

Legislation Text

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Amending Title 10 of The Philadelphia Code to create a new Chapter 10-2500, entitled “Less Lethal Devices,” to regulate the use of less lethal devices in specific situations; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

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CHAPTER 10-2500. LESS LETHAL DEVICES

§ 10-2501. Definitions.

(1) Less Lethal. Any device designed to reduce the risk of causing fatal injury to the individual upon whom it is used, when compared to the use of firearms or other deadly force.

(2) Chemical Weapons. Any type of device designed as Less Lethal, to be launched or thrown as a projectile, in order to cause injury or trauma to the intended target through the action of chemicals as an eye, throat, respiratory, and/or skin irritant, as a means of crowd control. The term specifically includes, but is not limited to, any item commonly referred to as or having similar effects to “tear gas.”

(3) Kinetic Energy Munitions. Any type of device designed as Less Lethal, to be launched from any device as a projectile, in order to cause injury or trauma to the intended target as a means of crowd control or dispersal. The term specifically includes, but is not limited to, any item commonly referred to as rubber bullets.

(4) First Amendment Activities. Any demonstrations, picketing, speechmaking, marching, holding vigils or religious services, and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons.

(5) Department. The Philadelphia Police Department.

§ 10-2502. Less Lethal Device Policy.

(1) The Department shall establish a written policy, or update any relevant existing policy, to prohibit the use of Chemical Weapons and Kinetic Energy Munitions by any member of the Department on any individual engaging in First Amendment Activities.

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SECTION 2. This Ordinance shall be effective immediately.