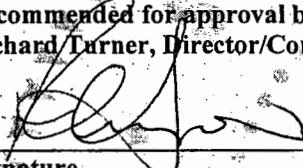
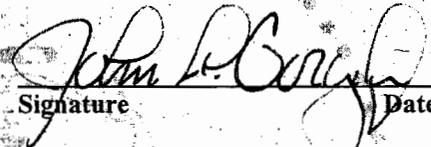


STATE OF VERMONT  
AGENCY OF HUMAN SERVICES  
DEPARTMENT OF CORRECTIONS



Directive: 413.03

Subject: Use Of Foreign Agents  
Effective Date: November 25, 2002 Review and Re-Issue Date:  
Supersedes: 413.03 02/28/1997 APA Rule Number:

Recommended for approval by: Richard Turner, Director/Correctional Services	Authorized By: John Gorczyk, Commissioner of Corrections
 1-8-03	 Jan. 8, 2003
Signature Date	Signature Date

1. Authority:

1.1. Authority for this directive is derived from Policy 413, Conflict Resolution.

2. Purpose:

2.1. A situation may arise where it becomes necessary to use oleoresin capsicum, (OC), for protection of staff and others from imminent physical harm or loss of life, suppress riots or disturbances or willful destruction of property. If order cannot be restored by application of less forceful methods, foreign agents may be deployed against either individual offenders or groups of offenders.

**\*\*NOTE\*** any use of foreign agents must be administered in accordance with the guidelines established for Conflict Resolution, Directive 413.01 (i.e. use of restraints, videotaping, incident reporting, etc.)

3. Applicability/Accessibility

3.1. This directive is only to be disclosed to the Department of Corrections employees.

4. Directive

4.1. In facilities, it is required that Shift Supervisors and the First Responder Supervisor be issued OC spray as part of their equipment that they carry. Generally the Shift Supervisor or First Responder Supervisor will be present at the scene and make the determination to use Oleoresin Capsicum. It is recommended that all First Responders carry OC. He/she will base this decision on all of these factors:

- 4.1.1 Use of ACT skills have not resolved the conflict.
- 4.1.2 The use of Advanced Physical Control Techniques will likely result in injury to staff or offender.
- 4.1.3 The offender is demonstrating any of the following behaviors:

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- Overtly dangerous behavior i.e. assaultive, striking, pushing, kicking, biting, or throwing spittle, blood, urine or feces;
- Behavior that threatens the safe operation of the facility and is therefore dangerous;
- Behavior that requires staff to use physical handling to move the offender;
- Lethal Threat - life threatening behavior, i.e. Holding knife, hand-made weapon, shank, spear, etc., on self or others or in a hostage situation;
- Disturbances.

4.2.

4.3.

4.4.

4.5.

### 5. Training Method

- 5.1. The Director of Security shall insure that all Managers at both the CCSC's and Facilities will be briefed on the content of this directive.
- 5.2. Superintendents and Security and Operations Supervisors are required to attend a training that covers the administration of the different types of OC delivery systems and gasses, as well as other conflict resolution techniques.

### 6. Quality Assurance Processes

- 6.1. This directive will be audited as part of the Facility Audits that are conducted by the Security & Supervision Unit of the Vermont Department of Corrections. Incident Reports will also be reviewed by the Security & Supervision Unit to insure proper compliance for its use.

### 7. Financial Impact:

- 7.1. The initial cost of the Pepperball delivery systems and associated rounds cost \$9,000.00. Once initial training has been conducted there is no mandate for refresher training. The average amount of time for each class 2.5 hours. This training can be conducted as a Competency Supplement training, meaning there is no backfill costs associated with this training.

The cost of maintaining training rounds for each facility for each of the five facilities will be about \$2,000.00 and \$1,500.00 for the State CERT. The cost of maintaining actual OC rounds for the facilities is \$3,000.00 and the same for the State CERT, for a total cost for rounds to be \$9,500.00 annually.

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### **8. References**

8.1 Policy 413

8.2 Protocol 413.03.01

### **8. Responsible Director and Draft Participants**

Lawrence McLiverty, Director/Security is responsible for the content of this directive. Gary Dillon, Chief/Emergency Services is responsible for updating this directive.

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**Definitions**

Oleoresin Capsicum - sprays or foam appropriate for indoor or outdoor application and self-protection situations (O.C.'s active ingredient is capsaicin, a derivative of cayenne pepper, which is a natural product listed in numerous foodstuffs).

Oleoresin - a mixture of essential oil and resin found in nature.

Capsicum - any solanaceous plant of the genus capsicum, occurring in many pepper varieties of the garden, that has pungent seeds ranging from mild to hot, enclosed in a podded or bell shaped pericarp.

Pepperball - Is a complete system of OC delivery combined with a kinetic impact that includes the delivery weapon, the air that propels a plastic ball containing the OC either in powder or liquid form.

Orthochlorobenzalmalononitril (CS) - is a white crystalline solid with a peppery smell that is combustible. CS is an irritant that effects the eyes, skin, and mucus membrane, and respiratory system.

Chloroacetophenone (CN) - is a liquid with an apple blossom odor that is non-combustible. CN is an irritant that acts in a similar manner to CS such as cause heavy tearing and effects the mucus membrane. In large quantities, it can produce nausea.