



SEATTLE CITY COUNCIL
CENTRAL STAFF

Less Lethal Weapons Discussion

GREG DOSS AND LISE KAYE, COUNCIL CENTRAL STAFF

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE | DECEMBER 17, 2020

Agenda

- I. **Opening Remarks – Chair Herbold**
- II. **Oversight Agencies’ Positions on Banning Less Lethal Weapons**
– Greg Doss and Lise Kaye, Central Staff
- III. **Committee Discussion of Recommendations – All**
- IV. **January 12 Meeting – Chair Herbold**

I. Opening Remarks – Chair Herbold

- A. Objective for today
- B. Legal landscape

II. Oversight Agencies' Positions on Banning Less Lethal Weapons

Use Category	Ban CS Gas (Tear Gas)			Ban OC Spray (Pepper Spray)			Ban Blast Balls			Ban 40mm Launcher			Ban Noise Flash Diversionary Devices (NFDD)		
	CPC	OPA	OIG	CPC	OPA	OIG	CPC	OPA	OIG	CPC	OPA	OIG	CPC	OPA	OIG
Patrol	Yes	Yes	Yes	No	No	No	Yes	No	No, but see note at end of presentation	No	No	No	No	N/A *	N/A*
Tactical/SWAT	Yes	No	No, but See report; limited to life safety or SWAT non-crowd situations like barricaded people.	No	No	No	Yes	No	No	No	No	No	No	No	No
Crowd Dispersal	Yes	Yes	No, but see report; limited to life safety.	Yes	No	No	Yes	No	No	Yes	No	No, but see note at end of presentation	Yes	No	No

* Policy allows NFDD to be used only by SWAT. See OIG notes at end of presentation

- Use categories not defined/ exclusive (Patrol, Technical / SWAT, Crowd Dispersal)
- Table not inclusive of all potential LLWs
- Caveats - Re-authorization must be made with appropriate controls in place

II. Oversight Agencies' Positions on Banning Less Lethal Weapons

Examples of cautions that Oversight Agencies have identified:

- **All LLW:** can cause serious injury or death; guard against indiscriminate use; risks must warrant use
- **Tear Gas (CS Gas):** particle size can infiltrate surrounding areas
- **Pepper Spray (OC):** guard against use against passive resistance
- **Blast Balls:** overhand deployment not appropriate in crowds, should be deployed away from people.

II. Oversight Agencies' Positions on Banning Less Lethal Weapons

Examples of cautions that Oversight Agencies have identified:

- **40mm Launcher:** potential to strike non-targeted individuals or miss target zone on an individual; risk level outweighs use against individuals not presenting life safety risk to others
- **Noise Flash Diversionary Devices (NFDD):** overhand deployment not appropriate in crowds, should be deployed away from people

II. Oversight Agencies' Positions on Banning Less Lethal Weapons

Policy themes for reauthorization:

- Ban tear gas (CS gas)
- Regulate allowed LLW
- Develop detailed tactical plans prior to deployment
- Don't use LLW during demonstrations solely to prevent property destruction

II. Oversight Agencies' Positions on Banning Less Lethal Weapons

Policy Themes for reauthorization:

- Acquire/use better technology to communicate with large crowds
- Improve content of public/crowd communications
- Improve training
- Increase accountability
- Provide for disposal, as appropriate
- Do not require executive authorization

III. Committee Discussion of Recommendations

Potential Questions for Consideration:

- What LLWs should remained banned?
- Should individual LLWs be addressed in legislation?
- Should Council codify principles of use for LLWs?

IV. January 12 Meeting

- Committee recommendations for legislation – Decision Agenda Voting

Additional Notes from the OIG

(Table on Slide 3)

- **Blast balls/NFDD** – Use of these weapons for patrol would be unusual. In crafting legislation consider using language that makes it clear that such use is being foreclosed, not that such use is expected to occur and therefore being banned.
- **40 mm** – OIG recommended they increase training opportunities for patrol. At the time of the report, patrol 40mm operators had only one training opportunity per year (outside of actual incidents).
- **NFDD** – Patrol doesn't currently have access to NFDD; they are SWAT-specific. As with any weapon, NFDDs should only be issued to trained personnel.
 - Only SWAT trains with NFDDs. They are shaped differently and behave differently than a blast ball; because there are more metal components that become very hot when deployed, there is an increased risk of injury when used in a crowd control context.
 - SWAT uses its own internal trainers, for the most part, and thus SWAT training can't easily be transferred to patrol officers. SWAT follows standards issued by the National Tactical Officer's Association.
 - OIG believes, but would need to confirm, that there was a low frequency of use of NFDDs during the 2020 mass demonstrations by SPD SWAT. As OIG highlighted in the August report, other mutual aid entities may have deployed NFDDs, but this information was not available for review.
- **Pepperball launchers FYI** - SPD is planning to make the Pepperball launchers more accessible to patrol for crowd management. This tool is currently only used and trained on by SWAT. Council may want to add the Pepperball launcher to their table, even though the accountability partners did not comment on it specifically during the reports (as the tool was limited to SWAT at the time). Council can review the draft use of force policies for more info.