



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 506.07.1

Page 1 of 3

Effective Date: October 15, 2009

Distribution: B

Supersedes: 506.07.1 (10/15/06)

Approved by: George M. Little

Subject: USE OF CHEMICAL AGENTS

- I. AUTHORITY: T.C.A. 4-3-603, T.C.A. 4-3-606, and 41-24-110.
- II. PURPOSE: To establish a departmental policy that addresses the use of chemical agents.
- III. APPLICATION: All Tennessee Department of Correction (TDOC) institutional employees and employees of privately managed facilities.
- IV. DEFINITIONS:
 - A. Chemical Agent: Chemical substances utilized to incapacitate, either CN-Chloractophenone (tear gas), CS-Orthochlorobenzal Mabnonitrile (irritant gas), or OC-Oleoresin Capsicum in a non-toxic, non-flammable vehicle.
 - B. Commissioner's Designee (CD): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CD, the contract monitor (CM) assigned to that facility will serve that function. In the absence of both the CD and CM at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the CD. If the CD is not reachable via phone, the CM will be contacted. If both the CD and CM are unavailable by telephone, the ranking shift officer at Turney Center Industrial Prison (TCIX) shall be contacted for required authorizations or notifications.
- V. POLICY: Chemical agents shall be used only in emergency situations and at the direction of the Warden or his/her designee.
- VI. PROCEDURES:
 - A. The Warden shall establish and maintain a standard operating procedure or institutional policy for the use of chemical agents on institutional grounds within the following parameters:
 1. Chemical agents are to be used only when less serious methods of regaining control have not been successful or when such methods have been determined to be ineffective in resolving an emergency situation.
 2. A verbal warning of the intended action shall be given prior to using the chemical agents.
 3. Chemical agents shall never be used for the punishment, harassment, or intimidation of inmates.

Subject: USE OF CHEMICAL AGENTS

4. Before chemical agents may be used, proper precautions must be taken in advance to minimize injury to inmates, especially those who are not participants in the immediate situation.
 5. With the development of this procedure, an alternate plan should be developed in the event the inmate is not affected by chemical agents.
- B. At privately managed facilities, institutional procedures must be reviewed and approved by the Commissioner and shall include provisions for prior approval of the CD (or notification within one hour of the incident in cases where obtaining prior approval is not feasible) for the use of chemical agents.
- C. All large quantities of chemical agents, or those with delivery systems other than 126 gram aerosol spray, i.e., grenades, muzzle launchers, etc., shall be stored in the armory and never issued or used without the express permission of the Warden/designee. The only exception to the aforementioned is all Level II or higher facilities may store no more than four (4) 520 grams CS (MK IX) Magnum Foggers in Central Control only. Personnel permitted to use chemical agents must be trained in their use and in the treatment of individuals exposed to the chemical agent, with the training documented by the training officer in the user's training file.
- D. In the standard operating procedures or in the institutional policy, the Warden shall designate staff members (positions) authorized to carry and use small quantities of CN/CS/OC agent. The canister of CN/CS/OC issued as regular security equipment shall not exceed 126 grams in size. Personnel so equipped must be trained in its use, with the training documented by the training officer. Canisters of CN/CS/OC shall not be carried off institutional property unless authorized by the Warden. These chemical agents may not be used against anyone while the employee is off duty.
- E. Should it become necessary to use chemical agents to remove an inmate from his/her cell or any other location, the following guidelines shall be observed:
1. Taking into consideration the urgency of the situation and the time of day, the shift supervisor or above (CD at privately managed facilities) may authorize the use of chemical agents after making an on-site evaluation. If the CD is not on-site, then authorization by the CD can be given over the telephone. In the absence of the CD, the contract monitor assigned to that facility will serve that function. In the absence of both TDOC staff, the necessary notification/request for authorization will be made by telephone to the CD. If the CD is not reachable via phone, the contract monitor will be contacted. If both the CD and contract monitor are unavailable by telephone, the ranking shift officer at TCIX shall be contacted for required authorizations/notifications.
 2. If possible, a health services staff person shall be present.
 3. If possible, the use of chemical agents should be video taped.
- F. At any time chemical agents are used, the exposed inmate(s) and/or staff shall be given immediate medical attention by on-duty health services staff.

Subject: USE OF CHEMICAL AGENTS

- G. Each time chemical agents are used for other than training purposes, an incident report shall be completed, preferably by an individual with first-hand knowledge in accordance with Policy #103.02. The incident report shall be completed prior to the conclusion of the shift and submitted to the Warden or his/her designee, with a copy forwarded to the CD at privately managed facilities. Incident reports will be entered on TOMIS/E-TOMIS Incidents (LIBJ).
- H. Most chemical agents have dates of expiration when they should be replaced. Chemical agents received without expiration dates shall be clearly marked to expire four years from the date received. Chemical agents shall be inventoried monthly to determine condition and to ensure proper disposal upon expiration. At TDOC institutions, disposal should be effected through use in training activities as the agents expire.
- VII. ACA STANDARDS: 4-4092, 4-4173, 4-4199, 4-4201, 4-4202, and 4-4203.
- VIII. EXPIRATION DATE: October 15, 2012.