



Seattle Office of Police Accountability

January 10, 2025

Via Electronic Mail

Councilmember Robert Kettle
Public Safety Committee Chair
Seattle City Council
Robert.Kettle@seattle.gov

Dear Councilmember Kettle,

I write in support of Council Bill 120916 and respectfully request the City Council pass this draft legislation which would:

- (1) Repeal Seattle Municipal Code (SMC) SMC 3.28.146 and Ordinance 126422 restricting the Seattle Police Department's (SPD's) use of less lethal weapons (LLWs), including use of LLWs for crowd management purposes; and
- (2) Require SPD to adopt and maintain a crowd management policy that is consistent with City values and expectations as outlined in uncodified language in Section 2 of CB 120916; and
- (3) Require SPD to adopt and maintain a crowd management policy that is consistent with the City values and expectations outlined in CB 120916.

This Crowd Control Legislation enforces hard-examined community values, guides Seattle Police Department (SPD) policy and permits the City of Seattle to implement the final requirements of the federal Consent Decree.

For nearly five years, the people of Seattle have deeply examined their expectations of the crowd management strategies and tactics used by SPD. Immediately following the May 25, 2020, murder of George Floyd, Seattle experienced months of demonstrations that included SPD officers using less lethal force with tear/CS gas, pepper spray, 40 mm "Blue Nose" rounds, and blast balls.

These events led to a comprehensive City response and years of dialogue. From May 30 through the end of 2020, OPA was contacted over 19,000 times concerning SPD's conduct at and response to various demonstrations, resulting in 145 OPA investigations.¹ In addition to OPA's individual complaint investigations, Seattle's Office of Inspector General for Public Safety (OIG) conducted a comprehensive, four-wave Sentinel Event Review concerning the 2020 Protests in Seattle.² An additional layer of oversight, Seattle was and remains under a federal Consent Decree concerning specific aspects of SPD operations since 2012.³ Seattle City Council passed two ordinances—Ordinance 126102 in June 2020 and Ordinance 126422 in August 2021—which sought to specifically

¹ See City of Seattle, Office of Police Accountability, Demonstration Complaint Dashboard, available at <https://www.seattle.gov/opa/case-data/demonstration-complaint-dashboard>.

² See City of Seattle, Office of Inspector General for Public Safety, Sentinel Event Review, available at <https://seattle.gov/oig/sentinel-event-review>.

³ *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR), available at <https://seattlepolicemonitor.org/documents>.



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regulate SPD's use of less lethal weapons (LLWs) for crowd management purposes. Then-Mayor Jenny Durkan returned both ordinances to Council unsigned along with detailed memoranda outlining her concerns. Due to federal oversight, neither ordinance took effect.

There has been much discussion and ideating since 2021, but the conflicts between City ordinance, SPD policy, and federal oversight persist. In February 2021, the Court approved "interim" crowd management policies for SPD, but these are at odds with provisions of Seattle Ordinance 126422 and, so, cannot be finalized. Notably, Ordinance 126422 explicitly conditioned its implementation on Court approving compliant policies.

Seattle is poised to move forward. The Court overseeing the federal Consent Decree has indicated that the only remaining hurdle for Seattle to exit federal oversight is for the City to submit SPD crowd management and LLW policies for review by the monitor and Department of Justice, as well as final approval by the Court. Council Bill 120916 harmonizes SPD's Court-approved interim policies and prior Seattle ordinances. It does so by requiring SPD to adopt and maintain crowd management policies that adhere to consensus values and expectations, comply with specific State laws, empower transparency and accountability through collaboration with OIG, daylight revisions, and comply with labor law. At the December 10, 2024, Public Safety Committee meeting, SPD presented and took public comment on a revised crowd management policy structured to meet these benchmarks.

SPD has engaged with OPA during this process, circulated draft policies, invited feedback, and addressed critical concerns such as:

- Clarifying that the threshold for declaring an "Unlawful Assembly" requires "significant" property damage;
- Requiring that an Incident Commander, "ranked Lieutenant or higher," authorize any use of LLWs (other than tear/CS gas) to move a crowd following the issuance of a dispersal order and reasonable amount of time to comply;
- Requiring that, when feasible, blast balls be directed towards and "open space," and removing the direction that the deployment should be "near the person(s) engaged in the threats of harm or acts of violence or property destruction"; and
- Specifying that blast balls may only be used when force is authorized "for Crowd Control and Crowd Dispersal," versus individual threats of harm or to life safety.

Importantly, Council Bill 120916 requires compliance with core principles and law, while empowering transparency and Seattle's accountability system. OPA looks forward to discussing these recommendations with all parties.

Sincerely,

A handwritten signature in blue ink that reads "Bonnie Glenn".

Interim Director Bonnie Glenn

cc: Mayor Bruce Harrell, Seattle City Councilmembers, Sue Rahr - Interim Seattle Police Chief, Lisa Judge - Director of the Office of Inspector General, and Eci Ameh - Acting Executive Director of the Seattle Community Police Commission.