Seattle
Community
Police Commission

January 8, 2025

VIA EMAIL

Dear Councilmember Kettle,

I am writing to share the position of the Community Police Commission (CPC) regarding CB 120916, expected to be discussed in City Council's Public Safety Committee meeting on January 14. This draft legislation proposes revisions to Seattle's framework for SPD's approach to crowd management, including but not limited to the appropriate use of, and limitations on, less-lethal weapons. The CPC has been working to develop its recommendations on CB 120916 since it received the draft legislation in October 2024. This work included soliciting feedback from the community in a survey on the proposed legislation, and multiple work sessions.

At the CPC meeting on January 8, 2025, the CPC's Police Practices Workgroup presented a summary of the CPC's community survey related to CB 120916 and their recommendations for on the draft legislation. The CPC unanimously approved the Workgroup's recommendations, which are included below.

Community Feedback. Following Mayor Harrell's proposal of CB 120916, the CPC distributed a survey to gather input from constituents on crowd management in Seattle. This survey closed at 5pm on January 7, with a final count of 125 responses. We are actively working to integrate this feedback into our response to the City Council. However, given the short timeline and the holiday season, we believe there has not been sufficient time to thoroughly and responsibly incorporate community feedback into our letter and the attached ordinance redlines. Therefore, we respectfully request that the City Council

postpone voting on this ordinance until the CPC can fully reflect community input in our position. This letter and the attached proposed redline changes to the draft legislation contain our preliminary feedback, but they do not fully represent our stance on the issue at this time.

Returning Seattle to self-government on policing issues. The CPC shares the goal of the Mayor, elected officials, and community leaders to fully resolve the long-running consent decree, and offers the following proposed revisions in hopes of achieving a community consensus around a framework that will serve all communities within the City of Seattle.

Overall approach. We support the overall approach of the Mayor's proposed legislation, which focuses on overarching values that guide SPD deployment and intervention in crowd management situations, including but not limited to speech and assembly events, and which does not place outright prohibitions on the use of specific tools. We agree that absolute prohibitions can have unintended consequences, not only by leaving SPD in a position to use less-appropriate tools, but also, by removing the tools necessary for SPD to assure freedom of speech and assembly to members of the public when counter-protestors threaten those fundamental rights.

However, we conclude that evidence of unintended physical injury over years establishes that blast balls call for a circumscribed zone of appropriate use; we urge that the Ordinance not set up heightened levels of approval with enormous exceptions for exigent circumstances that "swallow the rule," creating public confusion about who is actually expected to authorize use of the weapon; we propose requiring mutual aid agencies to follow SPD policy on use of force, including but not limited to policy on use of less-lethal weapons and crowd management, when deployed in Seattle; and we urge that the CPC, not solely the OIG, be included in after-action dialogue with SPD, consistent with the CPC's role in Seattle's police accountability framework as a sounding board for the public about emerging matters of public concern.

We also believe that more explicit language emphasizing the role of SPD, specifically in protecting the free exercise of speech and assembly when these are under threat from other members of the public, is important, particularly in light of growing political tensions in civil society.

Proposed substantive revisions. Please find attached proposed red-line edits to CB 120916, summarized here:

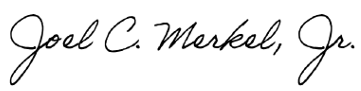
- Limit the use of blast balls to their deployment away from people, at a distance of at least 10 yards from any person, as proposed in Section 2-H;
- Require that mutual aid agencies deploying in Seattle agree to abide by Seattle ordinances and SPD policy regarding use of force, including but not limited to those on less-lethal tools and crowd management, by requiring that they act only as directed by the SPD incident commander, who is bound by Seattle law and SPD policy, as proposed in Section 6;
- Require that SPD confer with the CPC following deployment of less-lethal weapons in a crowd management context, and that SPD solicit and incorporate feedback from members of the public regarding significant crowd management deployments, including any using less-lethal weapons, in its after-action assessments, and that these be incorporated into the required annual report by SPD and the OIG on crowd management incidents, as proposed in Section 5; and
- Emphasize the role of SPD in protecting the exercise of speech and assembly rights when these are under threat from other members of the public, as proposed in Section 2-B, C, & D.

Recommendations related changes to SPD crowd management policy. We recognize that development of SPD policy is an executive function, and, that a core function of the CPC is to provide input in that process and to suggest revisions to policy where needed to address public concerns and priorities. Accordingly, we are also sending proposed

revisions to SPD regarding SPD Policy Manual Sections 8.050 (Use of Force—Definitions), 8.300 (Use of Force—Tools), and 14.090 (Crowd Management, Intervention & Control).

CPC policy staff and I are available to discuss any of these recommendations with Council staff, Councilmembers, SPD, and the Mayor's Office, at your convenience. We look forward to reaching a consensus framework that will reconcile the importance of protecting free speech and assembly, preventing inappropriate and harmful uses of less-lethal weapons and other uses of force in the context of crowd management, and returning Seattle to self-government with respect to policing and public safety.

Sincerely,



Joel Merkel, Co-Chair
Community Police Commission

Cc:
All City Councilmembers
Mayor Bruce Harrell
Deputy Mayor Tim Burgess