



City of Seattle

Office of Professional Accountability

March 18, 2016

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2015OPA-1626)

Dear Chief O'Toole:

The Force Review Board (FRB) of the Seattle Police Department (SPD) referred a use-of-force case involving the use of a pepper ball launcher to the Office of Professional Accountability (OPA). The FRB's concern was that it appeared the justification for at least some of the pepper balls fired at one or more persons during a demonstration event may not be consistent with the requirements of various SPD use-of-force policies. In particular, the written force report submitted by the officer who deployed the pepper balls appeared to indicate some of the pepper balls were launched for the sole purpose of marking a fleeing suspect for later identification and arrest. The FRB was concerned that this justification might be insufficient for the use of a chemical irritant and/or a less-lethal projectile. In addition, current SPD policy does not directly address or provide specific guidance regarding the use of pepper ball launchers. The projectiles from such launchers used by SPD serve three functions: they cause some form of blunt force trauma, they deliver a form of irritant similar to that contained in pepper spray and they contain a colored dye that can mark the clothing or skin of a person to assist in identification by law enforcement. The absence of clear policy guidance regarding the use of pepper ball launchers and projectiles created concern on the FRB, additional work for OPA and inconvenience for the officer who was subjected to an OPA investigation.

Recommendation: It is my recommendation that SPD develop a clear policy governing the use of each less-lethal projectile and its corresponding launcher including, but not limited to pepper balls.

Thank you very much for your prompt attention to this matter of public trust and confidence in the professional conduct of the SPD and its employees. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Sincerely,

A handwritten signature in blue ink that reads "Pierce Murphy".

Pierce Murphy
Director, Office of Professional Accountability