



SEATTLE CITY COUNCIL
CENTRAL STAFF

Less Lethal Weapons Discussion

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PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE | JANUARY 12, 2021

Agenda

- I. Opening Remarks – Chair Herbold**
- II. Oversight Agencies’ Positions on Banning Less Lethal Weapons - Review**
- III. Draft Legislation – Base Bill**
- IV. Policy Options for Each Less Lethal Weapon**

II. Oversight Agencies' Positions on Banning Less Lethal Weapons

Use Category	Ban CS Gas (Tear Gas)			Ban OC Spray (Pepper Spray)			Ban Blast Balls			Ban 40mm Launcher			Ban Noise Flash Diversionary Devices (NFDD)		
	CPC	OPA	OIG	CPC	OPA	OIG	CPC	OPA	OIG	CPC	OPA	OIG	CPC	OPA	OIG
Patrol	Yes	Yes	Yes	No	No	No	Yes	No	No, but see note at end of presentation	No	No	No	No	N/A *	N/A*
Tactical/SWAT	Yes	No	No, but See report; limited to life safety or SWAT non-crowd situations like barricaded people.	No	No	No	Yes	No	No	No	No	No	No	No	No
Crowd Dispersal	Yes	Yes	No, but see report; limited to life safety.	Yes	No	No	Yes	No	No	Yes	No	No, but see note at end of presentation	Yes	No	No

* Policy allows NFDD to be used only by SWAT. See OIG notes at end of presentation

- Use categories not defined/ exclusive (Patrol, Technical / SWAT, Crowd Dispersal)
- Table not inclusive of all potential LLWs
- Caveats - Re-authorization must be made with appropriate controls in place

III. Draft Base Bill – Consensus Items

- I. Allow specific, non-crowd control uses for:
 - a. OC Spray (Pepper Spray)
 - b. 40 mm Launcher
 - c. Noise Flash Diversionary Devices
- II. Ban Patrol use of Tear Gas

IV. Policy Options – for Each Less Lethal Weapon

- 1) Affirm ban
- 2) Exempt from ban
- 3) Exempt from ban with specific policy conditions

IV. Policy Options - Blast Balls

Option 1: Retain total ban per Ordinance 126102

Option 2: Specify exceptions to ban in Patrol, SWAT, and/or Crowd Control situations

Option 3: Specify exceptions to ban with conditions

- a. Include conditions in legislation; or
- b. SPD, with Court-approval, establishes operational policies

IV. Policy Options - 40 mm Launchers

Option 1: Retain total ban per Ordinance 126102

Option 2: Approve exemptions to ban for Patrol and SWAT (base bill)

Option 3: Approve exemptions to ban for Patrol and SWAT and specify additional exceptions to ban in Crowd Control situations

Option 4: Specify exceptions to ban with conditions

a. Include conditions in legislation; or

b. SPD, with Court-approval, establishes operational policies

IV. Policy Options - Noise Flash Diversionary Devices

Option 1: Retain total ban per Ordinance 126102

Option 2: Approve exemptions to ban for Patrol and SWAT (base bill)

Option 3: Approve exemptions to ban for Patrol and SWAT and specify additional exceptions to ban in Crowd Control situations

Option 4: Specify exceptions to ban with conditions

a. Include conditions in legislation; or

b. SPD, with Court-approval, establishes operational policies

IV. Policy Options - Pepper Spray

Option 1: Retain partial ban per Ordinance 126102 (not in a demonstration or other 1st Amendment-protected event; and, not if it lands on anyone other than an intended individual who is in the process of committing a crime or presenting an imminent danger to others)

Option 2: Approve ban for patrol and SWAT (base bill)

Option 3: Approve ban for patrol and SWAT and specify additional exceptions to ban in Crowd Control situations

Option 4: Specify exceptions to ban with conditions

- a. Include conditions in legislation; or
- b. SPD, with Court-approval, establishes operational policies

IV. Policy Options - Tear Gas

Option 1: Retain total ban per Ordinance 126102

Option 2: Approve ban for patrol (base bill)

Option 3: Approve ban for patrol and specify exceptions to ban in SWAT and/or Crowd Control situations

Option 4: Specify exceptions to ban with conditions

a. Include conditions in legislation; or

b. SPD, with Court-approval, establishes operational policies

V. Next Steps

- Introduction and Referral
- January 26: Committee Recommendation
- Request Monitor Review of Draft Bill