



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:

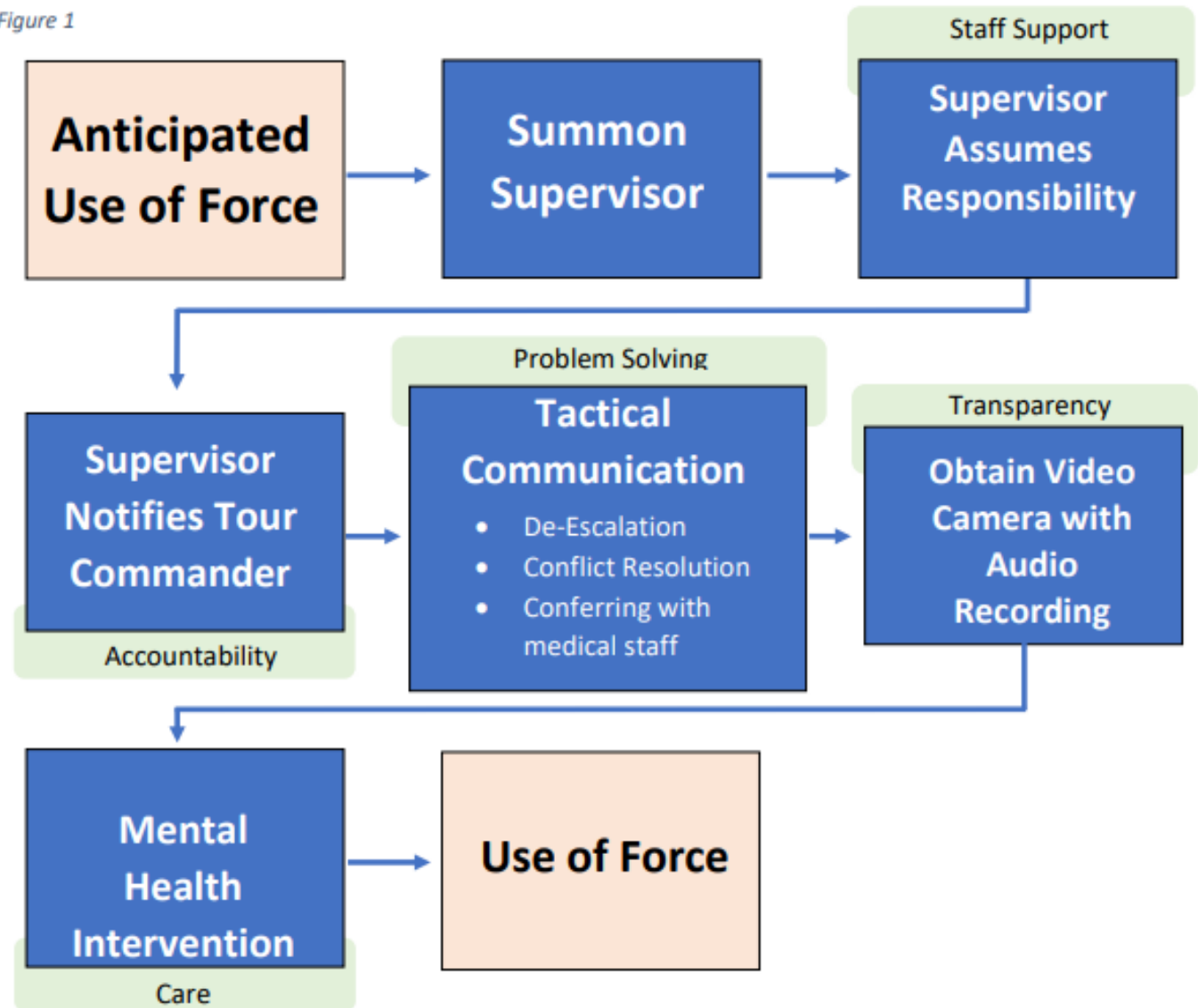
- DOC Policy
- DOC Data
- Nunez Independent Monitor Reports
- Chemical agent inventories, facility logbooks, O.C. certifications lists, training course materials and attendance records, and informational materials provided by the Department's chemical agent vendor.

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

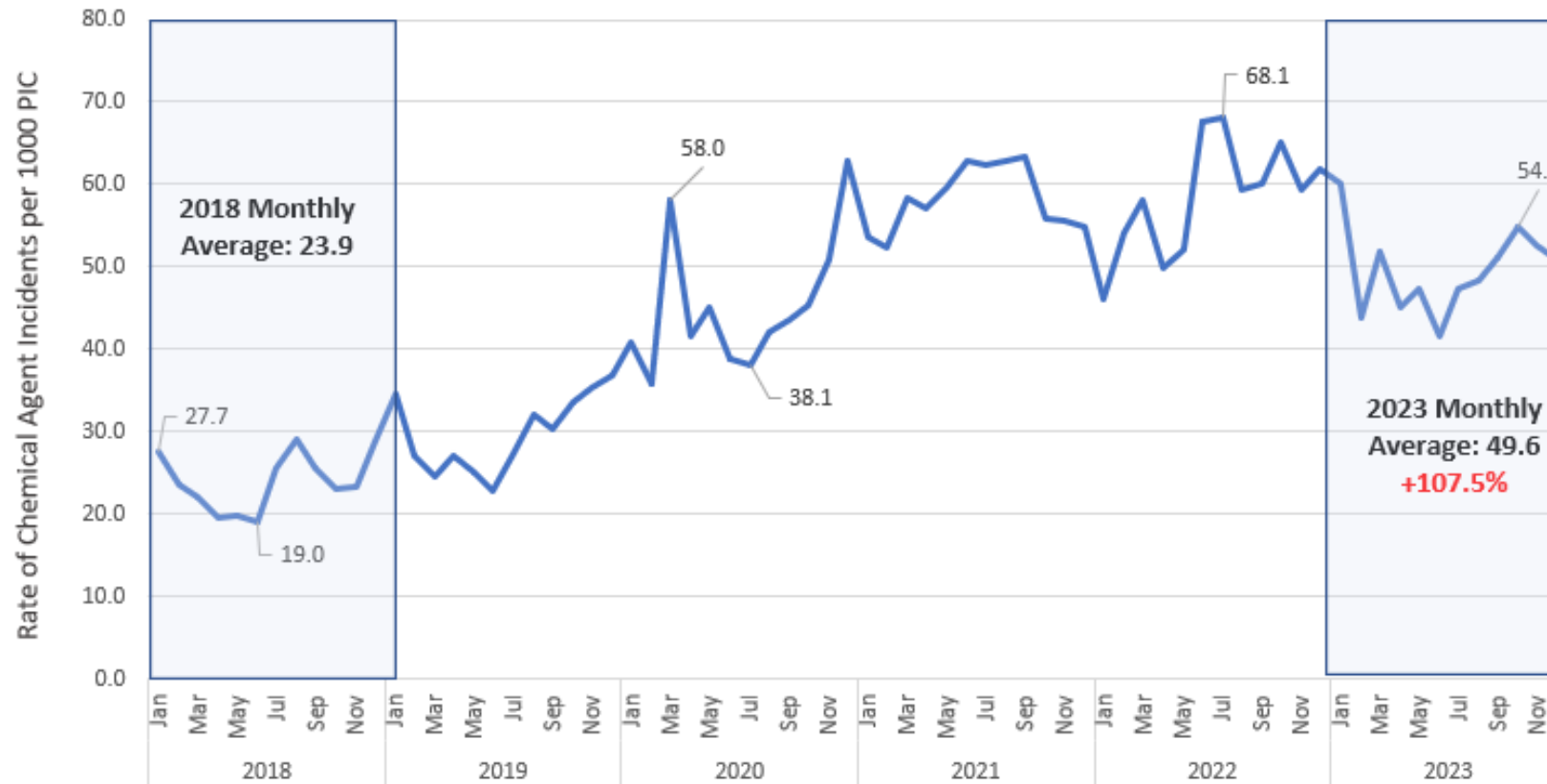
ANTICIPATED USE OF FORCE PROTOCOLS

Figure 1



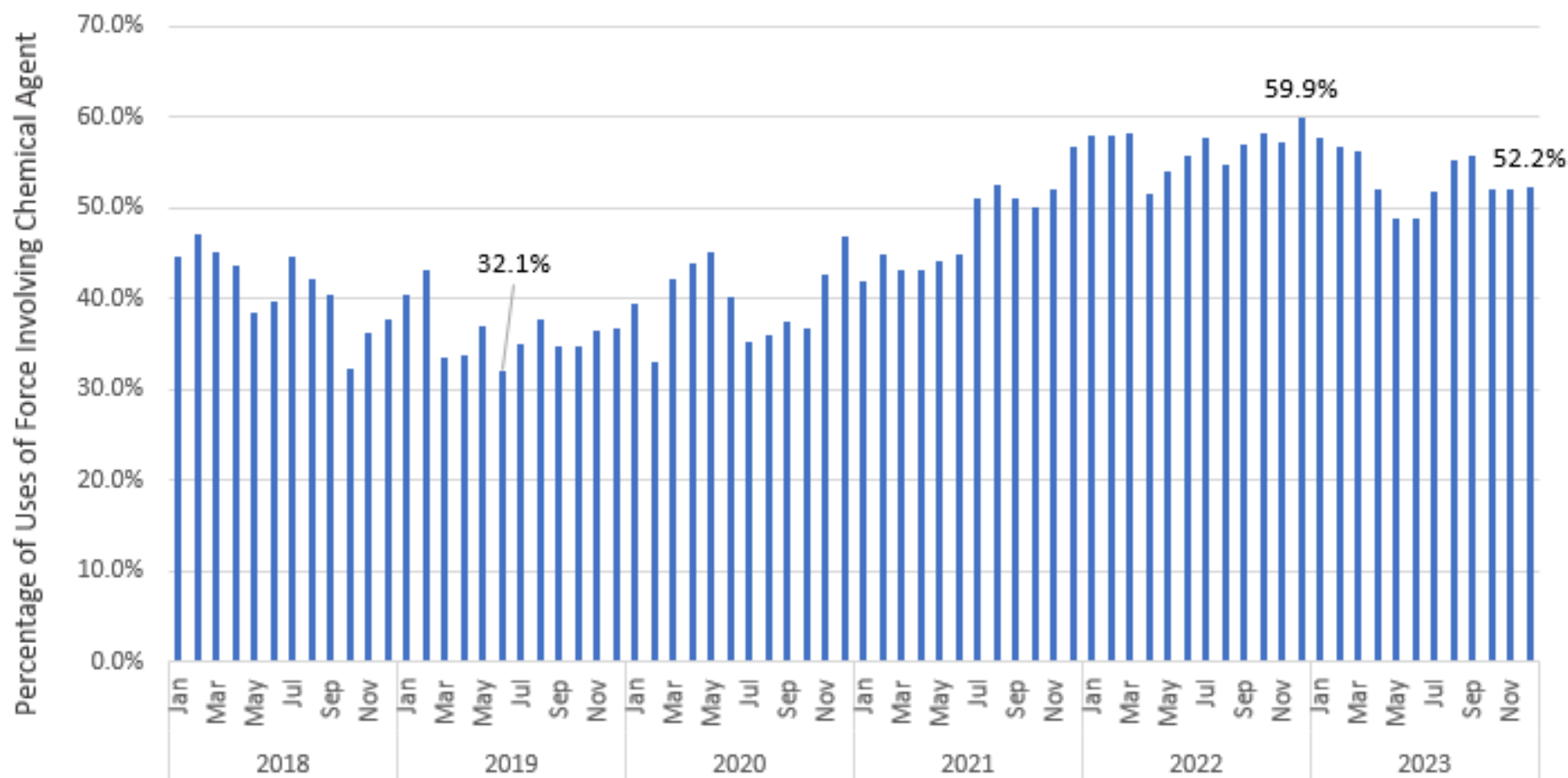
KEY FINDINGS

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

SUMMARY OF RECOMMENDATIONS

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

