

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Mayor's Office	Michelle Nance	

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the Seattle Police Department; mandating that the Police Department adopt and maintain crowd management policies that prohibit the use of less lethal tools in crowd management settings unless specific facts and circumstances are occurring or about to occur that create an imminent risk of physical injury to any person or significant property damage; and repealing Section 3.28.146 of the Seattle Municipal Code and Ordinance 126422.

Summary and Background of the Legislation: The legislation mandates that the Police Department maintain crowd management policies that prohibit the use of less lethal tools for crowd control purposes “unless specific facts and circumstances are occurring or about to occur that create an imminent risk of physical injury to any person or significant property damage.” It also requires that any police use of force for crowd control be objectively reasonable, necessary, and proportional to the threat presented. In addition, it requires that the adopted crowd management policies affirm and protect the rights to free speech and peaceable assembly.

The proposed ordinance also codifies state law requirements in City law regarding the use of tear gas. Further, it restricts tear gas as a tool of last resort when the risk to life is imminent, and then only when the Mayor has issued an order of civil emergency.

This legislation repeals Section 3.28.146 of the Seattle Municipal Code, as well as Ordinance 126422.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

N/A

Please describe any financial costs or other impacts of *not* implementing the legislation.

Crowd management experts and constitutional policing experts widely agree that police officers should be equipped with less lethal tools, in addition to firearms. The previous ordinances, passed in 2020 and 2021, are more restrictive since they do not allow SPD officers to use a less lethal tool, such as pepper spray, in a targeted manner to isolate an offender and when it is reasonable, necessary, and proportional to protect the safety, property rights, and First Amendment rights of protesters and bystanders.

The Court overseeing the Consent Decree has ordered the Police Department to submit a revised crowd management policy for further review. If this ordinance passes, the Police Department will submit a revised crowd management policy consistent with this ordinance for the Court's review and approval.

4. OTHER IMPLICATIONS

a. Please describe how this legislation may affect any departments besides the originating department.

N/A

b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.

No.

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.

This ordinance is designed to protect the First Amendment rights of protesters and bystanders. It upholds and affirms the constitutional rights of individuals to freely exercise their freedom of speech and assembly. In limited circumstances, force is necessary to protect the safety, property rights, and First Amendment rights of all crowd members and bystanders. This ordinance articulates strict standards for the use of less lethal weapons, limiting it to situations where there is an imminent risk of physical injury to any person or significant property damage.

- ii. **Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

N/A

- iii. **What is the Language Access Plan for any communications to the public?**

d. Climate Change Implications

- i. **Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

N/A

- ii. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

N/A

- e. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

5. CHECKLIST

- Is a public hearing required?**
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments: None.