

Definitions:

For purposes of the agreement set out below, the following definitions apply to the terms noted:

- a. "Chemical agents" refer to either chlorobenzalmalononitrile ("CS") or Oleoresin Capsicum ("OC") in powder, liquid or gas form, regardless of the manner of delivery.
- b. "City" is the City of Indianapolis.
- c. "ERG" refers to members of the Event Response Group within the Indianapolis Metropolitan Police Department.
- d. "Impact weapons" include any form of less than deadly force that is designed to strike a subject and deter conduct by inflicting pain through blunt force.
- e. "IMPD" is the Indianapolis Metropolitan Police Department.
- f. "Less lethal devices" are chemical agents and other items that may be deployed by IMPD officers without command approval. They include, but are not limited to, cans of OC/CS spray that are currently issued to all IMPD officers and OC/CS fogger and pepperball/mission launchers that are currently available to ERG personnel.
- g. "Passive resistance" is nonviolent opposition to authority and includes a refusal to cooperate with legal requirements.
- h. "Peaceful" is behavior that does not violate criminal statutes.
- i. "Protest" is a gathering of one or more protesters.
- i. "Protester" is a person who is in a public place to express an opinion about an issue.
- j. "RCAs" are "riot control agents" and include all devices that under current or future orders, rules, and policies of the City and IMPD require command

approval before they are used and that, under current policies of IMPD may be deployed only by members of the ERG.

1. Persons have a right to engage in peaceful protests in City-County parks, sidewalks, and on streets that have been closed to vehicular traffic. Persons have a right to engage in peaceful protests within constitutional and legal bounds.
2. Only force that is objectively reasonable and proportionate to the circumstances will be employed. In any event, subject to the qualifications noted below, no RCAs or less lethal devices will be deployed:
  - a. to deter protesters from going to another location.
  - b. against protesters because elsewhere in the City there are unlawful activities taking place.
  - c. against protesters engaged in passive resistance.

This section does not prohibit the objectively reasonable use of RCAs or less lethal devices against persons who are not protesters or against persons engaged in rioting or other unlawful behavior within an otherwise peaceful crowd or protest. However, absent an imminent threat of serious bodily injury or death or other exigent circumstance, RCAs or less lethal devices will not be used on a crowd of protesters. And, consistent with IMPD standard operating procedures, IMPD personnel shall, prior to deploying RCAs or less lethal devices that will affect a crowd of protesters, consider the number of person(s) around the person(s) engaging in rioting or other unlawful behavior who are not engaged in activity that, in and of itself, would justify the deployment of RCAs or less lethal devices, and shall if possible, not deploy the RCAs or less lethal devices if those latter persons will be adversely affected.

3. IMPD must take reasonable measures to ensure that announcements to disperse are heard by everyone in the area containing protesters that is determined to need dispersal. Absent the risk of serious bodily injury or death, the riot control agents and less lethal devices in these situations must be announced in a manner reasonably calculated to permit all persons sufficient time to disperse before deployment of riot control agents and less lethal devices. The announcement[s] must continue while persons disperse.

4. Once people obey an order to leave the specific area, force is not to be used against them unless they are committing criminal acts and the use of force is objectively reasonable and proportionate to the circumstances.
5. Use of impact weapons shall only be appropriate under General Orders 1.30 and 1.32. Impact weapons shall never be used solely to disperse persons engaged in peaceful protest or passive resistance and shall not be used randomly but shall be targeted on persons upon whom the use of force is reasonable and proportionate. Nothing in this agreement prohibits the officers from having the necessary equipment on their persons.
6. This agreement does not alter, amend or supersede the authority that the City possesses pursuant to Indiana law, municipal ordinance, or the United States or Indiana Constitutions.
7. The parties agree that IMPD officers are also governed by General Orders, but the City agrees that nothing herein contradicts those General Orders.