



# AN ASSESSMENT OF THE USE OF CHEMICAL AGENTS IN NEW YORK CITY JAILS

MARCH 2024 PUBLIC BOARD MEETING

# METHODOLOGY

The assessment included a review of:

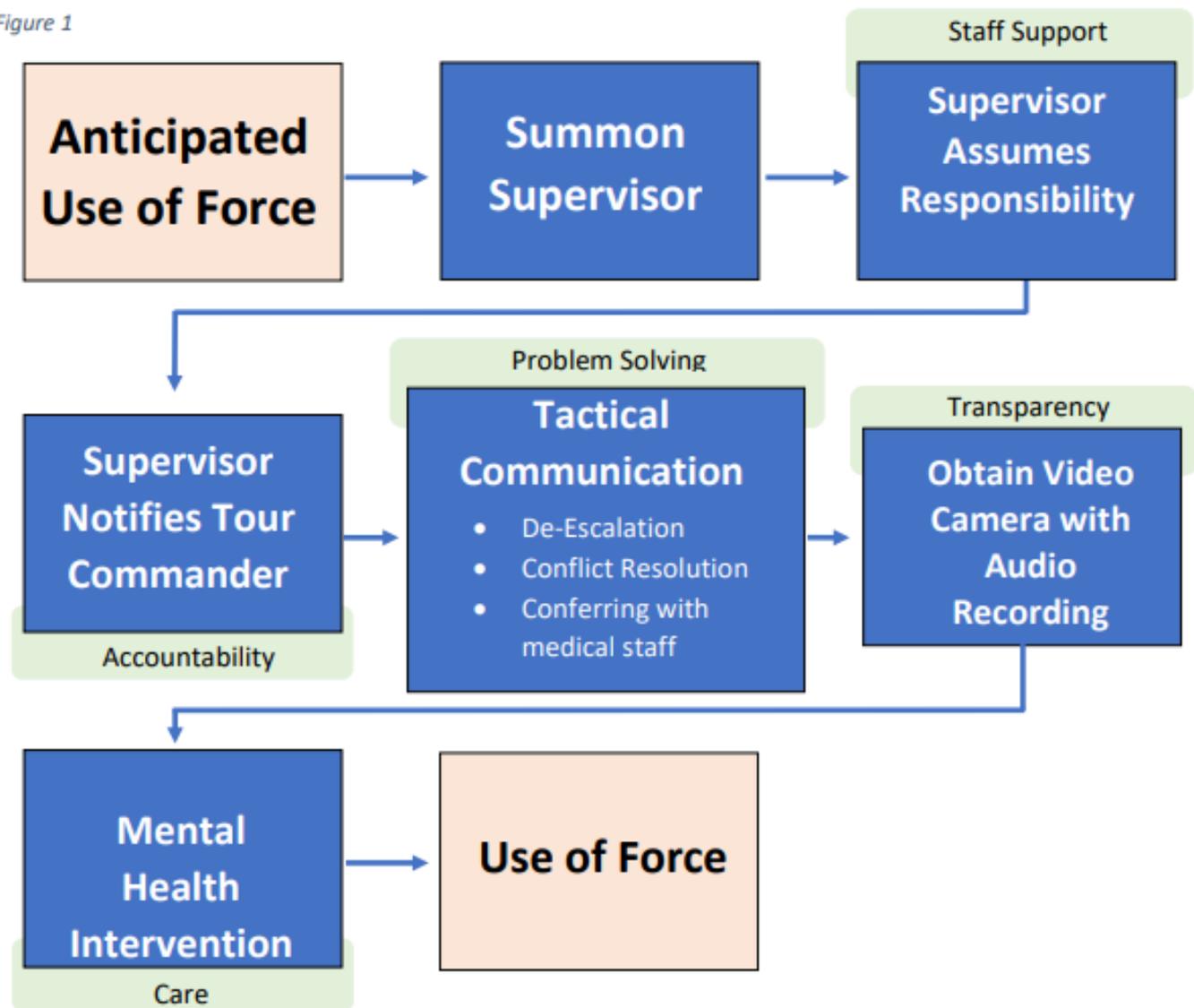
- DOC Policy
- DOC Data
- Nunez Independent Monitor Reports
- Chemical agent inventories, facility logbooks, O.C. certifications lists, training course materials and attendance records, and informational materials provided by the Department's chemical agent vendor.

Incident reviews analyzed:

- Stationary video, body-worn camera video, use of force reports, statements by people in custody, injury reports, and incidents reviews conducted by facility leadership and DOC's Investigation Division

# ANTICIPATED USE OF FORCE PROTOCOLS

Figure 1



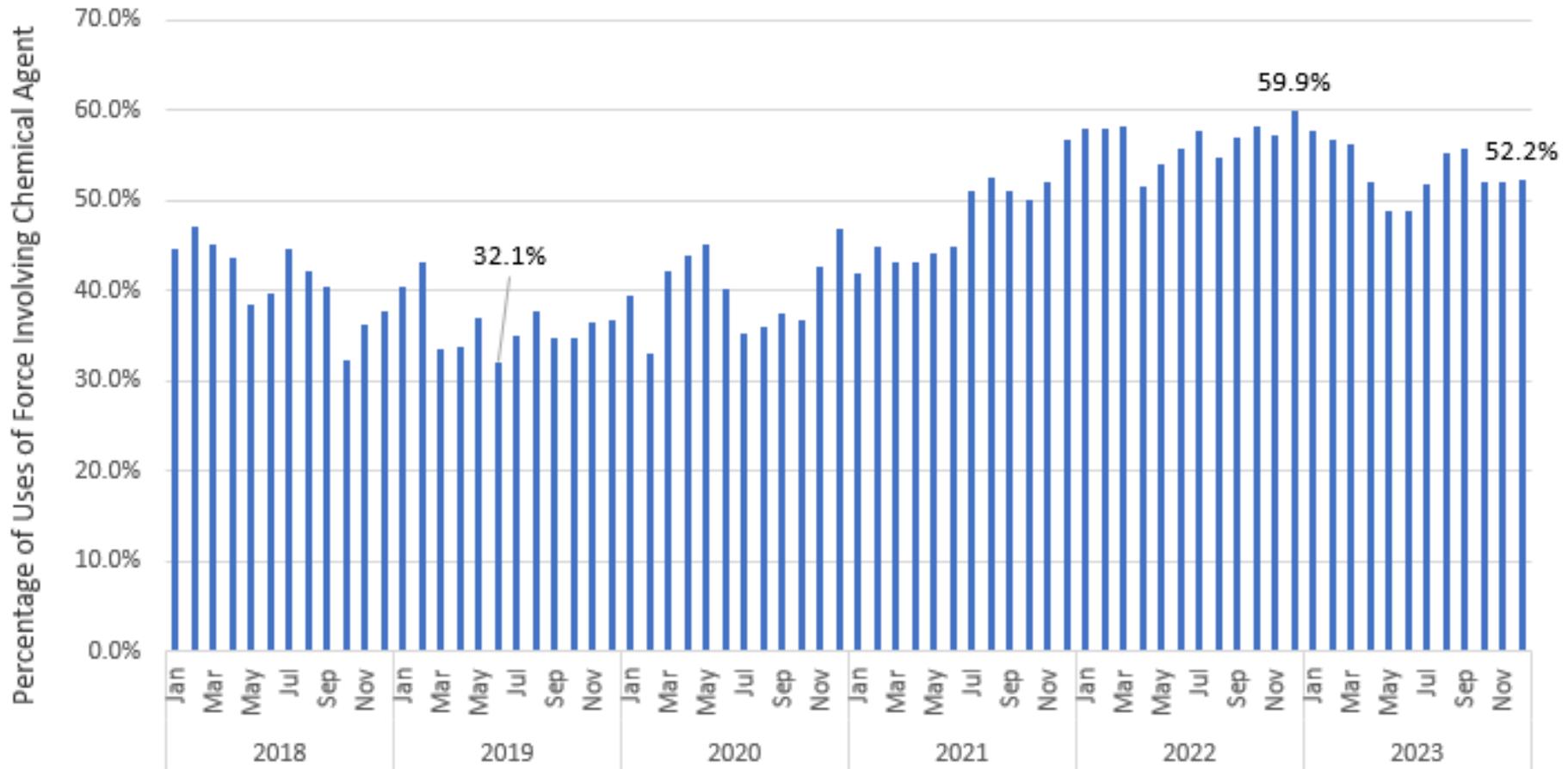
# KEY FINDINGS

Monthly Rate of Chemical Agent Incidents per 1000 PIC  
January 2018 - December 2023



Source: DOC Masterbook, DOC Census Data

## Monthly Percentage of Uses of Force Involving Chemical Agent January 2018 - December 2023



Source: DOC Masterbook, DOC Census Data

# KEY FINDINGS – Policy Violations and Practice Concerns

In its review of 50 cases of O.C. deployment, BOC staff found:

- 0% designated as an “anticipated use of force” by DOC
- Deploying O.C. from unsafe and prohibited distances (less than three feet)
- Inconsistent verbal warnings
- The use of MK-9 against single individuals presenting passive resistance
- The use of O.C. against people attempting to hang themselves
- Zero mental health interventions

## KEY FINDINGS – Investigation Challenges

In its review of 50 cases of O.C. deployment, BOC staff found:

- False statements in the use of force reports completed by DOC staff
- Inconsistent use of body-worn cameras
- Zero statements collected from people in custody (all reportedly refused)
- Infrequent interviews of people in custody conducted by DOC's Investigation Division

# KEY FINDINGS – Training and Re-Certification

As part of its assessment, BOC staff found:

- The distribution of O.C. handheld units to staff despite expired annual certifications
- Missing qualification lists in control rooms
- In 2023, 5% of uniformed supervisors received required supervisory training on the use of chemical agents

## KEY FINDINGS – Safety Concerns

In its review of 50 cases of O.C. deployment, BOC staff found:

- No cases where DOC staff checked with medical staff or reviewed available records to check for medical contraindications prior to deployment
- DOC only authorizes the use of the highest intensity O.C. products, regardless of the setting or circumstances

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# SUMMARY OF RECOMMENDATIONS

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- **Training**
  - **Monitoring**
  - **Policy**

