



## Legislation Details (With Text)

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**Title:** To create in Columbus City Codes Chapter 1913 Restrictions on the Deployment and Use of Equipment by Police.

**Sponsors:** Elizabeth Brown, Shannon G. Hardin

**Indexes:**

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Date	Ver.	Action By	Action	Result
9/14/2020	1	Columbus City Council	Tabled Indefinitely	Pass
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This ordinance creates new Chapter 1913 Restrictions on the Deployment and use of Equipment by Police.

To create in Columbus City Codes Chapter 1913 Restrictions on the Deployment and Use of Equipment by Police.

**WHEREAS**, this ordinance will enact restrictions on the deployment and use of certain equipment by the Division of Police; **now, therefore**,

### **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That there is hereby created in Columbus City Codes Chapter 1913 Restrictions on the Deployment and Use of Equipment by Police, which shall read as follows:

#### **Chapter 1913 - Restrictions on the Deployment and Use of Equipment by Police**

##### **1913.01 - Definitions**

As used in this chapter:

(A) “Control agent” means a chemical compound that temporarily renders a person unable to function by causing irritation to the eyes, mouth, throat, lungs, or skin. Control agent includes, but is not limited to, tear gas, pepper spray, and mace.

(B) “Patrol rifle” means any rifle that is an automatic or semi-automatic firearm under .50 caliber. This definition excludes the handguns and shotguns issued to sworn personnel and the rifles used by sworn personnel assigned to tactical units that are approved by the Columbus Division of Police to be used during the course of regularly assigned duties.

(C) “Specialty impact and gas munitions device” means a firearm that is intended to deploy “non-lethal” or “less lethal” ammunition, such as, but not limited to, wooden baton rounds, rubber bullets, sandbags, for crowd control purposes.

(D) “Tactical unit” means a special operations such as, but not limited to, SWAT or Investigative-Tactical Unit.

**1913.02 - Control and deployment of equipment**

The following equipment shall be issued to and deployed by only officers assigned to tactical units of the Columbus Division of Police:

(A) Wheeled armored vehicles;

(B) Wheeled tactical vehicles;

(C) Explosives and pyrotechnics;

(D) Any device for which the primary use is to launch projectiles containing control agents

**1913.03 - Management and limited use of control agents.**

(A) Sworn personnel shall not use control agents to disperse a congregation of individuals unless the congregation is engaging in aggressive or violent actions towards officers or others.

(B) No control agent shall be deployed on or against an aggressive or violent crowd without the approval of a member of the Executive Staff of the Division of Police. Deployment shall be prefaced with at least three notifications, when practicable, to the participants in the crowd advising them that they are committing a violation of law and are to disperse, and that control agents will be used if they fail to comply with the order. Failure to leave a street, or to move, by itself, shall not justify the use of a control agent against a non-aggressive, non-violent crowd.

(C) No control agent shall be issued to, carried by, or deployed by any sworn personnel that have not completed the requisite training and qualification standards.

(D) The use of any form of tear gas to disperse crowds is prohibited.

(E) Any control agent in the possession of the Division of Police, the Department of Public Safety, or any other department or division of the City and which has passed its expiration date as designated by the manufacturer of aforementioned control agent shall be removed from inventory and immediately disposed of in compliance with all applicable laws and regulations.

(F) No public safety officer shall dispense, for any reason, a control agent that has passed its expiration date as designated by the manufacturer of aforementioned control agent.

**1913.04 - Deployment and use of specialty impact and gas munitions**

(A) No specialty impact and gas munitions device shall be deployed on or against an aggressive or violent crowd without the approval of a member of the Executive Staff of the Division of Police. Deployment shall be prefaced with at least three notifications, when practicable, to the participants in the crowd advising them that they are committing a violation of law and are to disperse, and that specialty impact and gas munitions devices will be used if they fail to comply with the order. Failure to leave a street, or to move, by itself, shall not justify the use of specialty impact and gas munitions devices against a non-aggressive non-violent crowd.

(B) No specialty impact and gas munitions device shall be issued to, carried by, or deployed by any sworn personnel that have not completed the requisite training and qualification standards.

**1913.05 - Deployment of patrol rifles**

A patrol rifle may only be carried, used, or deployed when its use is anticipated and in response to a critical incident.

**1913.06 - Helicopter fleet**

The Department of Public Safety shall possess no more than four (4) helicopters at one time.

**1913.07 - Penalties.**

Sworn personnel who violate any section of this Chapter shall be subject to disciplinary action.

**1913.08 Reporting on use of force**

(A) On or before January 30 of each year, the Chief of Police shall provide to Council a report on the deployment and use during the prior calendar year of all equipment regulated by Sections 1911.02, 1911.03, 1911.04, and 1911.05. The report shall include the following information:

1. The frequency of which each unit of equipment was deployed;
2. The location of deployment;
3. The purpose for which equipment was deployed;
4. The outcome of circumstances involving deployment;
5. The cost associated with deployment;
6. Complaints from residents regarding the deployment of equipment.

**SECTION 2.** That this ordinance shall take effect at the earliest date allowable under law.