

LEGISLATIVE DIGEST

[Administrative Code - Restrictions on Police Use of Specific Types of Force During Lawful Assemblies and in Certain Other Circumstances]

Ordinance amending the Administrative Code to prohibit the Police Department from using, deploying, launching, or firing of extended impact weapons, kinetic impact projectiles, chemical agents, disorientation devices, and military grade equipment during lawful assemblies and in other circumstances (curfew violations, verbal threats directed at an officer, noncompliance with an officer's order).

Existing Law

Currently, City law does not specifically address the Police Department's use of certain weapons and military grade equipment during lawful assemblies and in other circumstances.

Amendments to Current Law

The proposed ordinance would prohibit the Police Department from using, deploying, launching, or firing Extended Range Impact Weapons, Kinetic Impact Projectiles, Chemical Agents, Disorientation Devices, or Military Grade Equipment, as such terms are defined in the ordinance, either (1) during a lawful assembly protected by the First Amendment under the United States Constitution, except in response to a Riot after officers have provided a dispersal order; or (2) in response to a violation of a curfew, a verbal threat directed at an officer, or noncompliance with a law enforcement order or directive.

Background Information

The Police Department's use of force is largely governed by Department General Order 5.01, Use of Force Policy, which was overhauled in 2016 and generally allows the use of certain weapons. In July 2020, the Police Commission amended portions of the Use of Force Policy but those amendments did not address the use of certain weapons. The Department General Order 8.03, Crowd Control, and Department General Order 8.10, Guidelines for First Amendment Activities, specifically address police officers' conduct and investigations during lawful assemblies, but these orders do not prohibit or regulate the use of certain weapons or military grade equipment during lawful assemblies.

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