

PCCEP Recommendation to Ban the Use of Chemical Weapons, Aerial Distraction Devices, and Noise devices against Demonstrators in Portland

Drafted by Elliott Young, June 5, 2020

Given the [widespread use](#) of chemical weapons, aerial distraction devices (known as flash bang grenades), and [Long Range Acoustic Devices](#) (LRAD) on demonstrators in Portland and the way these weapons indiscriminately harm large groups of peaceful demonstrators, we call for a ban on using these devices. The International Committee of the Red Cross and the Geneva Conventions both ban the use of chemical weapons in war.

Given what we know about COVID-19, the use of such gas on our residents in the midst of a global pandemic which makes those with respiratory illnesses more vulnerable, is wantonly negligent. Similarly, the deployment of distraction devices such as flash bang grenades and LRAD on streets filled with peaceful protestors is a direct attack on their rights to free expression. These weapons cause indiscriminate harm to large groups of people and inevitably result in injury as well as a chilling effect on the right to protest peacefully. Given that the deployment of such weapons against protestors does irreparable harm to the ability to foster better relations between the Portland Police Bureau and the community, PCCEP demands their use end immediately.

Community and Political Support for Ban

In an open letter, [1300 Oregon medical professionals](#) urged the “police to stop using “tear gas, smoke, or other respiratory irritants.” The [ACLU](#) or Oregon has also called on city and state leaders to “immediately prohibit the use of indiscriminate weapons, as well as adopt practices that account for the unique risks of the current COVID-19 pandemic.” Finally, [Commissioners Joann Hardesty and Chloe Eudaly](#) have publicly condemned the use of chemical weapons on demonstrators.

ACLU Comments on Tear Gas and Flash Bang Grenades

Tear Gas

“Tear gas, a weapon banned in war, has no business being used in our streets with such abandon as we have seen by officers throughout Oregon, especially in Portland, Eugene and Salem. We have heard complaints of tear gas harm from a wide range of people, including media, legal observers, children and other peaceful protestors. We have also heard particularly alarming accounts of people in the unhoused community being hit with tear gas while they are sleeping. Police militarization is killing and severely injuring Black people. This must end.”

Flash Bang Grenades

“The ACLU of Oregon also calls on you to immediately prohibit the use of dangerous aerial distraction devices (“flash-bangs”) and rubber ball distraction devices (“flash bang grenades”). We have witnessed the severe harm that such distraction devices can cause to people

exercising their First Amendment rights. In one case, an Oregon woman suffered third-degree burns and permanent soft-tissue damage on her arm when the Portland police shot her with a flash bang.⁷ We have also witnessed the use of grenades that explode and shoot small, hard rubber balls in all directions, causing disorientation and impact wounds. These dangerous weapons do not make our communities safer and too frequently injure peaceful demonstrators, bystanders, and media.

Flash bang devices and tear gas are by their very nature indiscriminate and their use should be prohibited. Some Oregon police policies prohibit the indiscriminate deployment of weapons into crowds. That is a good policy. However, the use of weapons, the impact of which cannot be controlled, directly contradicts the language and spirit of these policies. Officers cannot control who is impacted by large clouds of chemical irritants, nor can they control who may be impacted by flashbangs. Both categories of weapons have the potential to seriously injure or kill a person.⁸ They should not be used on Oregonians.”

Sources

Maxine Bernstein, “Amid calls for ban on tear gas, Portland police deputy chief stands by its use,” *Oregonian*, 4 June 2020,

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Open letter by 1300 Oregon Public Health Professionals,

<https://www.documentcloud.org/documents/6937267-Open-Letter.html>

ACLU letter to Portland and Oregon officials, 3 June 2020,

<https://assets.documentcloud.org/documents/6937268/ACLULETTERTEARGAS.pdf>