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# CHAIRMAN'S MEMORANDUM

## NO. 6-2008      May 19, 2008

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**TO: SHERIFFS, COMMISSIONERS OF CORRECTION, JAIL ADMINISTRATORS, TRAINING COORDINATORS**

**RE: CHEMICAL AGENTS**

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With the development of new technologies and products regarding chemical agents, facilities now have a broader range of agents available for purchase and subsequent use.

The Commission has received inquiries regarding the acceptance of a specific brand of pepper spray that denotes a higher rating of Scoville Heat Units (SHU's) as compared to the ratings of more conventional agents, and also disperses that agent in a unique and unconventional manner.

As a result, the recommended dispersal time as well as the deployment method differs from that of more conventional agents, and requires staff to be trained in the agent-specific method, which does not comport with current Commission-approved training.

Pursuant to Part 7063, Chemical Agents of the New York State Minimum Standards, Section 7063.5(a-b) mandates that all facility staff who have the authority to order the use of, supervise the use of, and use such agents must successfully complete a chemical agents training program approved by the Commission. Such training program shall incorporate accepted practices in the use of chemical agents and shall be submitted to the Commission for approval before delivery to facility staff.

Therefore, any facility which adopts, or plans to adopt any brand of chemical agent which incorporates agent-specific dispersal and/or deployment methods shall notify the Commission pursuant to the minimum standards. Requirements prior to use may include revisions of the facility policy and procedures as well as revisions to the initial and annual training requirements. Subsequently, any revisions must be approved and the training requirements met prior to agent delivery to staff. Working in conjunction with several departments to date, this process has been successful in the adoption of new chemical agent products for the respective facilities.

Thank you for your cooperation regarding this issue. If you have any questions, please direct them to Mr. Todd D'Alessandro who can be reached at (518) 485-2488 during regular business hours.

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**Daniel L. Stewart, Chairman**

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**Daniel L. Stewart, Chairman  
Frederick C. Lamy, Commissioner  
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