

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020780

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize Lee County Parks and Recreation Ranger staff to work with the County Attorney's Office to develop a policy and procedure for the proper use and containment of Oleoresin Capsicum ("OC") spray [pepper spray].

WHY ACTION IS NECESSARY: Board of County Commissioners approval is required to implement such procedure to the Park Ranger Policy and Procedure Manual.

WHAT ACTION ACCOMPLISHES: Authorizes staff to develop a policy for use of OC spray.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

A11A

3. MEETING DATE:

08-06-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER *policy manual*

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT
- C. DIVISION *Parks and Recreation*

BY: *John Yarbrough, Dept. Director*

7. BACKGROUND:

On March 12, 2002 the Lee County Board of County Commissioners (BOCC) passed Ordinance 02-12 establishing the Lee County Park Rangers. The park rangers have code enforcement powers and enforce the code's provisions contained in the park ordinance. The ordinance regulates all manner of activities in county parks, including the protection and preservation of wildlife, swimming, fishing, camping, alcoholic beverages, traffic and prohibited activities. The park rangers are responsible for code enforcement on 3,500 acres of developed park land.

The Park Rangers' conduct is governed by the ordinance and by departmental policy and procedure. Staff seeks the approval of the Board of County Commissioners to develop a policy and procedure for the training, certification, availability, use, decontamination, maintenance and storage of Oleoresin Capsicum Aerosol Spray [pepper spray] by park rangers. The policy will provide the guidelines necessary for the park rangers to perform their assigned duties in a productive, effective and safe manner. The use of the spray will be restricted to circumstances authorized by law and only to the degree necessary to accomplish lawful objectives, such as the protection of persons and defense of the rangers.

Attachments: Research on OC spray

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>JM 7-10-02</i>	<i>N/A</i>			<i>KR 7/8/02</i>	<i>OA 7/8/02</i>	<i>OM 7/12/02</i>	<i>Risk 7/15</i>	<i>GC 7/15/02</i>	<i>PM</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by <i>CoAtty</i>
Date: <i>7/3/02</i>
Time: <i>4:10pm</i>
Forwarded To: <i>Budget</i>
<i>7-9-02 9:05</i>

RECEIVED BY COUNTY ATTY
<i>7/8/02</i>
<i>10:30am</i>
<i>CA</i>
<i>BL</i>
<i>7/16 12:00</i>

VIII. Equipment

8-03 O. C. Spray

A. Purpose:

To outline procedures for the proper use of oleoresin capsicum spray (O. C. Spray) as a self-defense tool by the Urban Park Rangers.

B. Responsibility:

The responsibility of each Urban Park Ranger is to insure that O. C. Spray is used only as a self-defense tool and that employees are authorized to carry O. C. Spray only after they have received training from the Houston Police Department.

The responsibility of every supervisor is to insure that each employee receives training on the proper use of O. C. Spray and that each employee signs an acknowledgement of the Operational Procedure on the use of O. C. Spray.

C. Procedure:

1. Urban Park Rangers may carry O. C. Spray as a self-defense tool only after they have been trained by the Houston Police Department.
2. O. C. Spray as a self-defense tool is to be used only when the employee feels they are in eminent danger of bodily injury.
3. The employee is required to ensure that citizens sprayed with O. C. Spray are treated at the scene by medical personnel (Houston Fire Department Emergency Medical Staff). The employee must also report immediately the use of the O. C. Spray to supervisory personnel and an officer with the Houston Police Department. The employee will fill out the corresponding incident/offense reports documenting the circumstances on the need for use of the self-defense tool.

D. Compliance:

The improper use of this self-defense tool will subject the employee to disciplinary action up to and including indefinite suspension and could expose the employee to legal liability.

E. Form A:

Acknowledgement of Operational Procedure for use of O. C. Spray by the Urban Park Ranger.

EUGENE POLICE COMMISSION



Findings and Recommendations on Police Use of Force

Executive Summary

I. Background

The use of pepper spray, particularly as a tool to deal with civil disturbance events, has been a topic of interest on the part of the Police Commission since its inception. The commission agreed that an analysis of pepper spray in crowd control situations was too narrow a focus and that a broader assessment of the risks and benefits of pepper spray and other less lethal weapons would be more valuable. To address this issue adequately, it convened a committee made up of six commissioners to study use of force issues. The Use of Force Committee, which began meeting in September 2000, was charged with: 1) identifying key community issues surrounding police use of force, 2) conducting research and soliciting public input and 3) developing recommendations on the key issues for commission review.

The recommendations described in this document were the result of several months of information gathering that included an extensive literature review and a public forum. The committee used this information to determine if, based on community expectations and the standards imposed by the courts and police professionals regarding the appropriate level of force to apply in a given situation, changes should be made to the existing police policies. The policies under review were:

- o General Order 901.1---Use of Force Generally
- o General Order 901.2---Control Techniques and Less Lethal Weapons
- o General Order 901.3---Oleoresin Capsicum (OC) Aerosol Spray

The committee presented its findings and policy recommendations to the Police Commission at the April and May 2001 meetings. This document describes the conclusions of the Police Commission on this topic.

II. General Findings

What parameters guide police officers in use of force decisions?

Use of force by police is guided by both training and legal standards. EPD uses the Oregon State Department of Public Safety Standards and Training (DPSST) Use of Force Continuum in training its officers to use only the level of force that is reasonable to attain a lawful objective of the officer. Levels of force in the continuum include police presence, verbal communication, physical contact, physical control and deadly force.

The legal standard for determining what level of force is appropriate in a given situation is judged in the totality of the circumstances surrounding the incident using a balancing test called the objective reasonableness standard. In *Graham v. Conner*, the U.S. Supreme Court identified four factors that the court would consider:

1. The severity of the crime at issue;
2. Whether the suspect posed an immediate threat to the safety of officers or others;
3. Whether the suspect was actively resisting;
4. Whether the suspect is attempting to evade arrest by flight.

In recognizing the split-second decisions that officers are required to make in tense and rapidly evolving situations, the court also held that the reasonableness standard was to be applied at the time of the incident, not in hindsight.

What are the community expectations for police use of force?

Police officers should recognize and respect the value and dignity of every person. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. While the legal standard requires officers to use only that force that is reasonable in a given situation, there is a community expectation that officers will use the least amount of force necessary to resolve a given situation. This concept should be reinforced through training and during departmental incident review, but should not be construed to create a more restrictive legal standard. Allegations of excessive force should be taken seriously and handled fairly and expeditiously. Where it is found that excessive force was applied, appropriate corrective action and/or departmental discipline should result.

What force options are available for use by officers to resolve a situation?

The vast majority of police contacts with the public require no force other than police presence to gain compliance. Studies conducted by the federal Bureau of Justice Statistics found that one in 500 persons who had direct contact with a police officer experienced force or the threat that force would be used. Policing requires that at times, an officer exercise control of resisting and/or assaultive individuals to make an arrest, or to protect the officer(s) or members of the general public from harm. When force is necessary, the majority of actions are at the lower level of the Use of Force continuum. Experience suggests that escort or wrist holds are the most common use of physical force applied.

The department is currently developing a use of force reporting form (Physical Control Report) to collect statistical data on the levels of force used. The commission recommends that the department implement this data collection tool to help understand the levels of force used and assess department training, staffing, and equipment needs.

Like most police departments, EPD has added new less lethal weapons to their equipment to give officers more options in dealing with confrontations. In addition to batons, officers may use long-range impact weapons, such as bean bag and/or rubber rounds. Only specially trained officers can use long-range impact weapons, which are visibly distinguishable from other weapons. These and other less lethal weapons are designed to temporarily disable or stop a suspect without causing death or serious injury. They are not a substitute for deadly force, but a supplement to it under appropriate conditions and circumstances.

In addition to impact weapons, pepper spray is available for use and is issued to all officers. The main advantage to both pepper spray and long range impact weapons is that they help officers to gain compliance of a suspect without using direct physical contact, reducing the risk of serious injuries to officers and suspects that other physical control techniques may induce.

EPD does not employ Tasers or other types of stun guns.

Any use of physical force entails risk to the suspect, officers and bystanders. Officers are trained in the proper use of physical control techniques, less lethal weapons and chemical agents to minimize injury. Also, the tools and techniques employed by EPD are screened for both safety and effectiveness and must fall within the standards set by DPSST.

Are there specific force options designed for use in crowd control situations?

The proportion of incidents where physical force is applied in crowd control situations is small relative to all situations. While the behavior of participants, as opposed to the type of situation, is what drives the type and level of force used, some tools and techniques are more advantageous in a crowd control situation. For instance, long-range impact weapons enable officers to isolate individual suspects for arrest, while minimizing effects to bystanders. Chemical agents such as smoke or tear gas are designed for crowd dispersal purposes. Unless an immediate risk of injury existed, less lethal impact weapons and pepper spray would not be used for crowd dispersal purposes. General Orders 801.3, 801.5 and 801.10 deal specifically with crowd control situations and have been previously reviewed by the Police Commission.

EPD has included a Bike Team as part of their crowd control unit in an effort to establish an innovative police response to public assemblies and demonstrations. This team consists of specially selected and trained officers chosen in part based on verbal communication skills and demonstration of good judgment in highly discretionary

situations. The bike team is typically used as a first point of contact with event participants and as a low-level police presence for monitoring the event. Team members may attempt to engage participants in dialogue to determine the group's intentions and to lay out ground rules for conducting a lawful event.

In a large crowd control situation, the bike team's role may shift to containment, where the bicycles are used as barricades to guide or direct participants. The supervisor will report back to command staff if additional resources are required or if arrests will be made. If arrests are to be made, the Crowd Control Team is normally brought in to assist. However, Bike Team members are trained to use their bikes as an impact weapon if needed for self-defense or if another person is being assaulted. This is necessary as bike team officers have limited access to other less lethal options while still retaining control of their bikes. EPD is developing a new policy that will address the use of bikes in general police work as well as their specific use in crowd control situations.

The commission recommends that when deploying bicycles in crowd control situations, EPD consider whether the effectiveness of the bike team as a conflict prevention tool may be compromised if the bikes are used to physically contain or move people, or as impact weapons.

How should officers arrest a person whose unlawful behavior occurs during the course of a non-violent political protest or labor dispute?

The commission has recommended policy amendments that restrict the use of OC spray and impact weapons to strike people engaged in passive resistance. These changes are described in more detail under Sections III and IV of this document. In cases where people are engaged in protests or labor disputes involving static resistance (holding onto one another, locked down to objects, etc.), the commission recommends that officers/supervisors carefully evaluate other options for effecting the arrest before resorting to OC spray. Temporary pain compliance holds and escort techniques may be effective in gaining control of non-violent static resisters. Factors such as the immediacy of the need to restore order, the threat to officer and/or public safety, and risk of injury to suspects and bystanders should be considered when evaluating force options in these situations.

What are the known physical effects of OC spray?

Contact with OC particles in a sprayed mist incapacitates most subjects by causing an almost immediate burning sensation of the skin, and a burning, tearing and swelling of the eyes. When the agent is inhaled, the respiratory tract is inflamed, resulting in a swelling of the mucous membranes lining the breathing passages, and temporarily restricting breathing to short, shallow breaths ("Toxicity of Tear Gas Containing Oleoresin Capsicum", David K. Dubray). The effects dissipate with exposure to air and water, normally within 20 - 45 minutes.

In general, pepper spray is considered to be relatively safe with slight risk of causing acute physical harm. However, a number of fatalities have been reported following the use of pepper spray. With the exception of one case, a recent study concluded that it was not the pepper spray, but a number of other factors, such as drugs and restraint techniques, that contributed to the cause of death ("Risk Assessment of Pepper Spray", Am. J. Forensic Pathology, Vol.19, No.4, December 1998).

What chemicals are in the pepper (OC) spray used at EPD?

The active ingredient in pepper spray is Oleoresin Capsicum (OC), a natural, oily substance obtained through an extraction process of chili peppers. The raw pepper resin is mixed with water, soy, mineral or vegetable oil, in various proportions, depending on product. Propellants (the chemicals that create pressure to allow the solution to be sprayed from the canister) and carriers (liquids used to dilute OC solutions) are the main components of pepper spray.

According to the Material Safety Data Sheet, the OC spray used by EPD contains:

- Oleoresin Capsicum solution (10%) Note: The percentage of OC is not a reliable measure of how "hot" the spray is.
- Nitrogen is the exclusive propellant (less than 1%)
- Propylene Glycol (5%), Denatured Alcohol/Ethanol (35%) and Distilled Water (50%) are the carriers.

Concerns about the safety of OC spray are sometimes related to the propellants and carriers used in some formulations, as these products may be toxic and/or flammable. Propylene glycol, found in many household products such as shampoo, is not considered to be a toxic or carcinogenic chemical. The product in use by EPD is not flammable. Based on these factors, the commission believes that EPD has selected a relatively safe OC spray product. Due to the lack of longitudinal studies, the commission recommends that the department continue to review medical research on the safety of the chemical agents it employs, and to use this information to reduce risks to the public through product selection and application procedures.

What steps can be taken to help officers to accomplish their jobs safely and effectively, using the least amount of force necessary?

Staffing issues have implications on use of force; more officers present at the scene will generally reduce the level of force necessary to gain compliance. The commission believes that adequate staffing is critical to ensure that officers are available to provide back-up.

The simplest method for effecting an arrest is where a suspect complies with the

directions given by an officer. When resistance is met, effective use of verbal persuasion is often the safest and most desirable method for accomplishing the arrest. Therefore, a strong emphasis on verbal communication skills, particularly non-violent conflict resolution, and other de-escalation tactics during training is essential. As an example, two EPD officers recently attended a week-long course in verbal judo, or tactical communications. This is a communication technique that uses persuasion to redirect others' behavior and generate voluntary compliance. The participants are certified to teach the course to other officers and will be scheduled to do so at upcoming in-service training.

When verbal persuasion tactics fail, officers must be fully trained to choose among a range of physical force options to gain compliance. The commission supports the use of scenario training is an effective method to help officers select those options that can safely and effectively resolve a situation with the least amount of force necessary.

Internal review provides another mechanism to ensure that officers' actions conform to the performance standards, training and policies set by the department. Per General Order 901.6, a Use of Force Review Board is convened whenever a major incident involving force occurs. Training, compliance with policies, and officer judgment are among the parameters under board investigation to determine whether the use of force was appropriate. The Physical Control Report can be another opportunity for departmental review of incidents involving lower levels of physical force. The commission supports the using the reporting form as a tool to identify specific training issues.

What information is available regarding complaints and/or claims related to inappropriate use of force?

Currently, there is no data available that compares EPD to other police departments regarding use of force incidents. Local information on citizen complaints/liability claims shows the following trends:

City of Eugene Liability Claims

EPD data over the past five years show a total of 114,596 incidents where officers physically took individuals into custody (either for temporary detention or for book-in at the jail). This is an average of about 23,000 incidents per year. During the same five year time period, the city's Risk Services Division received 192 police liability claims (incidents where citizens claim to have suffered damages due to the actions of city personnel). Of those 192 claims, 61 were claims related to use of force issues. This is an average of 1 use of force liability claim per 1900 physical custodies.

Of the 61 police use of force liability claims filed between 1996 and 2000, eighteen arose out of civil disturbances and political protests (6 campus parties, 11 political protests and 1 un-permitted public assembly). Pepper spray was an issue in 2 of these incidents. In

general, the remaining claims consist of incidents involving warrant service, and arrests of disorderly subjects and/or those attempting to evade arrest.

Allegations Filed with EPD Internal Affairs

Allegations are formally investigated complaints about officer conduct. In general, allegations fall into three broad categories: 1) officer discourtesy, 2) conduct, and 3) job performance. Unnecessary force is an example of a conduct complaint. Over the past three years (1998-2000), the Eugene Police Department has investigated 191 formal complaints. Twenty-two (12%) of those allegations involved complaints of unnecessary force. During the same time period, the department has logged 899 commendations. The department is currently developing a database to track and report more comprehensive information regarding internal affairs investigations and complaints than has been available in the past. For instance, the number of inquiries (questions or complaints that do not result in a formal allegation being filed) will also be tracked.

III. Policy Recommendations: General Order 901.1---Use of Force **Generally**

General Order 901.1 begins with the following overarching policy statement:

It is the policy of this agency that officers will use only that force that is reasonable under the totality of the circumstances to effectively bring an incident under control, while protecting the lives and safety of the officers and others.

The commission has undertaken a review of this general order to ensure that it is reflective of the above policy statement and community values. In this review, it has recommended the following amendments:

- Providing a definition of "reasonable force" to clarify who determines reasonableness and what criteria are considered in the determination. The City Attorney has supplied the following definition for reasonable force based on *Graham v. Conner*:

The amount of force which is objectively reasonable from the perspective of a reasonable police officer or other Eugene Police Department employee on the scene. In determining whether the use of force is reasonable, the use of force must be viewed with consideration of the following non-exclusive list of factors: a) the severity of the alleged crime; b) whether the subject presents an immediate threat; and c) whether the subject is actively resisting arrest or was attempting to escape.

Prior to City Attorney review, when determining the appropriate level of force to use, the

policy stated that it should be "reasonable to the degree necessary". The City Attorney has recommended that the phrase "to the degree necessary" be replaced with "reasonable given the totality of circumstances" which is consistent with the court's definition in *Graham v. Conner*. The totality of circumstances can be described as all relevant factors and circumstances present at the time of the incident, including information that the officer knew or reasonably should have known at the time.

Some commissioners felt that this change made the policy overly broad, and that it could be interpreted as inconsistent with the community standard that officers use the least amount of force necessary to accomplish their objectives. While members agreed that officers should have a range of options available to them to safely and effectively resolve a situation, several expressed discomfort with the current version of the policy. The department has assured commissioners that community expectations regarding police use of force would be reinforced through its hiring practices, training, and during departmental incident review. While it would have preferred that the department reinforce that officers choose force options that are reasonable to the degree necessary in policy, the commission is comfortable that the department will convey this expectation to its officers as described earlier.

- Stressing the importance of reporting incidents where physical force is applied by referring officers to General Order 901.6---Use of Force Reporting.
- Adding cautions regarding the consequences of using excessive force. General Order 901.1 states that:

Use of excessive force will result in appropriate corrective action and/or departmental discipline and may create personal liability for you with civil and/or criminal penalties.

- Strengthening the importance of using force options consistent with training received.
- Reinforcing the community standard of using the least amount of force necessary by stating:

When possible, attempt to defuse situations through advice, warning, and verbal persuasion. You should modify the level of any physical force you use in relation to the amount of resistance offered by the subject.

- Instructing officers to monitor persons for signs of injury due to use of force whenever feasible.

General Order 901.1 also describes the parameters around when deadly force can be applied. However, the commission did not focus on this portion of the policy as it was comfortable that due to potential liability concerns and legal constraints, the existing

language adequately addressed deadly force. The commission did request that a warning be added to the general order stating that the EPD's policy is more restrictive than state law as to when deadly force can be applied.

IV. Policy Recommendations: General Order 901.2---Control Techniques and Less Lethal Weapons

General Order 901.2 applies to the use of control techniques and less lethal weapons, which are designed to temporarily disable or stop a suspect without causing death or serious physical injury. The commission has recommended several amendments to ensure that these force options are applied only when reasonable and necessary to bring an incident under control. The specific revision requests are described below.

- A preamble that defines control techniques and less lethal weapons and describes employee expectations regarding their use was added to the policy.
- The concept that control techniques and less lethal weapons should be used only when reasonable and as needed to safely and effectively bring an incident under was incorporated in several sections of the policy.
- The commission had grave concerns regarding the use of the carotid hold, a neck restraint that designed to cause temporary loss of consciousness. If misapplied, this hold can cause serious injury or death. It recommended that the department alert officers as to the seriousness of the carotid hold and include criteria for its use in policy. While the carotid hold is ranked below deadly force on the Use of Force Continuum with other serious physical control techniques such as impact weapons, the department has agreed that this force option merits particular attention. A new policy specific to the use of the carotid hold will be developed that includes criteria for its application and procedures for after-care.
- A statement prohibiting the use of choke holds (i.e. a technique that cuts off the person's air supply by constricting the windpipe) except in cases where deadly force would be authorized was added to the policy.
- Criteria for the use of all impact weapons, not just batons, was included in the policy as follows:

You may use impact weapons:

- to overcome resistance by a person being taken into custody;
 - to protect against the use of force or an imminent threat of the use of force; or
 - as a reasonable use of force during crowd control activities.
- A restriction against the use of impact weapons to strike persons engaged in passive resistance was added to policy. The language offers additional protection against unnecessary force to persons who offer neither assistance nor any physical resistance to police who need to move or take them into custody. The commission understands that if officers are unable to gain physical control of a passive resister,

they may employ control holds to gain compliance. However, a careful evaluation of other options should be undertaken, considering such factors as the immediacy of the need to restore order and the threat to public safety.

- Further clarification on the use of impact weapons in crowd control situations was incorporated into the policy. Parameters for the use of bicycles was added, specifying that:

- a. *Police bicycles may be used in crowd control situations as a barricade or to assist in guiding or directing persons into or out of an area.*
- b. *A police bicycle may be used as a defensive impact weapon under the circumstances outlined above. Striking with sharp portions of the bicycle (e.g., gear assembly, pedals) should be avoided.*

The policy also states that:

Extended-range impact weapons would not be the preferred choice for crowd dispersal unless an immediate risk of injury or property damage exists.

- Prohibitions against the use of non-authorized weapons was added as follows:
 - a. *Deliberate use of any item, article, instrument, or equipment as a use of force for any purpose other than for which it was designed or intended is discouraged. However, if such an item is used in exigent circumstances, its use must be reasonable under the totality of circumstances.*
 - b. *You may not carry or use blackjacks, saps, nunchakus, kempo sticks, brass knuckles, or weighted gloves.*
- Further guidance on the use of chemical agents was added, including:
 - a. Reference to General Order 901.3 for information on OC Spray;
 - b. Clarification that only departmentally authorized chemicals may be used;
 - c. Parameters that supervisors should consider before authorizing the use of chemical agents will be expanded to include danger to personal/citizen safety as a factor;
 - d. Reference to General Order 801.5 for use of chemical agents in crowd control situations.

V. Policy Recommendations: General Order 901.3---OC Spray

The Police Commission has unanimously agreed that OC spray should be retained as a use of force option. Without it, if verbal tactics fail to yield compliance, officers would have to move to physical contact options such as control holds or batons to make arrests. These options have a higher potential for injury to both suspect and officer than pepper spray.

Following the June 1997 protest at Broadway and Charnelton Streets, EPD revised its policies and training on the use of OC spray. The current policies, practices and training address health risks in several ways. Officers are trained to assess the mental state of suspects to avoid using OC spray in situations where it could exacerbate health risks and/or violent behavior. Training and policy limit application to the facial areas only and to using one or two spray bursts to reduce the risk of over-exposure. After-care procedures include flushing sprayed areas with water and monitoring for signs of respiratory distress or other adverse effects. To prevent positional asphyxiation, suspects are not to be left restrained in a prone position. Per policy, officers are directed not to leave affected persons alone while in police custody, and to notify personnel at correctional facilities if an arrestee who is going to be lodged there has been sprayed with OC.

The commission requested several policy changes to minimize any known health risks associated with the use of OC to both suspects and bystanders. The revised policy:

- Directs officers to consider any information known about a person's pre-existing medical or physical conditions which might exacerbate the effect of OC spray in determining whether and how to use it.
- Prohibits techniques where OC would be manually applied to the eyes as follows:

If spraying OC is not feasible under the circumstances, you may apply it manually to the facial area in a manner consistent with training (e.g., through the use of a glove). However, do not apply OC directly to a person's eyes.

This language allows officers to apply OC to a person's face in cases where they are trying to minimize exposure of the substance to bystanders, while addressing community concerns about direct application of OC to the eyes through a cotton swab or some other means.

- Refers officers to General Order 501.1, which provides details on the prevention of positional asphyxia.
- Enhances aftercare procedures as follows:
 - a. *Once the person has been restrained, assist him/her as you can by rinsing the exposed area with water as soon as practicable.*
 - b. *Do not apply, or allow others to apply, oil-based substances (e.g., Vaseline, cold cream) to the exposed area unless authorized to do so by a physician or paramedic.*

The commission also recommended several policy amendments to provide additional guidance regarding the appropriate situations for using OC spray. The existing policy provided that the tool should be used following verbal compliance tactics on the Use of Force Continuum and that it should not be used as a means to disperse crowds. The

revised policy also:

- Emphasizes that OC spray will not be used punitively.
- Restricts the use of OC spray on passive resisters:

OC should not be used against persons engaged only in passive resistance. (An example of passive resistance would be a person who was limp on the ground, and who was not grasping onto an object or making other efforts to resist being taken into custody.)

- Enhances protections related to the exposure of innocent bystanders to OC spray:

OC spray should be not be used in the vicinity of infants unless absolutely necessary, and then care should be taken to minimize exposure of the infant to the spray to the extent reasonable under the circumstances.

- Directs officers to consider OC spray when dealing with hostile animals. General Order 901.4 (Police Firearms) will be modified to reinforce the availability of less lethal options in dealing with aggressive animals.

VI. Conclusion

As the Police Commission is an advisory body to the City Council, City Manager and Chief of Police, this report is being submitted to these entities for their review and comment. The policy recommendations have already gained approval from the police department and will be implemented after release of this report.

During the use of force policy review process, the commission recommended the creation of two additional policies to complement the existing policies on crowd control and use of force. As described earlier, a policy on the use of police bicycles in patrol and crowd control situations and a policy specific to the use of the carotid hold are under development. When completed, the department will forward the new policies to the commission for their input.

Finally, as with all of its work, the commission may reexamine part or all of these policies upon the request of the department or City Council, or if future events warrant such action.