

# Review of the SPD Crowd Dispersal Policy and Less Lethal Weapons



**Seattle** Office of  
Inspector General

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# Introduction and Overview

- The right to peaceably assemble is critical to democracy and must be safeguarded.
- Less lethal weapons should not be used on peaceful protestors.
- Police should have sufficient tools to address specific acts of violence or disperse a declared riot.
- Police need less lethal tools to address high risk calls outside of crowd control contexts.
- OIG supports retaining less lethal weapons for use by SPD, with strict criteria for use, proper training, and strong accountability.



# Re-authorization of Less Lethal Weapons

- The ordinance should distinguish patrol functions from crowd management when considering less lethal use.
- Re-authorization with restrictions, increased clarity, and accountability in both contexts is the most sensible course of action.
- When used appropriately, less lethal weapons provide options to resolve safety concerns without using higher levels of force.
- Banning certain weapons that provide alternatives to higher force, especially without replacement strategies, may result in more violence.
- OIG suggests changes in policy and training to reduce the risk of officers using less lethal weapons inappropriately.

# The OIG report offers the following proposals for use of less lethal weapons, including:

- Following up on previous external recommendations concerning blast balls;
- Ensuring CS is not used in a general protest setting but rather as a tool of last resort in life safety circumstances, with consideration for the surrounding environment (such as dense residential areas);
- Ensuring officers using CS receive training on proper use, first aid, and decontamination procedures;
- Increasing opportunities for qualified SPD personnel to train with less lethal weapons; and
- Evaluating use of expired munitions and disposing of any unsafe stock.



# Review of Crowd Management Policies and Related Training

# The current crowd dispersal policy is in line with industry practices.

- OIG found that the major elements of the current policy are consistent with other jurisdictions, such as Los Angeles, Portland, Oakland, and Vancouver (CA).
- For example, all jurisdictions used variations on the Incident Command System to manage events, and all jurisdictions granted control of the event (including dispersal orders) to the designated incident commander.

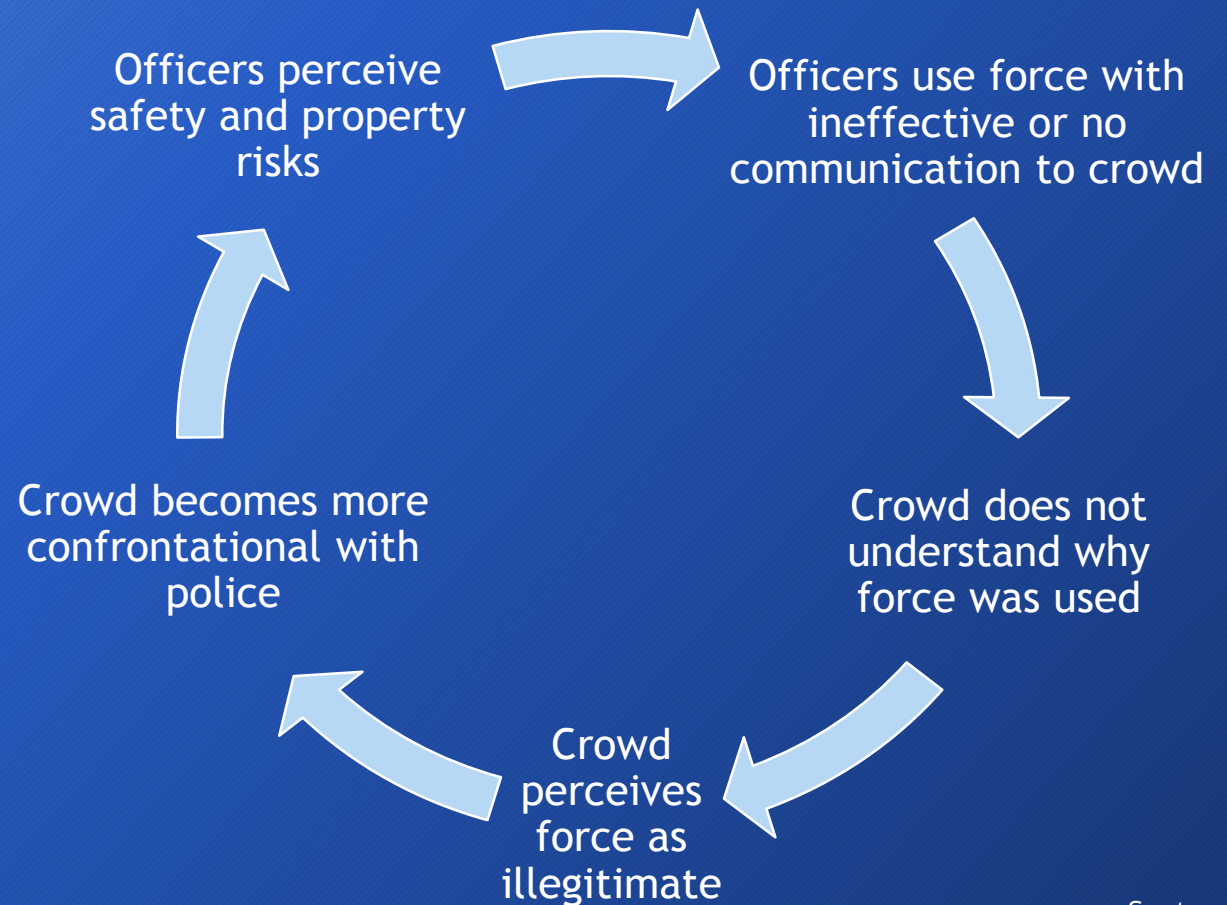


# Even so, SPD policy authorizes force in crowd management situations which may not be clear to the public, creating a cycle of escalation.

Incident commanders can authorize and direct use of force to disperse crowds.

Officers can also use individual discretion to use force to protect life safety or property.

When done without warning or explanation, these uses of force can escalate the crowd and cause individuals to view the police as illegitimate.



# SPD should improve policy with clearer criteria and more warning requirements.

- More specific criteria should create consistent expectations for protestors and more uniform decisions by SPD.
- Other jurisdictions use detailed matrices to explain when different levels of force are appropriate for crowd control.
- Requiring warnings to the crowd before attempting to disperse or using less lethal weapons may also help minimize escalation.
  - Emergencies may impact the ability to give a warning. Absent an emergency, SPD policy should require warnings and provide guidance about documentation of warnings and related force.



# SPD should strive for better communication with the public before and during protest events.

- In a large crowd, communication is key in de-escalation.
- Public education before a crisis occurs would help demystify why police take certain actions and what the public should expect in terms of officer behavior.
- During a mass demonstration, SPD should be able to clearly communicate with large crowds. Other jurisdictions use dedicated sound trucks and visual boards, like those used for traffic warnings. Visual communication is also more accessible for individuals with hearing difficulties or who are wearing ear protection. Other options include use of social media and other platforms to push out up-to-the-minute information about crowd conditions.

# Examples of Visual Communication During Protests in Oakland, CA



(Source: Oakland Police Department Twitter)

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# Officers are trained to use less lethal weapons but have few opportunities to practice.

- OIG verified that officers using less lethal weapons were trained to do so, except for CS, and that SPD training included safe use criteria established by manufacturers (such as minimum safe distance).
- However, OIG found that officers have few opportunities to practice with these weapons. This raises the risk of incorrect or inaccurate use in high pressure situations.
- The cost of ammunition and staff time were cited as limiting factors on the ability to practice.

# SPD tactics and training for crowd management are designed for mobile crowds.

- SPD training materials indicate that the department is well versed in crowd management tactics and related research.
- SPD acknowledges in its own materials that fixed riot lines escalate crowds and offer limited opportunities for de-escalation.
- Current tactics and training are therefore designed to keep crowds moving, rather than to deal with static crowds.
- This has led to training that offers little guidance to personnel for dealing with large, volatile crowds that are focused on a fixed location or cannot be easily moved.



# SPD was unprepared for the crowd dynamics seen at East Precinct.

- Officers described the events as unprecedented, both in defending a fixed location and in the anger of the crowd at police.
- The inherent infrastructure of East Precinct, as well as the temporary fence solution chosen by the City, did not allow for distance or shielding.
- Officers reported injuries from lasers and thrown objects, such as rocks and fireworks.
- Unable to de-escalate the crowd and facing substantial perceived safety risks, SPD repeatedly resorted to extensive use of less lethal weapons to disperse the crowd. This resulted in multiple reports of injuries to individuals within the crowd as well as complaints from residents in surrounding buildings.

# The OIG report offers the following proposals to avoid a repeat of the dynamics observed at East Precinct, including:

- Developing complete policy, tactics, and training for addressing stationary crowds;
- Developing tactics for addressing isolated violent individuals within otherwise peaceful crowds; and
- Improving communication with crowds, as previously discussed.



# Mutual aid is needed but creates risks for public trust.

- SPD does not have sufficient staffing to manage protests with thousands of participants, so it requests aid from other departments.
- Other departments cannot be compelled to follow SPD use of force policies without a formal legal agreement, or even to report their use of force to SPD.
- This creates risks that the public may be subjected to force outside normal SPD standards, and may not be able to distinguish the force was used by another department.
- The City should seek a regional solution to at least ensure prompt and transparent reporting of use of force during large-scale events.

# As protests continued, SPD could not get assistance from other departments.

- SPD had trouble finding departments willing to send help, especially for staffing the protests (as opposed to back-filling patrol).
- Personnel reported other departments were worried about public scrutiny and shifting rules of engagement.
- Inability to secure additional personnel resources may lead to increased reliance on less lethal weapons to manage a large volatile crowd.



# Other Issues and Discussion of External Authorization

# Other Issues and Suggestions Raised by OIG

- SPD does not document detailed tactical information and rules of engagement for each event in its Incident Action Plans. Lack of documentation makes it difficult to determine whether individual officers had a clear understanding of objectives and rules of engagement, and to hold senior officials accountable for their strategic decision-making.
- Communications equipment may need to be improved for SPD personnel, especially those involved in giving instruction or providing supervision. Officers reported being unable to hear instructions clearly.



# Other Issues and Suggestions Raised by OIG

- Debrief the public about SPD actions. Public outreach and conversation may help to restore public trust.
- Consider less technical language in public communication. OIG cited the candle tweet as an example of language that de-legitimized SPD actions.
- Acknowledge that stress and fatigue experienced by officers can have additional negative impacts on performance and conduct.

# OIG could not find an example of external authorization for emergency dispersal.

- In theory, having a non-police executive authorize crowd dispersal adds oversight and an alternate perspective.
- However, this person would be reliant on information provided by the police, which would impact the objectivity of any decisions.
- In a life safety emergency, there may not be enough time to seek and obtain external approval.



# On-Going and Future Related Work by OIG

# OIG Sentinel Event Review (SER) is underway.

Changing the system requires understanding the root cause of current problems.

The SER will evaluate those systemic flaws through a unique combination of community, outside subject matter experts, and OIG collaboration.





# Other Related Future Projects

- Disparity analysis of SPD response to current and past demonstrations
- Audit of command level supervision
- Audit of mutual aid agreements
- Audit of discipline and outcomes
- Audit of overtime and personnel management