



# OLEORESIN CAPSICUM (OC) DEVICES AND OTHER CHEMICAL AGENT USE INCIDENTS



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## I. PURPOSE

This directive:

- A. outlines the policy governing discharges of Personal Oleoresin Capsicum (OC) devices and special weapons that dispense Capsaicin II Powder Agent (PepperBall) or other chemical agents.
- B. satisfies CALEA Law Enforcement Standard Chapter 4.

## II. POLICY

- A. **Sanctity of Human Life.** All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved. A member's decision to utilize Personal OC devices or other chemical agents will be made in accordance with the Department directive titled "Use of Force."
- B. **De-Escalation.** Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary, in accordance with the Department directive titled "Force Options."
- C. **When Use is Authorized.** Department members' use of Personal OC devices or other chemical agents must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject, under the totality of the circumstances. Consistent with the Department directive titled "Force Options," Department members are authorized to use Personal OC devices or other chemical agents for the following subjects:
  - 1. Personal OC devices and special weapons that dispense Capsaicin II powder agents (PepperBall) or other chemical agents are authorized force options against an **assailant**.
  - 2. A Personal OC device is an authorized force option against **active resisters**. If an active resister is part of a group or crowd, a Personal OC device is authorized only after obtaining approval from the Superintendent or his or her designee.
  - 3. A Personal OC device is an authorized force option against **passive resisters** only under the following conditions:
    - a. Occupants of a motor vehicle who are passively resisting arrest only after obtaining authorization from an on-scene supervisor the rank of sergeant or above.
    - b. Noncompliant groups, crowds, or an individual taking part in a group or crowd and only after obtaining authorization from the Superintendent or his or her designee.
  - 4. Special weapons that dispense the Capsaicin II powder agent or larger volumes of chemical agents are authorized force options against **active and passive resisters** that are part of a noncompliant groups, crowds, or an individual taking part in a group or crowd only under the following conditions:
    - a. when the chemical agent is used only for area saturation, and
    - b. only after obtaining authorization from the Superintendent or his or her designee.

D. **Restrictions.** For the safety of everyone involved, the following additional restrictions apply:

1. **Persons Vulnerable to Injury.** Personal OC devices or other chemical agents will not be used on a subject who is at a greater risk of serious injury from their use, unless the subject is defined as an **assailant** and other force options are not readily available or would otherwise be ineffective. People who are potentially at greater risk of serious injury from Personal OC device or other chemical agent use include, but are not limited to, children, pregnant women, and the elderly.
2. **Enclosed Areas.** Personal OC devices or other chemical agents will not be used in enclosed areas unless the subject is defined as an **assailant** and other force options are not readily available or would otherwise be ineffective.

**EXCEPTION:** For the purpose of this directive "enclosed areas" do not include areas with immediate and readily available access to fresh air, such as vehicles.

E. **Justify Separate Uses of Force.** An initial application of a Personal OC device or other chemical agent and each subsequent application must be individually justified and documented on the Tactical Response Report (TRR) as a separate use of force.

F. Department members will refer to the Department directive titled "**Control Devices and Instruments**" for specific procedures on device protocols including training, maintenance, manner of carry, and accountability.

### III. CONDITIONS ON THE USE OF PERSONAL OC DEVICES OR OTHER CHEMICAL AGENTS

A. **Authorized Manner of Use.** When it is safe and feasible to do so, a member who is discharging a Personal OC device or other chemical agent will:

1. give verbal commands and warnings prior to, during, and after discharge, including informing other Department members on the scene of the discharge.
2. allow a subject a reasonable amount of time to comply with a warning prior to using or continuing to use a Personal OC device or other chemical agent, unless doing so would compromise the safety of a Department member or another person.
3. for the use of Personal OC devices, when possible, apply a single, two-second burst to the subject's facial area to affect the eyes, nose, and lungs of the subject.
4. if the subject is incapacitated, immediately attempt to restrain the subject while he or she is incapacitated, when applicable.

B. **Request Supervisor.** As soon as practical, a member who has used or anticipates using a Personal OC device or other chemical agent will request that a supervisor respond to the scene.

C. Whenever possible, the ranking member on the scene of an incident will notify the Chicago Fire Department prior to the anticipated use of a device that dispenses a chemical agent through use of special weapons deployed by the Special Weapons and Tactics Team (SWAT).

### IV. POST-DISCHARGE RESPONSIBILITIES

A. **Effect Mitigation.** To assist in mitigating the effects of the discharge, when it is safe and feasible to do so, Department members will:

1. if possible, relocate the subject(s) to an area of uncontaminated air and face the subject(s) into the wind.
2. assist the subject(s) and provide an opportunity for the subject(s) to decontaminate and eliminate the effects of the agent by flushing the affected areas with cool water. This should take place as soon as feasible, to the extent that the subject can be controlled without possible injury to himself or others.
  - a. Subjects wearing contact lenses should remove them, if possible, before flushing the eyes with water.

- b. Under normal circumstances all symptoms of exposure to OC should disappear within thirty to forty-five minutes.
- c. Clothing that becomes contaminated with OC can be laundered in the usual manner without fear of contaminating other laundry.
- d. Special equipment or a special washing process is not required to decontaminate an enclosed area. The opening of doors and windows will normally result in the removal of OC from the environment within forty-five minutes.
- e. Subjects should refrain from rubbing the affected area(s) or using creams, ointments, commercial eye washes, or bandages.

**NOTE:** Department members will advise the subjects about the above-listed decontamination efforts and conditions.

3. if it is practical, avoid transporting an individual who is wet with OC. Transporting a subject when dry will minimize the possibility of the member or vehicle becoming contaminated.

B. **Discharging Member.** Immediately upon gaining control and restraining the subject, discharging member will:

1. notify the Office of Emergency Management and Communications (OEMC).

**NOTE:** If a member discharges a chemical agent outside the City of Chicago, the member will also notify the law enforcement agency having jurisdiction and the Chicago Police Department's Crime Prevention and Information Center (CPIC).

2. request the appropriate medical aid, including contacting emergency medical services (EMS) from the Chicago Fire Department, if the subject appears to be in any physical distress or complains of injury or aggravation of a known pre-existing medical condition (e.g., asthma, emphysema, bronchitis, or a heart ailment).
3. complete a Tactical Response Report (TRR) ([CPD-11.377](#)) for the discharge consistent with the procedures outlined in the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report.**"
4. complete the appropriate case report and other required reports and submit the reports to their immediate supervisor for review and approval.

C. **Office of Emergency Management and Communications.** OEMC will immediately notify the:

1. involved member(s) immediate supervisor.
2. field supervisor and the watch operations lieutenant from the district of occurrence.

D. **Reviewing Supervisor.** When notified that a member under his or her command discharged a chemical agent, the assigned reviewing supervisor will:

1. respond immediately to the scene and assume command and oversight of the scene unless relieved by a higher-ranked supervisor.

**NOTE:** When the discharging member's immediate supervisor is unavailable, the watch operations lieutenant will assign a reviewing supervisor from the district of occurrence.

2. ensure the scene is protected and processed in accordance with the Department directive titled "Crime Scene Protection and Processing," including determining whether to request an evidence technician to process the scene.
3. request the Street Deputy to respond to all discharges that result in a potentially life-threatening injury or death.

4. if a death has occurred as a result of a discharge, ensure the appropriate Forensic Services Division and Bureau of Detectives personnel are requested.
  5. review the discharging member's TRR and complete the appropriate section of the TRR consistent with the procedures outlined in the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report.**"
- E. **Investigating Supervisor.** The watch operations lieutenant, or assigned investigating supervisor the rank of lieutenant or above, from the district of occurrence will:
1. ensure that a supervisor at least one rank higher than the discharging member responds to the scene of the discharge when such a supervisor is available.
  2. notify the Civilian Office of Police Accountability (COPA) (or CPIC when COPA is not available) and ensure that a log number is obtained for a Personal OC device or other chemical agent discharge notification.
  3. for incidents which do not require the presence of the Street Deputy, investigate the incident, review the discharging member's TRR, and document the investigation of the incident on the TRR-I consistent with the procedures outlined in the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report.**"
  4. receive the discharged Personal OC device from the sworn member, provide a replacement device to the member, and notify the individual designated by the district commander that a replacement device has been issued. When needed, additional Personal OC devices may be requested from the Taser Repair Center through normal requisition procedures.
- NOTE:** A copy of the TRR will be presented to the Taser Repair Center for replacement Personal OC devices.
- F. **Street Deputy.** In all cases in which a subject has a potential life-threatening injury or a death has occurred in conjunction with a Personal OC device or other chemical agent discharge, the Street Deputy will:
1. proceed to the scene, assume command of the scene, and personally conduct a complete and thorough investigation of the incident.
  2. ensure that all tasks delineated for subordinate personnel are performed.
  3. review the discharging member's TRR and complete the appropriate section of the TRR-I consistent with the procedures outlined in the Department directive titled "Incidents Requiring the Completion of a Tactical Response Report."
- G. **District Commander.** The district commander of the district of occurrence will ensure that the replacement Personal OC devices are available to the watch operations lieutenant on each watch.

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