USE OF FORCE COMMUNITY WORKING GROUP RECOMMENDATIONS
October 1, 2020

General Order 03-02-05, OC Spray and Other Chemical Agents

The Working Group provides the following recommendations specific to its review of the General Order GO 03-02-05, but incorporates all previous recommendations submitted to the Executive Steering Committee.

**Recommendation 1: Limiting Use of OC Spray**

Officers must be prohibited from using OC Spray or another chemical agent against a person unless the person presents an immediate threat of bodily harm to another person. CPD must further amend its policy to prohibit OC Spray against a person categorized as a resister (whether passive or active) who does not present an immediate threat of bodily harm to another person. Similarly, CPD must amend its policies to expressly state that officers are prohibited from using OC Spray or another chemical agent against passively resisting protesters. See Appendix 1, Use of Force at Protests and Restrictions on Use of OC Spray for further research and reasoning in support of the Working Group’s Recommendations.

**Recommendation 2: OC Spray and Force Mitigation**

CPD must also prohibit officers from discharging OC Spray or other chemical agents against a person, except as a measure of last resort, after: (1) they have exhausted de-escalation requirements; (2) they have exhausted available lesser measures or available lesser measures would not be effective; and (3) the use of OC Spray is the least amount of force necessary under the circumstances.

**Recommendation 3: Restrictions on Use of OC Spray Against People Fleeing the Police**

CPD must expressly prohibit the use of OC Spray or other chemical agents against persons suspected of a non-violent offense who attempt to evade arrest, unless the person presents an immediate threat of bodily harm to another person.

**Recommendation 4: Restrictions on the Use of Chemical Agents against Groups of People or to Disperse Crowds**

CPD must prohibit officers from using OC Spray and other chemical agents to disperse crowds. CPD must also prohibit officers from spraying OC or other chemical agents into a group of people that contains any person who does not present an imminent risk of bodily harm to another person.

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1 The Use of Force Working Group recommended that CPD simply its use of force continuum and categories of levels of resistance in General Order 03-02-01, Force Options.
**Recommendation 5: Prohibition on Use of Chemical Agents in Enclosed Areas**

CPD must prohibit officers from using OC Spray or other chemical agents in enclosed areas, including inside vehicles, unless a person inside the area presents an immediate threat of death or serious bodily harm to another person. With the permission of the Superintendent, an officer may, however, use OC Spray or another permitted chemical agent against a person who is suspected of a violent crime or who presents an imminent threat of death or great bodily harm to another person and who has barricaded themself within an enclosed area.

**Recommendation 6: Use of Chemical Agents Against Vulnerable Persons**

CPD policy must be changed to prohibit the use of OC Spray and other chemical agents, unless necessary to prevent an imminent threat of death or serious bodily harm to another person, against children under 18, people who are elderly (over 60), pregnant women, people in apparent medical distress or behavioral health crisis, people who present as frail, low body mass, or sickly, and other vulnerable persons.

**Recommendation 7: Use of Chemical Agents Against People in Handcuffs**

CPD policy must be changed to prohibit officers from using OC Spray or other chemical agents against a person who is handcuffed or otherwise restrained, unless that person presents an imminent threat of bodily harm to another person and other, less intrusive means have failed to mediate the threat.

**Recommendation 8: Duty to Render Aid to Persons Exposed to Chemical Agents**

CPD must require all officers who deploy OC Spray or other chemical agents against a person to be in possession of decontamination and water flushing resources before deploying any chemical agent against a person. CPD must also require officers to assist exposed persons with decontamination and water flushing immediately after the application of any chemical agent.