



SEATTLE CITY COUNCIL
CENTRAL STAFF

Less Lethal Weapons Discussion

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PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE | FEBRUARY 9, 2021

Revised base bill – prohibited uses of less lethal weapons

Prohibit the following uses of less lethal weapons:

- 1) 40-millimeter launchers used to deploy chemical irritants for crowd control in any demonstration or rally;
- 2) Noise flash diversionary devices for crowd control during any demonstration or rally;
- 3) Any use of tear gas and chemical irritants other than pepper spray; and
- 4) Acoustic weapons; directed energy weapons; water cannons; disorientation devices including blast balls; ultrasonic cannons; and any other device primarily designed to be used on multiple individuals for crowd control and to cause pain or discomfort.

Revised base bill – conditions on use of pepper spray

Impose specific conditions on use of pepper spray:

- 1) Pepper spray may not be used for crowd control in a non-violent demonstration or rally;
- 2) Only Special Weapons and Tactics (SWAT) officers may deploy pepper spray products using a 40-millimeter launcher and only for purposes other than crowd control in a demonstration or rally; and
- 3) Pepper spray may only be deployed only in circumstances in which the risk of serious injury from violent actions outweighs the risk of harm to bystanders.

Revised base bill – conditions on use of NFDDs

Impose specific conditions on the deployment of noise flash diversionary devices:

- 1) Only SWAT officers may deploy noise flash diversionary devices and;
- 2) SWAT may use them only for purposes other than crowd control in a demonstration or rally.

Revised base bill – conditions on mutual aid partners

Impose conditions on mutual aid partners as to use of less lethal weapons:

- 1) Prohibit law enforcement agencies operating under mutual aid agreements with SPD from using less lethal weapons; and
- 2) Require SPD's mutual aid agreements for crowd control to prohibit other law enforcement agencies from using less lethal weapons for crowd dispersal

Revised base bill – right of action and effective date

Right of Action

Provides a private right of action for any physical or emotional injuries caused by the use of less lethal weapons that occur in a non-violent demonstration or rally, excluding 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.

Effective Date

The later of: 30 days after it has been reviewed and approved by the Court; or 30 days after it has been approved by the Mayor

Potential amendments

1. Tear Gas Exemptions and Definition of Violent Public Disturbance – Councilmember Herbold

Provides an exception to the ban on the use of tear gas in crowd control situations under certain circumstances and defines “violent public disturbance.” Delays authorization of exceptions to the ban until after SPD’s 2020 annual use of force policy review is completed as required by the Consent Decree.

Potential amendments

4a, 4b1 or 4b2. Private Right of Action – Councilmember Sawant

4a. Private Right of Action. Provides a private right of action for any physical or emotional injuries caused by the use of less lethal weapons in violation of Section 3.28.146.

4b1. Private Right of Action with Criminal Offense Exception. Same as 4a, but the right of action is not available to 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.

4b2. Private Right of Action from Injuries in a Non-Violent Demonstration. Same as 4b, but provides a private right of action for any physical or emotional injuries caused by the use of less lethal weapons in a non-violent demonstration or rally for crowd dispersal in violation of Section 3.28.146.

Potential amendments

5. Pepper Spray Restrictions – CM Sawant

Prohibits the use of pepper spray for crowd control in a demonstration or rally.

6. Kinetic Impact Projectiles Restrictions – CM Sawant

Prohibits the use of kinetic impact projectiles for crowd control in a demonstration or rally and limits deployment of such projectiles to SWAT officers only for purposes other than crowd control in demonstration or rally.