

## Amendment 10 to CB 120916 Crowd Management Ordinance

**Sponsor:** Councilmember Moore

**Author:** Councilmember Rinck

Create a private right of action

**Effect:** This amendment would create a private right of action against the City when a person incurs physical injuries proximately caused by the use of less lethal weapons in violation of SPD's Crowd Management, Intervention, and Control policy.

A person who, in the judgment of a reasonable person, commits a criminal offense at or immediately prior to the use of less lethal force may not recover under this Section. Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of this Section shall be \$10,000, added to attorney fees and court fees. This does not preclude any other legal recovery or process available to a person under federal and state law.

A private right of action would allow individuals to make a claim against the City. If the claim is not resolved, then the individual could file a civil lawsuit for damages.

**Background:** This private right of action was similar to that in Ordinance 126422, except that it does not allow for recovery for emotional damages. Ordinance 126422, which updated city policies to allow some LLWs to be used by trained SPD officers under specific circumstances. This Ordinance did not take effect because its implementation was conditioned on the Court approving compliant policies, and per a recommendation from the Executive, the federal monitor did not allow a submittal for judicial review. The Ordinance was not signed by then Mayor Durkan.

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**Add a new Section 6 as follows, renumbering subsequent sections accordingly:**

Section 6. A person shall have a right of action against the City for physical injuries proximately caused by the use of less lethal weapons in violation of Seattle Police Department Policy 14.090 - Crowd Management, Intervention, and Control. A person who, in the judgment of a reasonable person, commits a criminal offense at or immediately prior to the use of less lethal force may not recover under this section.

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Public Safety Committee  
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Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of this section shall be \$10,000, added to attorney fees and court fees. This does not preclude any other legal recovery or process available to a person under federal and state law.