I. POLICY

The Stockton Police Department will use chemical agents and other riot control equipment when necessary. Officers shall give a verbal warning of the force that they intend to use, when feasible, before using any force.

II. PROCEDURE

A. Authority

1. The authority to use chemical agents and other riot control equipment is vested with The Chief of Police or designated command personnel.
 - a. Oleoresin Capsicum Spray (OC-Pepper Spray) worn by uniform personnel is not controlled by this General Order; refer to General Order Q-1d for the use of pepper spray.
2. The Field Commander will keep their upper chain of command fully apprised during a civil disorder or a field situation that is believed could deteriorate into a civil disorder where chemical agents might be necessary.
3. The Incident Commander will request permission from his/her upper chain of command to use chemical agents and kinetic energy projectiles.
4. Except as otherwise provided below, kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration.
5. Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:
 - a. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
 - b. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
 - c. Persons are given an objectively reasonable opportunity to disperse and leave the scene.
 - d. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and chemical agents are targeted toward those individuals engaged in violent acts.

- e. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- f. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- g. An objectively reasonable effort has been made to extract individuals in distress.
- h. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- i. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- j. Kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency solely due to any of the following:
 - (1) A violation of an imposed curfew
 - (2) A verbal threat
 - (3) Non-compliance with a law enforcement directive
- k. If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of the tear gas.
- l. "Chemical Agents" means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.
- m. "Kinetic energy projectiles" means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.
- 4. Chemical Agents shall only be dispensed by qualified SWAT/MFF Teams personnel, as indicated above, whenever possible.
- 5. Chemical agents will be maintained in the armory and the special SWAT Unit Vehicle.
 - a. The Mobile Field Force team will keep a supply of chemical agents secured in the lockers used to store their equipment.
- 6. A ranking officer may authorize the use of chemical agents in critical emergency situations where the lives of citizens and/or officer are in immediate danger (snipers, barricaded suspects who are shooting).
 - a. Caution - when such authorization is given, the circumstances must support the action taken.
- 7. During an unlawful assembly during which action is to be taken to restore order and cause dispersal, etc., the following command should be given at least three times, using the best available loudspeaker system:
 - a. "THIS IS (OFFICER'S NAME), A PEACE OFFICER OF THE STATE OF CALIFORNIA AND A POLICE OFFICER OF THE CITY OF STOCKTON, I DO HEREBY DECLARE THIS AN UNLAWFUL ASSEMBLY, AND IN THE

NAME OF THE PEOPLE OF THE STATE OF CALIFORNIA, I COMMAND YOU TO IMMEDIATELY DISPERSE. IF YOU FAIL TO DO SO AT ONCE, YOU WILL BE ARRESTED FOR SECTION 409 OF THE PENAL CODE."

- b. If possible, officers should be positioned at the perimeter so they can testify to having heard the order to disperse.
 - c. Officers should consider reading the dispersal order in multiple languages, if needed.
8. All persons using or possessing chemical agents and/or riot control equipment shall have them formally issued.
- a. As soon as possible, officers will report in writing the location, number of munitions deployed, and reason the chemical agent was used.
- B. Application of Chemical Agents in Civil Disorders
1. The following instructions should generally be followed as the situation dictates. It should also be kept in mind that there are many variables and things which can happen; judgment must be employed.
- a. The CS (irritant smoke).
 - (1) An officer should be positioned with the officer's back to the wind, allowing the wind to carry the particles to the desired area.
 - b. An avenue of escape must be left open.
 - c. If chemical agents are to be used in an area that is inhabited, the residents should be notified in advance if possible.
 - (1) This may be accomplished by personal contacts or loudspeakers.
 - (2) Advise the inhabitants to keep their doors and windows closed, to turn off their air conditioning, and to either stay inside or leave the area.
 - d. In situations involving public buildings, hotels, stores, etc., considerable thought must be given since the problem of decontamination will generally exist.
 - (1) Using chemical agents may cause the building to be contaminated for several days or even longer.
- C. Other Riot Control Equipment
1. Ricochet Rounds
- a. These are fired from a 12-gauge shotgun only upon orders of the Incident Commander.
 - b. The rounds will not be used at close range unless lethal force is justified.
 - c. The rounds should be ricocheted off the pavement or ground so the impact area would be below the subject's waist unless lethal force is justified.
2. The MFF team will be equipped with a less-than-lethal projectile impact weapon and will adhere to the use-of-force policy regarding its use.