



City of Seattle
Mayor Jenny A. Durkan

TRANSMITTAL VIA E-MAIL

June 5, 2020

Director Andrew Myerberg
Inspector General Lisa Judge
Interim Executive Director Bessie Scott
Federal Monitor Merrick Bobb
US Department of Justice, Assistant US Attorney Christina Fogg

RE: Evaluation of Crowd Management Tactics and Use of Less-Lethal Tools

Dear Director Myerberg, Inspector General Judge, Executive Director Scott, federal Monitor Bobb, and Assistant US Attorney Fogg:

On Tuesday, June 2nd, I had the opportunity to discuss with Director Myerberg and Inspector General Judge the need for immediate recommendations, as well as a systemic review to examine and evaluate the City's crowd management policy, which was previously developed with the assistance of the federal Monitor and approved by the Court. In addition, both Chief Best and I attended the Community Police Commission meeting on Wednesday, June 3rd to hear from Commissioners and community members.

During the past nearly 10 years under the Consent Decree, there has been a rigorous process of reviewing and developing SPD policy and practices that must conform to national best practices on policing with input from the federal Monitor, US Department of Justice ("DOJ") and approval by the federal court.

In light of recent events, I request your initial review of SPD's crowd management policy, including the use of all crowd control tools and strategies, in the next 30 days. I fully appreciate the review may take longer, and that you will need to determine both the scope and timeframe. I also respectfully request that the City's accountability partners, federal Monitor, and DOJ working with Public Health – Seattle & King County determine what innovative techniques, or combination of techniques, can provide a greater ability to de-escalate situations that occur with mass protests, so that the use of force can be greatly minimized and avoided.

I understand that more input from community members or accountability partners may be needed to revise and submit a final and updated policy for approval on crowd management. However, I am hopeful the initial phase of this work can be completed in the next 30 days, and that a preliminary report be provided to the Chief. This report would have a recommendation about the use of CS gas in any situation, including the circumstances, a review of SPD crowd management policy and training, including SWAT crowd management protocols, and other recommendations that are best practices for the use of

less-lethal tools for crowd management. Likewise, the Chief is also seeking recommendations from the national Center for Policing Equity. Also, if you have any immediate practical recommendations for policy changes that can be implemented immediately – similar to the recommendation on CS gas or mourning badges - please know that the Chief and I urgently want to hear them.

As you know, earlier today Chief Best announced that the Seattle Police Department is suspending the use of CS gas for at least thirty (30) days or longer depending on the status of your work. The limited exception to this will be that the SWAT Team will maintain their trained and limited ability to deploy CS gas to prevent or protect against the loss of life or to end stand-off situations like a hostage situation. Additionally, during this thirty (30) day suspension, any deployment of CS gas must be approved by the Chief or her designee.

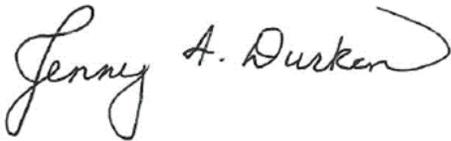
Seattle has never seen demonstrations of this size and duration, since the Consent Decree was entered. This has been a significant test of many of the policies, procedures and training implemented under the Consent Decree. The Chief and I believe it is imperative that we review and evaluate where there needs to be changes, revisions, or improvements. For example, some community members have urged that the City deploy community-based de-escalation teams during mass protests. These teams could facilitate communication between protestors and police; reduce the potential for isolated incidents of violence precipitating into any escalation or use of force. The teams could be drawn from protest organizers or related community-based organizations, who are trained and compensated for their work.

We are committed to using the robust process set forth by the Consent Decree to engage the expertise of the federal Monitor and DOJ, but this also gives the independent accountability entities (CPC, OPA and OIG) an opportunity to fulfill their oversight functions developed under the Consent Decree. The City anticipates submitting a final report and any proposed revisions based on your recommendations to Judge Robart for his review and approval.

For so many reasons, the most important being community confidence, the urgency of this review is critical. I know this has been a very challenging time and I appreciate all your efforts to respond to these recent events. Your knowledge, expertise, community ties, and diverse roles are all needed now to assist the City, to ensure public trust and confidence. I welcome your recommendations and input, and I have informed the City's accountability partners that they will have the resources needed to do this work.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is fluid and cursive, with the first name "Jenny" being the most prominent part.

Jenny A. Durkan
Mayor
City of Seattle

Cc: Seattle Chief of Police Carmen Best
City Attorney Pete Holmes
Public Health- Seattle & King County, Director Patty Hayes