



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# Less Lethal Weapons Discussion

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LISE KAYE COUNCIL CENTRAL STAFF

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE | JUNE 22, 2021

# Council Bill (CB) 120105 – Less Lethal Weapons

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- Bans some less lethal weapons (LLWs), restricts others
- Responds to Department of Justice (DOJ)/Monitor comments
- Conditions any use of LLW on whether risk of serious bodily injury from violent actions outweighs risk of harm to bystanders
- Defines “for the purpose of crowd control” as with the intent to move or disperse a crowd

# Banned Less Lethal Weapons

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- Acoustic weapons
- Directed energy weapons
- Disorientation devices, including blast balls
- Ultrasonic cannons
- Water cannons

*\* No change from draft bill*

# Restricted Less Lethal Weapons (LLWs)

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- Noise flash diversionary devices
- 40-MM launchers used to deploy chemical irritants
- Pepper spray
- Tear gas

# Restricted LLWs – Noise Flash Diversionary Devices

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1. Banned from use in demonstrations or rallies\*
2. Allowed outside demonstrations or rallies but only when
  - Used by SWAT officers, and
  - Risk of serious bodily injury from violent actions outweighs the risk of harm to bystanders.

\* *Clarifies ambiguous language in draft bill*

# Restricted LLWs – 40mm Launchers (chemical irritants)

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Allowed outside a demonstration or rally or in a demonstration or rally for purposes other than crowd control but only when\*

- Used by SWAT officers, and
- Risk of serious bodily injury from violent actions outweighs the risk of harm to bystanders\*

*\* Adds risk consideration not included in draft bill and clarifies ambiguous language in draft bill*

# Restricted LLWs – Pepper Spray

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Allowed in the following situations but only when risk of serious bodily injury from violent actions outweighs the risk of harm to bystanders:

- Outside a demonstration or rally; or
- During a demonstration or rally but for purposes other than crowd control;\* or
- For crowd control during a violent public disturbance at a demonstration or rally.

\* *Adds authority not included in draft bill*

# Restricted LLWs – Tear Gas (1 of 2)

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Allowed outside a demonstration or rally by SWAT officers\* only if two conditions are met:

1. Use is reasonably necessary to prevent threat of imminent loss of life or serious injury; and
2. Risk of serious bodily injury from violent actions outweighs the risk of harm to bystanders\*

*\* Adds authority to use outside a demonstration/rally and adds additional risk consideration*



## Restricted LLWs – Tear Gas (2 of 2)

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Allowed at a demonstration/rally only if five conditions are met:

1. During a violent public disturbance
2. At direction of and by recently trained officers
3. With a detailed tactical plan
4. Use is reasonably necessary to prevent threat of imminent loss of life or serious injury
5. Risk of serious bodily injury from violent actions outweighs the risk of harm to bystanders\*

*\* Adds additional risk consideration*

# Other Provisions – Mutual Aid

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Imposes conditions on mutual aid partners for use of less lethal weapons:

- Prohibits law enforcement agencies operating under MAAs with SPD from using less lethal weapons in a manner inconsistent with the provisions of SMC 3.28.146;\* and
- Requires SPD's MAAs for crowd control to prohibit other law enforcement agencies from using less lethal weapons in a manner inconsistent with the provisions of SMC 3.28.146\*

*\* Adds qualifier against using in a manner inconsistent with Seattle Municipal Code*

# Other Provisions – Right of Action

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Provides a right of action:

- Against the City for injuries caused by the use of less lethal weapons in a gathering that is not a violent public disturbance
- Excludes 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.

\* *No change from draft bill*

## Other Provisions – Notice and Implementation

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- Directs that notice of this action be submitted to the Department of Justice and the Monitor
- Commits Council to engaging with Labor Relations Director and staff in implementation of the bill

*\* No change from draft bill*

# Other Provisions – Seattle Police Manual Revisions\*

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Directs SPD to:

- Draft revisions to the Seattle Police Manual to bring it into compliance with the bill within 60 days after the bill takes effect; and
- Publish the revisions on its website

\* *New Section, not in draft bill.*

## Other Provisions – Effective Date

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- Section 1 of the Ordinance (LLW restrictions) takes effect 30 days after the Court has approved the revised policies required by Section 4 of the bill.\*

\* *Links effective date to Court approval of SPD's revised policies, consistent with Consent Decree.*