



U.S. Immigration
and Customs
Enforcement

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INFORMATION

MEMORANDUM FOR: All Special Agents in Charge

FROM: Marcy M. Forman
Director, Office of Investigations

SUBJECT: Chemical Munitions

A handwritten signature in black ink, appearing to read "Marcy M. Forman", is written over the typed name and title of the sender.

Purpose

This memorandum provides guidance regarding the issuance and use of chemical munitions in support of Special Response Team (SRT) operations within the Office of Investigations.

Background

Recently, several SRT teams within the Office of Investigations have requested the issuance of chemical munitions for use in specific enforcement operations. Part 8 of the ICE Interim Firearms Policy, dated July 2004, authorized the types of chemical munitions authorized for use by ICE law enforcement personnel, subject to the concurrence of the Director of each ICE component. Part 3 of the ICE Interim Use of Force Policy, dated July 2004, describes the specific level of force that applies to the proper use of intermediate force devices, specifically chemical agents, and it provides the reporting procedures required for the use of these munitions.

Discussion

Chemical munitions are an effective tool in accomplishing the safe resolution of critical situations, without resorting to deadly force. However, as with other intermediate force devices, these munitions, if used incorrectly, can result in death or serious bodily injury. Regarding chemical munitions, Part 1 A 6 of the ICE Interim Use of Force Policy, dated July 7, 2004, states: "The discharge of firearms against persons or animals constitutes the use of deadly force. The use of firearms to discharge chemical munitions does not constitute the use of deadly force, unless there is reason to believe that the chemical munitions may cause the death of a person (e.g., may cause a fire)."

Due to the risks associated with the use of chemical munitions, whenever it is anticipated that the use of chemical munitions may be required in support of an SRT operation, a request to deploy chemical munitions must be included in the SRT operation plan, and it must be approved by the Special Agent

in Charge. Chemical munitions will only be used if there are no other methods readily available to safely execute the enforcement action and delays in action would significantly increase the risks to law enforcement personnel and the public. Munitions requiring a launcher will only be used if the deployment of chemical sprays or hand thrown munitions presents a danger to SRT personnel due to deployment range limitations and lack of available safe cover.

The National Firearms and Tactical Training Unit, (NFTTU) has created a list of approved chemical munitions. This list was developed based on the specific mission needs and with consideration to the level of training and resources required to maintain operational proficiency. The NFTTU has developed specific initial and reoccurring training certification requirements for chemical munitions instructors as well as SRT and other personnel who have been authorized by the ICE component Director to deploy these weapons. Use, training and issuance of these munitions and launchers must be in compliance the ICE interim firearms policy and NFTTU training procedures.

Effective immediately, Office of Investigations certified Special Response Teams will be authorized to deploy chemical munitions on a case by case basis; if pre-approved by the SAC in the SRT operation plan; and when no other methods are readily available to safely execute the enforcement action and delays in action would significantly increase the risks to law enforcement personnel and the public.

For further information, please contact (b)(6),(b)(7)(C) Director, National Firearms and Tactical Training Unit at (814) 946-(b)(6),(b)(7)(C) extension 140 or email at (b)(6),(b)(7)(C) dhhs.gov.