



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 465 – HAND-HELD CHEMICAL AGENT

**GENERAL ORDER:** 2023-XX  
**ISSUED:** May 16, 2023

**EFFECTIVE:** May 16, 2023

**REVIEWED/APPROVED BY:**  
Assistant Chief Nicole Waldner  
**DATE:** April 24, 2023

**ACTION:** Amends General Order 2019-02 ( January 8, 2019)

**WILEAG STANDARD(S):** 5.1.1, 5.1.4, 5.2.1,  
5.3.1, 12.1.1, 12.1.2, 12.1.4

#### **465.00 PURPOSE (WILEAG 5.1.4, 12.1.1)**

The purpose of this procedure is to establish guidelines for the use of hand-held chemical agent dispensers, including (CS) Orthochlorobenzalmalononitrile and (OC) Oleoresin Capsicum.

(WILEAG 12.1.1.1)

#### **465.05 CARRYING HAND-HELD CHEMICAL AGENT DISPENSERS (WILEAG 12.1.1, 12.1.2, 12.1.4)**

- A. The department shall ensure all members are trained biennially in the use of hand-held chemical agents. Members shall carry only department issued and approved hand-held chemical agents.  
(WILEAG 12.1.1.1)
- B. The issued hand-held chemical agent dispensers shall be carried on-duty by all police members with arrest powers. Police members may be excused from carrying a chemical agent dispenser if such action would interfere with their directed or specialized police function and such excuse is approved by their commanding officer.
- C. The hand-held chemical agent dispenser shall be carried in the specially designed holster provided by the department, which will be worn on the belt in such a manner as not to interfere with the police member's sidearm.
- D. Each police member who is issued a hand-held chemical agent dispenser shall, upon receipt, weigh the dispenser to determine the gross weight of the contents and record that weight in their memorandum book. Scales will be provided at each work location for this purpose.

#### **465.10 USE OF CHEMICAL AGENTS (WILEAG 5.1.1)**

- A. Police members may use a chemical agent when the situation justifies the use of force and such force is objectively reasonable. Police members shall use only the force necessary to effectively maintain control of a situation and protect the safety of police members and the public. Objective reasonableness is judged from the perspective of a reasonable police member facing similar circumstances and is based on the totality of the facts known to the police member at the time the force was applied, along with the member's prior training and experience.

Police members shall use chemical agents within the guidelines of the Wisconsin Defensive and Arrest Tactics System under Intervention Options as a Control Alternative, which states the use of a chemical agent is to overcome active resistance or its threat from a subject.

- B. The chemical agent dispenser should normally be used in short bursts in a sufficient amount to cause compliance or until the subject has been stabilized, which means that he or she has stopped resisting and is in position where the member can apply handcuffs.
1. Unless absolutely necessary, the chemical agent dispenser should not be used at any distance less than four feet from the subject.
  2. The chemical is effective when it is directed at the subject's face. Research has shown that direct contact of this chemical with the eyes will not produce permanent injury.
  3. Upon facial contact, the spray will cause an intense burning sensation of the subject's face and eyes, resulting in profuse tearing and temporary loss of vision, among other effects.
  4. The spray will effectively incapacitate most subjects for a short period of time, depending on the individual, without permanent injury to the skin or eyes; however, it should be noted that it may not affect certain individuals, especially those that are under the influence of alcohol, drugs, or have certain mental disorders. Consequently, members who use a chemical agent on a subject who is obviously not affected should use caution when approaching or handling such a person, and tactically consider disengagement or escalating to another force option.

C. DOGS OR OTHER ANIMALS

Since Oleoresin Capsicum (OC) can be effective when used on dogs or other animals, officers should consider using OC rather than deadly force as an option when confronted with a vicious animal.

**465.15 SUBJECTS AFFECTED BY CHEMICAL AGENTS (WILEAG 5.2.1)**

- A. Police members shall follow the steps outlined in the *O.C. After-Care Guidelines* (form PT-5).
- B. Police members shall, after using a chemical agent on an individual, render first aid in accordance with SOP 460.45 (Use of Force).
- C. Police members shall, after using a chemical agent on an individual, provide an opportunity for him/her to eliminate the effects of the irritant by washing or flushing the affected areas with cool water. This cleansing should take place, as soon as feasible, to the extent that the subject can be controlled without possible injury to self or others. Further, such individuals shall be informed that it is inadvisable to use creams, ointments, or bandages on affected areas. If the chemical comes in contact with the

individual's clothing, the continual rubbing of the skin against the affected clothing, such as a collar or cuff, may cause an irritation and/or reddening of the skin area.

Members shall use professional communication skills to calm and reassure the individual who may feel panicked. Members shall advise the individual that the effects will wear off in 30-45 minutes.

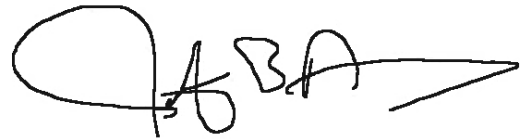
**Note: Members shall monitor exposed individuals for changes in their condition while in police custody and request medical attention as needed.**

#### **465.20 CHECKING CHEMICAL AGENT DISPENSERS**

- A. Supervisors shall check members' chemical agent dispensers for serviceability and ensure the chemical agent dispenser has not expired (chemical agent dispensers expire after five years from manufacture date) in accordance with the Internal Affairs Division [\*Inspection Regimen Standards\*](#). Members shall refer to the Internal Affairs Division *Inspection Regimen Standards* for documentation and retention procedures.
- B. Members of the department shall periodically check the fluid levels of their chemical agent dispenser to ensure that their dispensers are not leaking and will be functional if needed. This shall be accomplished by weighing the canister with the scales provided at each work location. The following are the weights for the MK-3 and MK 4 canisters:
- The MK- 3 (small canister) Oleoresin Capsicum (OC) weights are as follows:  
73 grams – Full  
50 grams – Replace
- MK – 4 (larger canister) Oleoresin Capsicum (OC) weights are as follows:  
123 grams – Full  
85 grams – Replace
- C. If, as a result of this check, or for any other reason, a member suspects that his/her dispenser is not working properly, he/she shall submit the dispenser to his/her supervisor and inform the supervisor of the basis for their concern.
- D. When it is suspected that a police member's chemical agent dispenser is either leaking or has been improperly discharged, the dispenser shall be taken from him/her, weighed, and stored in a secure place for one week, and then weighed again to determine if it has leaked. Meanwhile, the police member shall be issued a temporary replacement.
- E. If a hand-held chemical agent dispenser is determined to be defective, it shall be returned to the district or division supervisor, who will issue a permanent replacement.
- F. If a supervisor has reason to believe that a chemical agent dispenser has been improperly discharged (e.g., the dispenser is empty and there have been no reports of its use, and there is no indication that it is defective), he/she shall investigate the matter and make a complete report to his/her commanding officer. The report shall include the current weight of the dispenser.

**465.25 REPORTING THE USE OF A CHEMICAL AGENT DISPENSER (WILEAG 5.3.1)**

- A. A member of the department whose chemical agent dispenser is discharged, either intentionally or accidentally, shall immediately notify his/her supervisor.
- B. Whenever a supervisor is notified that a subordinate has discharged a chemical agent, he/she shall complete the necessary reports and forward them to his/her commanding officer in accordance with SOP 460 - Use of Force.
- C. Photographs will be taken by a supervisor of the subject against whom the chemical agent was discharged.
- D. The commanding officer of the member that discharged the chemical agent shall ensure that the circumstances relative to the discharge are detailed in a *Use of Force Report*. The commanding officer shall ensure that the reports are complete and accurate and tracked pursuant to SOP 460 – Use of Force.  
(WILEAG 5.3.1.3)



JEFFREY B. NORMAN  
CHIEF OF POLICE

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