

# Policy 414



Subject	
<b>LESS-LETHAL MUNITIONS AND CHEMICAL AGENTS</b>	
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*By Order of the Police Commissioner*

## POLICY

This policy provides guidance regarding the Baltimore Police Department's (BPD) usage of certain less-lethal force options for civil disturbances.

1. **Less-Lethal (LL) Force Options.** These options include LL Launchers/Munitions and Chemical Agents. Separate policies may apply to particular force options
2. **Active Aggression or Aggravated Aggression.** The use of LL Direct Impact munitions is authorized for civil disturbances when subjects are exhibiting Active Aggression or Aggravated Aggression.
3. **De-escalation.** The availability and use of LL Launchers/Munitions and Chemical Agents covered by this policy is not intended to replace tactics or training that can be utilized to calm or control a person, or to de-escalate a situation and avoid the use of force.
4. **Reasonable, Necessary and Proportional.** The use of a less-lethal force option is considered a use of force, and must therefore conform to the methods, tactics, policies and procedures adopted by the BPD. (See Policy 1115, *Use of Force*). This means that any usage must be objectively reasonable, necessary and proportional.
5. **Respect for the First Amendment.** The use of LL Launchers/Munitions and Chemical Agents and responding to crowds must conform to the requirements and protections of the First Amendment. (See Policy 804, *First Amendment Protected Activity*).

## GENERAL

Members shall refer to Policy 413, *Mobile Field Force* for further guidance on responding to civil disturbances.

## DEFINITIONS

**Area Dispersal** — (Area Target) A projectile hitting a hard surface 3-5 feet before the target individual(s) for the purpose of moving a group or groups of individuals from one location to another. (e.g., 40MM munitions, PepperBall rounds, handheld delivery systems, etc.).

**Area Denial** — An area that is deliberately contaminated with a chemical irritant to deny and or make the area uncomfortable for individuals to gather at that location. (e.g., 40MM munitions, PepperBall rounds, handheld delivery systems and MK-9 Pepper Fogger).

**Chemical Agents** — Substances designed to irritate the eyes and mucous membranes. (e.g., CS/CN gas, PepperBall, Mk-9 Pepper Fogger, smoke, etc.).

**Civil Disturbance** — A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

**Direct Impact** — (Point Target) Launching a less-lethal projectile so that it strikes an individual in a specific intended target area for the purpose of protecting the officers or crowd from being assaulted. (e.g., bean-bag rounds, FN-303, PepperBall and 40MM projectiles).

**Incident Commander (IC)** — The individual responsible for overseeing the response to civil disturbances and/or First Amendment assemblies or demonstrations, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting crowd management operations.

**Lower Center Mass** — The area 4 inches above the belt line to the lower extremities, avoiding the groin.

**LL Launchers/Munitions** — A force option that, when used as designed and intended, is less likely to cause death or serious physical injury (e.g., FN-303, 40MM, PepperBall, bean-bag rounds, etc.), than a conventional lethal weapon such as a firearm.

## **USE OF LESS-LETHAL LAUNCHERS/MUNITIONS AND CHEMICAL AGENTS IN CROWD MANAGEMENT**

### **LL Launchers/Munitions**

The Incident Commander (IC) shall approve/disapprove the decision to deploy LL Launchers/Munitions for dispersing groups of individuals.

1. Certain members shall be trained and certified to utilize certain LL Launchers/Munitions (e.g., PepperBall rounds, FN 303, MK-9, bean-bag rounds, 40mm weapons, etc.).
2. Only members trained and certified to deploy LL Launcher/Munitions shall deploy such equipment.
3. LL Launchers are only approved for use by Mobile Field Force (MFF) and SWAT members.
4. Any member may deploy “bean-bag” rounds from the yellow handle Remington 870 shotgun upon successful completion of LL Shotgun Training and annual recertification.
5. Minimum and maximum recommended deployment distances are unique for each less-lethal system (See Appendix A). Members may deploy less-lethal systems only in accordance with

recommended deployment distances consistent with BPD training, unless the use of deadly force is justified.

### **Chemical Agents**

The Incident Commander (IC) shall approve/disapprove the decision to deploy Chemical Agents for dispersing groups of individuals. Before deploying such Chemical Agents/force the IC shall ensure:

1. Clear warnings that Chemical Agents, force, etc. will be utilized are communicated to the individuals subject to such force.
2. The individuals are provided sufficient opportunity to heed the warnings and exit the area.
3. The effect of such uses of force will be minimized on those individuals who are complying with lawful enforcement commands.
4. There is a means of safe egress from the area available to the individuals.
5. At no time shall any use of force be used to frighten or punish individuals for exercising their constitutional rights.

**NOTE:** Nothing in this Policy restricts a member from deploying OC Spray to protect his/her immediate safety or the safety of others. (See Policy, 1118 *Oleoresin Capsicum (OC) Spray*, and Policy 1115, *Use of Force*).

### **USE OF FORCE POLICY**

1. The BPD Policy 1115, *Use of Force* does not change during periods of civil disturbance and officers must adhere to the guidelines set forth therein for using and reporting force at all times. The use of force must be at all times objectively reasonable, necessary, and proportional.
2. De-escalation techniques must be used wherever possible.
3. The deployment of LL Launchers/Munitions and Chemical Agents shall be investigated as a use of force. All use of force investigations shall be conducted in accordance with Policy 1115, *Use of Force* when it is safe and practicable to do so.

### **MEDICAL ASSISTANCE**

1. Any individual who has been injured or complains of injury shall receive medical assistance in accordance with Policy 1115, *Use of Force*, as soon as any civil disturbance has cleared and it is safe to do so. If an individual has been subjected to impact by a less-lethal impact projectile, he/she will be provided with medical treatment, when safe to do so. If the individual refuses or leaves the location, document the actions taken to identify and render aid to the individual.

2. Any individual who complains of injury from the deployment of LL Launchers/Munitions or Chemical Agents shall receive medical treatment upon request, when safe to do so.

**APPENDIX**

- A. Ideal Deployment Range Chart

**ASSOCIATED POLICIES**

Policy 409, *Firearms Regulations*  
Policy 413, *Mobile Field Force*  
Policy 1115, *Use of Force*  
Policy 1118, *Oleoresin Capsicum (OC) Spray*  
Policy 1504, *Uniforms and Equipment*  
Policy 1508, *Respiratory Protection Program*

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.

APPENDIX A

Ideal Minimum Deployment Range Chart

IDEAL MINIMUM DEPLOYMENT RANGE CHART

