

Seattle
Community
Police Commission

Our City. Our Safety. Our Police. Better Together.

June 13, 2016

VIA EMAIL

Councilmember M. Lorena González, Chair, Safety Communities Committee
Councilmember Lisa Herbold, Chair, Civil Rights Committee
Council President Bruce Harrell
Chief Kathleen O'Toole, Seattle Police Department
Mayor Ed Murray
OPA Director Pierce Murphy
OPA Auditor Anne Levinson

Greetings:

We write to request immediate and public review of the Seattle Police Department (SPD)'s policy with regard to the use of "blast balls." Until such time as blast balls' propensity for causing injury (including specific evidence from the past two years in Seattle), and their appropriate use given that risk, have been publicly weighed, we ask that SPD suspend their use.

We appreciate that SPD is confronted with a challenging dynamic in certain unpermitted demonstrations, in which a subset of those assembled engage in property destruction and commit assaults, including against officers, and where SPD has no designated demonstration leaders with whom to rapidly work out a plan to minimize destruction and harm. Our impression is that, overall, in recent marches, SPD has respected legitimate speech rights, including of demonstrators without a permit, so long as there are not significant instances of property damage or assault.

We also appreciate that, upon learning of our concerns, SPD leadership immediately agreed to meet and discuss the situation. We have no reason to think the department will not participate sincerely and meaningfully in discussions about the risks and appropriate use of blast balls.

That said, in our collective view, in light of documented serious injuries to bystanders and observers, these weapons should not be used again before their risks and appropriate use have been more openly reviewed.

We appreciated the opportunity to review a draft of the SPD crowd management training prior to May Day 2016, which SPD took the initiative to arrange. During our review, CPC members suggested changes based on the following two observations: 1) the consequences of using blast balls were minimized, and 2) de-escalation principles in a mass context were not emphasized clearly enough. While we don't have firsthand knowledge of whether the changes we recommended were incorporated into the training (we were not permitted to observe the training), the injuries incurred by numerous non-violent observers on May Day 2016 indicates that further examination of the use of these tools is warranted.

Over a year ago we wrote the attached letter to Chief O’Toole after conversations with many people about how Black Lives Matter demonstrations were handled by SPD. We identified six issues that seemed to warrant high-level review, including “out of policy/harmful use of pepper spray, blast balls and other projectiles.” We noted that similar concerns arose from SPD’s handling of incidents on May Day 2015. It now seems evident from publicly available information that blast balls injured several people on May Day 2016, including several individuals who were reporting on or documenting events. Some of these injuries were serious.

In response to our letter of a year ago, SPD arranged for the Center for Policing Equity (CPE) to review their policing of demonstrations, a plan we welcomed. Members of the CPE team met with some community members, including some demonstrators, and heard a sampling of community views. CPE was also provided with all of the letters and comments gathered by the CPC last year. In addition, we understand that use of force experts working with CPE examined SPD’s past use of blast balls in the demonstration context. However, the CPE review has not proceeded in a timely manner, though we understand that this is not in SPD’s control as CPE was working without charge. Nor has CPE facilitated a more open community conversation that many involved in street demonstrations, including some who attended the invitation-only focus group sessions, called for. Despite what we believe are good intentions, SPD’s commitment to obtain feedback from the public on this topic has not been fully fulfilled through that process.

Due to this series of events, we reiterate the need we identified in May 2015 for a structured conversation in which the police and community members may together explore these issues. We again offer to convene that conversation unless an alternate forum is provided by the Council or other City leaders. Following that dialogue, we likely will offer recommendations for the use of blast-balls and the appropriate use of de-escalation tactics in crowd management situations. Until this can occur, we ask that the use of blast balls as a crowd management tool be suspended.

Sincerely,



Rev. Harriett Walden, Co-Chair
Community Police Commission



Lisa Daugaard, Co-Chair
Community Police Commission

Cc:
Brian Maxey, SPD Chief Operating Officer
Community Police Commission