

SPD Responses to Council Questions

Preface

While Seattle has a long and proud history of demonstrations and protests, the events over the past three weeks following the murder of George Floyd by a Minneapolis Police Officer have been among the most challenging, yet transformative, moments in generations – not only here, but in cities across the nation. Further, while the Seattle Police Department is well-practiced in facilitating First Amendment speech and assembly – as it does over 300 times each year, pursuant to policies developed in collaboration with the Department of Justice, the Monitoring Team, and the Community Police Commission, approved by the Federal Court, and held up as exemplars for policing across the nation – it is clear that it is time to revisit those policies and practices. But to be clear: to infer from this clarity that prior policies were insufficient or deficient, or that reform has fallen short, would be to miss the point of the Consent Decree altogether. To the contrary, what we are seeing now is *exactly* the iterative process of critical review and reform that the City and the DOJ sought to engrain in practice through the Consent Decree – as experience should always drive reform, policies and processes that were expected, lawful, and considered best practices should be reconsidered to ensure alignment with community expectations. SPD stands ready to engage in that conversation.

It is important to keep in mind two clear points. First, as the Monitor has previously emphasized, changes to policies must be based upon and informed by full, complete, and critical investigation, review, and stakeholder input; anything less would be short-sighted and irresponsible. Second, there is a codified process set up, through the Accountability Ordinance, for individual investigations by the Office of Police Accountability and systemic analysis by the Office of the Inspector General. While SPD fully acknowledges that this is a watershed moment for re-envisioning the role that police play in American society altogether, many of the questions submitted to SPD here for quick response call for SPD to offer facts and determinations long before any investigations or reviews are complete; transparency and dialogue are critically important, but we must also remain mindful of the principles of careful, critical, and fully informed analysis established through the Consent Decree and Accountability Ordinance, and we urge Council, likewise, not to get ahead of the facts, stakeholders, and processes it established.

That being said, SPD is committed to providing, where it can, answers as complete as possible at this time, in form that does not undercut either the internal or independent accountability process. SPD remains committed to full transparency and continuous improvement and innovation, and believes that together, our entire community, can critically assess the events surrounding the May 30th demonstrations downtown, as well as the Capitol Hill/East Precinct demonstrations. We will learn from these events and begin the work of creating a new approach to community-driven safety.

Questions/Responses

1. What prompted SPD to begin using flashbangs¹ and tear gas/pepper spray against protestors on Saturday, May 30? What goals [was] SPD trying to achieve?
 - a. Under the court-approved [crowd management](#) policy, blast balls and OC spray may be authorized by an Incident Commander to disperse crowds. Immediate life safety situations – unplanned, dynamic situations where immediate action is necessary to protect the officers’ and/or the public’s safety – allow a lieutenant to authorize their use. The policy also notes that officers may make individual decisions to deploy OC spray or blast balls to defend themselves, defend someone else, or prevent significant property destruction.
 - b. As noted in [SMC 12A.12.020](#), upon determining that there are acts or conduct within a group of four or more persons that create a substantial risk of causing injury to any person or substantial harm to property, the Incident Commander may order that the crowd be dispersed.
 - c. At 1:58 PM on May 30th, outside the SPD Headquarters at 610 Fifth Avenue, while officers were managing a crowd of over 1,000 individuals, some individuals in the crowd began throwing bottles and rocks at officers. Around 2:38 PM on May 30th, at the SPD Headquarters, it was declared an unlawful assembly. During this time officers deployed crowd control tools. ([timeline](#))²
 - d. Any assessment of whether these decisions were appropriate or in full alignment with policy will be handled by the on-going reviews of all the actions on that and subsequent days by the SPD, OPA, the OIG, and any other independent reviews.
 - e. Later, as cars were set on fire, posing an immediate threat to demonstrators, residents of the area and first responders, SPD sought to secure the scene in order to allow SFD to access the fires to put them out. Having demonstrators immediately leave the Westlake area was the primary objective in those situations.

2. What actions did SPD take prior to each use of flash bangs and tear gas to achieve those goals?
 - a. Dispersal orders were given at 3:10 PM via loudspeaker after receiving approval from the Incident Commander.

¹ Some of the questions presented to SPD misrefer or conflate tools. For example, there is a difference between blast balls and flashbangs. SPD understands the Inspector General has provided Council with clarification as to what tools are available and were used; SPD accordingly responds to the spirit of the question without endorsing conclusions or supposition within the questions themselves.

² The timeline prepared for public transparency is referred to throughout this document as it is the best available accumulation of facts and events that exists at this time. However, as is emphasized in the timeline itself, this will not be the source of record and is absolutely subject to change as more information is gathered through the various review processes.

- b. Reviews of any orders to leave, or crowd control techniques used before the deployment of crowd control tools, will be assessed by the SPD, OPA, OIG, and others.
3. Were verbal orders given to protestors before each use of flashbangs and tear gas? If not; why was it not feasible to do so?
 - a. See above answer referencing SMC 12A.12.020, the court-approved crowd management policy, and [SPD Policy 8.300](#). A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.
4. Did police use pepper spray on any protestors without warning on Saturday, May 30?
 - a. SPD is still in the process of investigating the facts related to this question. In addition, OPA, and OIG are conducting independent investigation and review.
5. What criteria did police use to decide on using pepper spray on an individual?
 - a. Please see the responses provided in Question #1 and Question #2
6. Were there undercover police in the crowd using mace or pepper spray on protestors?
 - a. Not to SPD's knowledge at this time.
7. Why was the Mayor's emergency curfew order implemented with essentially no advance notice on Saturday, May 30?
 - a. The City has made publicly available a consolidated SPD/SFD [timeline](#) of events, showing how quickly events escalated and the geographical spread of such events. For example, at approximately 3:50 p.m., SPD received reports of an SPD patrol car being vandalized and set on fire. By 4:30 p.m., there were reports of Molotov cocktails being thrown at SPD, a rifle stolen from a patrol car, SPD HQ being doused in accelerants, and a crowd of approximately 1,000 entering I-5 on foot, creating a risk of harm to themselves and the traveling public. Officers were primarily attempting to keep more hostile contingents from converging with the peaceful protest located in Westlake Park, and attempting to control the area around the vehicle fires to allow SFD to access the block and address the car fires, so as to avoid structure fires that would pose an exponentially increased threat to the lives of both the demonstrators, residents, and first responders in the area. The primary public safety mission became focused on encouraging individuals to leave the area. While the order went into effect to encourage individuals to leave the area, SPD did not immediately begin enforcement, as the focus was on responding to active violence and looting, and no arrests or fines were imposed

based on a curfew violation on Saturday, May 30.

8. How and when were peaceful protestors in the downtown area informed of the curfew?
 - a. AlertSeattle messages, Wireless Emergency Alerts, and news media were used to push out the message.

9. Why were bus service, light rail stations, and ferries shut down when there were thousands of people needing to leave the downtown area?
 - a. The Executive had earlier ordered the closing of the Westlake Center Station due to the crowd size in the park exceeding the capacity to safely manage it given the increasing number of violent incidents occurring in and around the main demonstration.
 - b. King County Metro, Sound Transit, and Washington State Ferries independently chose to suspend services, not the City. The public safety danger to operating transit service downtown was evidenced by the fact that two King County Metro vehicles were set on fire.
 - c. For Sound Transit, the Pioneer Square station was still open for use. King County Metro was already in limited service due to Covid-19. Metro also never stopped their service, but did have reroutes.

10. How did SPD and the city assist peaceful protestors in leaving downtown and getting home safely?
 - a. SPD's focus was on responding to escalating events downtown and restoring peace, which would ensure protestors could leave downtown and get home safely.
 - b. The SDOT Traffic Operations Center (TOC) was also tweeting routinely to provide situational awareness on street closures.

11. Did Chief Best, Chief Scoggins, and other law enforcement leaders consider a gesture of participating in Saturday, May 30th's events to set the tone of solidarity?
 - a. Chief Best was planning on participating in Saturday's events until the events of Friday, May 29th, made it obvious there would be a strong contingent of individuals intent on causing damage. By 3:00 pm, the demonstrations were no longer peaceful. In the intervening days Chief Best routinely visited the protest line at 11th and Pine, and participated in the large Black Lives Matter march on June 12th.

12. Have any officers been removed from duty pending investigations into their actions at protests on Saturday, May 30?

- a. No. Officers are not, as a practical matter, removed from duty based on initiated investigations. There are exceptions to this, such as officer involved shootings and egregious violations of trust.
13. Why were AK-15s brought to the demonstration on Saturday, May 30?
- a. For clarity, they are AR-15 patrol rifles. All patrol officers who are “rifle qualified” and assigned a rifle are required to have their rifle. Other crime around the city does not stop when there is a demonstration. Officers present and assisting with crowd control at demonstrations may need to respond immediately to any number of incident types (outside the demonstration context) that would require long range firearms, which are more accurate, for the protection of community safety (for example, police received reports of a man armed with a rifle on the Yesler bridge during Saturday’s protest.). As with all types of deadly force, officers are only authorized to use firearms in circumstances where a threat of death or serious physical injury to the officer or others is imminent.
14. Under what conditions are officers authorized to use AK-15s during demonstrations?
- a. AR-15 patrol rifles are not authorized during demonstrations.
15. Why was a demonstration on Monday evening, June 1, designated as a riot?
- a. Radio traffic and timelines show that a field commander stated it was an unlawful assembly and described it as a riot. This was based on the actions of the crowd, such as throwing rocks (captured on news video).
16. What is the practical effect of designating a demonstration as a riot?
- a. Rioting is the behavior outlined in [RCW 9A.84.010](#) as criminal mischief. It is a non-protected activity; where non-protected activity crosses the line into violence, law enforcement action is authorized.
17. How many people have been arrested because of their participation or actions during a protest since Friday, May 29?
- a. No one has been arrested because of their participation in a protest. Records currently indicate that 100 individuals have been arrested based upon probable cause of criminal actions connected to protests since May 29th (through June 8th).
18. How many are currently detained?

- a. SPD does not maintain detention data. The King County Department of Adult and Juvenile Detention would have this data.

19. How many have been arrested for curfew violations?

- a. A review of booking charges indicates two individuals were booked on failure to obey the emergency order, specifically the curfew portion, after multiple commands to leave the area, while they were engaging in disturbances. Additional charges were added to the bookings based on alleged possession of unlawful weapons.

20. What is the breakdown of charges for the other arrests?

- a. 40 (40%) were arrested on Burglary charges; 13 (13%) were arrested for Assault on Officer; 18 (18%) were arrested for Obstruction. There were a variety of other arrests for assault, arson, multiple charges, and failure to disperse (8).

21. What is the rationale to shift protests to different neighborhoods?

- a. This question is unclear. SPD does not decide where First Amendment demonstrations occur. If the question is, rather, why does SPD sometimes allow people to march into a different neighborhood, SPD often has conversations with organizers (where identified) about where they wish to go. SPD seeks to facilitate these wishes unless there are countervailing public safety concerns.

22. What resources are provided to those communities before and after?

- a. Again, this is an unclear question. Of the over 300 events that SPD facilitates annually, it is rare that protests cause damage. Additionally, absent a permit application, SPD has limited information as to the nature, scope, and intent of protest (or counterprotest) organizers or participants.
- b. Following recent events, the City has invested heavily in helping to repair damage, clean-up, and assist in getting customers back to local restaurants and stores.

23. What advance and real time communication is there with those businesses, residents, and the workers in the area?

- a. As noted above, SPD only knows exactly where a protest will be/go if a permit is filed. In other situations, SPD communicates with the organizers and attempts to allow free exercise of rights where they want to go. When the information is known, SPD usually works with other city agencies to alert local community

members of planned activities.

24. What other law enforcement agencies have been deployed in support of SPD during the protests since May 29?
- a. Given the rapid evolution of activities on May 30th, SPD put out a region-wide call for mutual aid. Many of the responses were from multi-jurisdictional teams, so SPD is still reviewing, as part of its in-progress After Action Report, which localities sent officers. We do know that the Washington State Patrol, King County Sheriff's Office, Bellevue Police Department, Redmond Police Department, Port of Seattle Police Department, North Sound Metro SWAT, and the Valley Cities Civil Disturbance Unit were all represented.
25. How does the City achieve accountability for the actions of other law enforcement agencies?
- a. All mutual aid partners must abide by Seattle PD policies. Most routine mutual aid partners participate in trainings with the SPD. All mutual aid teams report into a SPD Lieutenant.

Questions from Councilmember Herbold:

26. How does SPD interpret the words "if feasible" in the context of SPD Manual Policy 14.090, Crowd Management, regarding orders to disperse, prior to authorizing use of blast balls and OC spray?
- a. Feasible is operationally understood as there being time and space to warn and/or issue an order to disperse before harm to life or property occurs.
27. How has SPD responded to recommendations of the CPC in 2015 and 2016 regarding the use of blast balls?
- a. Consistent with the CPC's role under the MOU that was filed concurrently with the Consent Decree and pursuant to CPC's 2015 request, SPD met with CPC to review policy revisions and to discuss CPC concerns; ultimately, most of the CPC's comments/edits to the policy were incorporated into the final version that was approved by the Court. These tools are designed to create space, a key element in best practices for de-escalation – time, distance, and shielding. Concerning CPC's recommended that SPD better research crowd management tools, SPD commissioned the Center for Policing Equity to review the Department's entire crowd management approach. Additionally, in 2016, Chief Kathleen O'Toole and Chief Operating Officer Brian Maxey briefed the full City Council on the work around blast balls, specifically in response to CPC and others' calls to end the use of blast balls. [Chief O'Toole](#) stated it was SPD's preference to use none of these tools, but with no feasible alternatives to disperse

crowds when circumstances require lesser means, SPD would not commit to removing these tools from its less-lethal options.

28. Why has the ban against recording demonstrations been used to justify not turning on body cameras, when the policy allows officers to turn on cameras when ordered by supervisors at the squad level and/or the incident commander to record because an imminent risk to public safety or large-scale property destruction appears likely?
 - a. Body cameras were turned on when officers anticipated criminal behavior or engaging in law enforcement activity. There were segments of the day when there was no clear anticipation of either condition. Given the clear demands for extensive engagement about changing this policy\law, SPD was correctly erring on the side of caution to not record events that were not clearly criminal, in alignment with prohibitions set by the Intelligence Ordinance. During the development of the BWC policy, the City, the ACLU, the CPC, and the many community groups that engaged during the process, were all aligned that SPD should not record during free speech events, and SPD has worked hard to strike that balance. As OPA has noted, however, there are hundreds - if not thousands - of hours of body-worn video available for review, so the initial premise that recording did not happen is inaccurate.

29. Has SPD worked to identify and work with peacekeepers in demonstrations since May 29 to accomplish mutual goals?
 - a. Yes, there was and remains on-going outreach.

30. If so, when/on what date did this work begin?
 - a. These conversations were occurring between incident commanders and protestors throughout the days of demonstrations.

31. The National Guard announced its assistance was unarmed; people reported that they were armed, including eyewitness testimony from a participant in protests over the May 29-31 weekend, given at the June 3rd Public Safety & Human Services committee meeting.
 - a. The National Guard were asked to appear unarmed, and SPD is not presently aware of verified reports to the contrary. National Guard members were equipped shields and batons, for personal safety.

32. Can you explain if, when, and how there was a change in decision for the National Guard to be armed?

- a. SPD has no verified information, at this time, to suggest that the National Guard was armed.
33. There have been reports of unmarked vans of personnel in black unmarked uniforms playing a crowd control role. What do you know about the identity of these forces from these witness accounts? In Washington DC members of the Federal Bureau of Prisons were identified, despite operating without any identification.
- a. SPD is not aware of any officers operating without clear identification. SPD does not have such units and it would be against policy. SPD is not aware of any local departments that would have such units.
34. There are reports of the important work of volunteer medics being interrupted and lives put at risk due to use of flashbangs in their vicinity, and possibly targeting medics on Sunday, June 7 ([reference](#)).
- a. SPD policy prohibits targeting individuals not engaged in violent activity.
 - b. All use of force allegations are under investigation by the OPA and OIG.
35. What steps does SPD take to identify, accommodate, and support medics at protests?
- a. At every demonstration, SPD attempts to engage leaders about ground rules, their requests, and the requests of SPD. However, there are some events where SPD commanders in the field are unable to gain insight into the location, use, staging, etc., of volunteer medics.
36. What guidance or information about volunteer medics, if any, has SPD leadership issued to officers working at protests?
- a. There is no specific guidance. All SPD officers are trained and directed to facilitate free speech and follow all policies relating to demonstration management and use of force.
37. Regarding the reference link above, can SPD explain whether or not they were aware of the medic/first aid center?
- a. As noted above, there are some events where SPD commanders in the field are unable to gain insight into the location, use, staging, etc., of volunteer medics.
38. Has SPD taken any steps to investigate the incident referenced above?

- a. Consistent with policy and law, SPD is referring all complaints to OPA for its review.
39. Sunday, June 7, an armed man, identified in media reports as Nikolas Fernandez, was stopped from driving into the crowd of demonstrators by actions taken by protestors themselves, including a Black man who suffered a gunshot to his shoulder while attempting to stop the car. Fernandez then escaped into the crowd while still brandishing his gun against protestors. He was detained without violence. What actions, if any, did SPD take to protect protestors against this assailant?
- a. SPD had no notice of any potentially criminal behavior by this individual until he drove into the crowd. SPD was not able to reach the area where the car stopped due to the rapid escalation of this incident and the large number of protestors located between the officers and that area.
40. Stop the car before it reached protestors?
- a. See above response.
41. Stop the assailant from reaching the protestors when he left the car?
- a. See above response.
42. Disarm the assailant before he reached the protestors?
- a. See above response.
43. [This video](#) appears to show the assailant being peacefully taken into custody while SPD officers point weapons at protestors. Why were observers threatened with weapons while the assailant, who had just shot someone, was not?
- a. The assailant was not posing an imminent risk of harm to officers or others at the time he surrendered to custody. This incident remains under investigation.
44. It has been reported that Fernandez's brother is an officer at the SPD East Precinct. Is this correct?
- a. That is SPD's understanding as well.
45. Was he recognized by SPD officers prior to being detained?
- a. At this stage in the investigation, SPD does not know if anyone on the line, which may not have included any East Precinct officers at that time, recognized him.

46. Last Friday June 5th, the Mayor and Chief Best announced a 30-day ban on use of teargas. Nevertheless, on Sunday June 7th, multiple first-hand accounts agree that teargas and/or other chemical weapons were used against protestors on Capitol Hill. Was teargas used against protestors on Sunday June 7th?
- a. Yes. under the 30-day ban, the use was restricted to SWAT use in clear life safety circumstances and with the Chief's approval. This is what occurred that night.
47. If so, was this use authorized by Chief Best?
- a. Yes.
48. If so, what circumstances prompted this authorization despite the announced ban?
- a. In summary, earlier that night, the above-referenced individual drove in the crowd and shot someone. Later, protestors were advancing on officers, crossing the fencing, throwing projectiles, and an additional individual was spotted in the crowd with a firearm. The specific details of the timeline of the decision will be covered in the OPA investigation. Generally, the life safety situation was relayed to the Chief who agreed with the assessment and authorized the use.
49. What were/are the details of the authorization?
- a. The specific details of the timeline of the decision will be covered in the OPA investigation. Generally, the life safety situation was relayed to the Chief who agreed with the assessment and authorized the use.
50. If not, are the officers who used teargas being held accountable for violating the ban? What form is that accountability taking?
- a. They were authorized as required in policy/directive.
51. If teargas was not used against protestors on Sunday June 7, what chemical agents were used against protestors that night?
- a. See responses above.
52. Teargas has been used for multiple nights in the Capitol Hill neighborhood. Teargas can have a lasting effect on property if not cleaned properly. What is SPD/the City doing to notify or provide a remedy to the residents that live on Capitol Hill?
- a. SPD understands that some City resources have been made available but defers to those City departments for details.

53. There are [reports](#) that SPD officers who were reportedly assaulted, were several days later participating in the arrest of the person who allegedly committed the assault. What is SPD policy about officers participating in the arrest when the arrest comes several days after the incident?
- a. SPD has not determined if any involved officers were the alleged victims. It often is not operationally possible to determine if anyone responding to an incident has a connection to the subject. SPD Policy restrictions require that if an officer had previously been a victim of the subject, that officer cannot be the officer who writes or files the report.
54. The officer reportedly hit by the car reported that he was hit with “significant force,” which he said left him with ongoing back pain. If this was the case, why was he participating in the arrest instead of being on leave to recover?
- a. SPD has no information that this officer was unable to continue his duties.
55. This report indicates that the body camera was on, during the time of this incident it was SPD policy to have the body camera on only when expecting an incident. What incident was expected that warranted turning on the body camera?
- a. SPD policy requires officers to have body worn cameras on when expecting to take law enforcement action. Attempting to effect an arrest is law enforcement action. To the extent there are concerns about recording, or not recording, any particular incident, SPD understands that OPA will be reviewing all complaints relating to the body worn policy.

Questions from Councilmember Morales:

Please provide:

56. An inventory of the less-than-lethal expendable (one-time use) weapons that were used in the demonstrations
- a. This will not be known until the After Action Report and any investigations are completed.
57. The per-unit cost of each such weapons (e.g. how much does one canister of tear gas cost)
- a. The below information was provided in the budget hearing:

	2017	2018	2019
Tactical Equipment/Riot Gear	\$109,444	\$67,649	\$191,959
Other Less-than-Lethal Weapons	\$5,834	\$55,469	\$19,063
Tear Gas/Pepper Spray/Chemical Agents	\$17,737	\$1,060	\$9,810
Flash Bangs	\$3,967		\$2,299
Grand Total	\$136,982	\$124,178	\$223,131

58. Identification of where these weapons are sourced from.

- a. This information will require additional time to track down.

59. An accounting of how much SPD/SFD spends on riot gear, tear gas, rubber bullets, flash bombs, etc.

- a. See response above.

60. The amount of the existing stockpile.

- a. For operational security reasons, SPD declines to disclose current inventories.

61. Also, how many hours of overtime have been used and what is the cost of that overtime?

- a. Information regarding overtime is being provided by SPD as part of Council's budget inquiries.

Questions from Council President González:

CURFEW

62. What specific instances of continued violence led you to extend the curfews to multiple days?

- a. Following the violence, destruction, and crime on the night of Saturday, May 30th, the curfew was extended on Sunday given real concerns of continued unrest. There were additional confrontations Sunday night, which led to the extension of the curfew for the night of Monday, June 1st. On the nights of Monday the 1st and Tuesday the 2nd, there were continued incidents of projectiles being thrown at officers. On June 3rd, the City made the decision to see if cancelling the curfew would make a difference as it had not changed the scenario so far.

63. How do these curfews ensure safety? By the Mayor's own assertion (during a Monday June 1 press conference), no one had been arrested at that point for breaking curfew. What was the purpose of these EO's other than to give police just cause to make an arrest without accusation of another crime?
- a. The curfew assisted in decreasing the need for officers to respond to other situations, and limited the chance for other individuals to be victimized by violent individuals during protests.
64. Do the Mayor and the Police Chief realize that the imposition of a curfew is perceived by protestors as an escalation by the City/Police Department? It feels like the expressions of an oppressive system, the precise thing that demonstrators are demanding we address.
- a. The City heavily weighed the impacts on civil liberties against the dangers to individuals remaining outside while unruly and sometimes violent protests were occurring. The hours were assessed and limited each day.

GEOGRAPHIC IMPACTS

65. Members of the CID have expressed frustration at crowd management by SPD covering downtown and the financial district but stopping at Jackson, leaving the neighborhood vulnerable and exacerbating the impact of the pandemic and racial bias against the CID. How are crowd control routes determined, and how are crowds risk assessed?
- a. See response to Question #21 regarding crowd control routes.
66. What is popping up as a question in the CID is more about 5/29 - the Friday demonstration - and how was it that people were pushed into the CID. We know that in the past, people were driven towards Capitol Hill. We also understand that the plans are to drive people towards SODO. We hear that there was a standoff at 5th and Main, then the crowd went along Jackson and caused damage. What is the strategy in those types of situations, what was the thinking on that, and how much did SPD know about the potential for this on Friday May 29? We appreciate the hard work of city staff on Sunday May 31, but we still want to understand the decision making - and whether this is what we should anticipate in the future.
- a. One primary consideration is not blocking access to Harborview, the region's trauma center. If a crowd is downtown and becomes unmanageable – directing them to the downtown core increases the number of individuals who will be in an area given the heavy crowds there already. SPD generally attempts to allow peaceful demonstrations to go where they want to go, so long as it is not placing anyone in danger. The events on Friday 5/29 began in the CID, crowds were not ushered there by SPD, and SPD had limited advance information about the planned events for that evening.

DEPLOYMENT OF OFFICERS

67. How many police officers or law enforcement officers are out on the streets? When?
- a. SPD routinely provides patrol staffing data to the council. There are routine precinct/watch-level staffing models. During consistently evolving events the number of officers deployed is dynamic and based on conditions and officers available.
68. From which areas? Why do you feel that these law enforcement officers are insufficient to protect the places you are most concerned about?
- a. This question is unclear. SPD has one of the lower per-capita officer counts of major cities. Most patrol officer capacity is occupied responding to 911 calls for service. Additionally, modern responses that require multiple officers to de-escalate situations have changed staffing requirements, as it takes several officers to respond to what once would have been a single officer.
69. Your original statements were that the National Guard were there to protect critical infrastructure. What infrastructure is that? Why are they forming lines behind police as part of a riot line?
- a. They were used to assist in protecting the downtown core after countless buildings had their windows broken and were looted. They then were used to help protect police precincts and SPD Headquarters – all city facilities that have been identified by federal resources as high-likelihood targets for vandalism and/or arson.
70. What are you doing to instruct officers about how to behave towards protestors? What steps are you taking to practice de-escalation?
- a. All SPD officers and mutual aid partners who engage in team training with SPD, have been trained in the court-approved crowd management and de-escalation policies and practices. All SPD training and policy prioritizes de-escalation.

TACTICS AND WEAPONS DEPLOYMENT

71. Chief Best keeps referencing those who were “there for the wrong reasons” and committing acts of violence as the justification for the use of force against all demonstrators. Why then is the approach by the PD to treat all demonstrators the same, and engage them with force?
- a. There are attempts by officers to isolate individuals engaged in violent or criminal conduct and even efforts to arrest when feasible. Sometimes it is not safe or

feasible to take individualized action against one or a few actors if it poses a danger to other demonstrators and law enforcement personnel attempting the arrest. As such, if instances of violence and criminal conduct in a crowd situation occur, then the crowd control measures detailed in the SPD manual are followed, including the use of dispersal tools and other less-lethal force options as needed.

72. The Mayor and Chief seem to be easily bifurcating these two groups (good/peaceful protesters vs bad/violent protestors), so why do we lack a bifurcated response by police? On Saturday May 30, there was even a physical distinction between the two groups, according to the Exec and multiple reports.

- a. On May 30th, all of the groups were in close proximity, given the relatively small space and large size of the overall crowd. Please see response to Question #71 regarding the difficulty of taking individualized action.

73. So why were the “peaceful protestors” forcibly dispersed?

- a. There are no tactics or tools that allow for the specific dispersal of a large number of bad actors in a large crowd of peaceful demonstrators. It is not an option to allow the bad actors to injure officers, potentially injure peaceful demonstrators, and destroy/loot property under the cover of a larger group.

74. Have you considered that the very sight of militarized police using tear gas, rubber bullets and flash bangs are part of the entire structural problem that has traumatized Black people and people of color over the years?

- a. SPD’s goal is to not use any of these tools. SPD facilitates hundreds of demonstrations and protests where none of these are used. However, when a large number of individuals are attacking officers, destroying private property, refusing lawful orders, setting fires, and advancing past police barriers, there currently are no other less-lethal options that do not require higher levels of direct force. It is also our responsibility as an employer to protect officers from injury.

75. Have you considered that demonstrations of “might” and “domination” are exactly what we DON’T need if we are to transform the country?

- a. In ideal circumstances, there would never be need for a show of force. However, SPD’s goals following the events of May 30th were immediate protection of life and property.

76. Are you aware that tear gas is a substance that has been banned in warfare according to the Geneva Protocol? Why are you using it here?

- a. Its use is permitted for crowd management by law enforcement agencies but is now restricted here, as SPD will of course abide by any laws in place now or in the future.
77. Are you aware that the CPC recommended not utilizing flash bangs anymore? Why are you continuing to use them, even if the full recommendation was not accepted?
- a. Please see the response provided to Question #27.
78. A video from Tuesday night June 2, circulated on Twitter of a member of Washington State Troopers saying “Don’t kill them, but hit them hard.” What agreements/MOUs does the Police Department have, particularly when it comes to standards for use of force and demonstration control tactics, etc., with partner entities like National Guard, other law enforcement agencies, and other federal partners?
- a. As noted earlier, mutual aid partners are required to abide by SPD policies. The Washington State Patrol issued a statement in response to the officer’s words ([Link](#)).
79. Why aren't officers instructed to put more space between themselves and demonstrators as a form of de-escalation? Officers are understandably frustrated and tense, and we've witnessed minor interactions set off a chain of escalating events that result in major violence. Why don't we instruct officers to create distance from protesters and fall back if necessary in order to reduce the tension and deescalate?
- a. Officers consistently tried to create space. This was the intent of the fencing and other barriers. The protestors routinely advanced on the officers, moving barriers and/or crossing barriers.
80. There is a video showing SPD Officers on the roof top of a privately owned apartment building to the west of Cal Anderson Park on June 2. According to those residents, the SPD was “kicking people off their own roof in order to stop recording of protest at Cal Anderson Park.” Are you aware of this incident? Was there a warrant? What is the tactical reason for entering into a private building? What legal authority provides police officers the right to order residents off their private property? (Source: <https://twitter.com/lovebarofficial/status/1268008605782962177>)
- a. These are all questions that will be answered in the After Action and any investigations.

COMMUNICATIONS AND COMMUNITY OUTREACH

81. What alternative means of communications with protestors are being utilized by Chief Best and the Mayor to show that we in Seattle are committed to transformation here at home in terms of our systems of law enforcement use and accountability?
- a. The Mayor and the Chief are well-known, respected, and connected community members. Of course they are working every relationship to engage in meaningful communication with protestors. As has been noted by the protestors, and evidence on social media, there is no clear leadership of many of the groups. This has complicated communication and engagement.

Questions from Councilmember Mosqueda:

82. Will you stop tear gassing people given the harm to people peacefully protesting in the street and the harm done to the residents in the dense neighborhood (especially during a deadly pandemic that affects the lungs)?
- a. SPD restricted the use of tear gas except for in life safety and stand-off situations, and with the approval of the Chief or designee. SPD will of course abide by any laws in place now or in the future.
83. Will you stop using flash bangs on peaceful protesters - given these devices hit people in the face and body, including reporters who were covering the protests?
- a. SPD has previously presented to Council on the need for and situations in which blast balls are needed and the low injury rate compared to other tools. SPD will of course abide by any laws in place now or in the future.
84. Will you stop deploying rubber bullets - given the city maintains direction and control over the state and federal officers who are in Seattle?
- a. SPD does not use rubber bullets. It is our assumption people are concluding the “blue nose” impact device – a court approved less-lethal tool, is a rubber bullet. It is unclear what is meant by “the city maintains direction and control over the state and federal officers who are in Seattle,” as those levels of government have independent jurisdiction. SPD will of course abide by any laws in place now or in the future.
85. Will you stop arresting people - given we are in the middle of a deadly public health pandemic that is killing people in congregate settings and we’ve tried to get as many people as possible out of these settings?
- a. This question is unclear. In a demonstration setting, SPD consistently attempts to use the lowest level of enforcement necessary to ensure public safety and protect property.

86. Will you take immediate action against the officers who we have seen on camera using excessive force (kneeling on people, punching people, macing children) - given other cities like Atlanta, Denver, Fort Lauderdale have taken action and suspended or fired officers for actions recorded on camera?
- a. Investigations are underway and necessary disciplinary decisions will be made following OPA investigation and review. SPD remains bound both by contract, law, and the structures and processes established under the Consent Decree.
87. Will you immediately de-escalate your strategies - given part of the reason people continue to fill the street is due to the outrage and objection to how protesters have been treated over the last week/years?
- a. Please see the response to Question #70.
88. Will you do all of the above to show immediately that there will be actual change in police tactics - coupled with budget changes to reinvest in community driven strategies to create - given that immediate change can quell protests in the streets when substantial action is taken (1968 Civil Rights Act)?
- a. We have consistently said we will meet peace with peace. We engaged in a true exercise of trust and de-escalation, at the demand to march and removed the barriers.
89. Will you remove the tape over the badge numbers - given it quite literally can be done overnight counter to what the Mayor said in her press briefing on June 3?
- a. SPD changed the policy to honor officers who have been killed but ensure the number is visible. We also are working to ensure, long-term, there is no issue here. Both SPD policy and SMC 3.28.130, require display of the officer's name, and SPD is unaware of any allegations that any officer violated this policy or law. Once this issue was flagged as a community concern, the Mayor and Chief changed the policy on mourning bands to ensure the badge number remained visible and Council recently codified the requirement to display badge numbers into local law, and SPD will fully abide by this law.

Questions from Councilmember Strauss:

90. Can you provide information for why and how we have put a curfew in place, what purpose it serves, and how effective has it been?
- a. Please see the responses to Questions #62-64.

91. What metrics are being utilized to assess the effectiveness of the curfew and what outcome would result in a lifting of the curfew?
- a. Please see the responses to Questions #62-64.
92. I agree with Chief Best, we can't allow for acts of aggression made against the public or police officers - no one should be on the receiving end of rocks, bottles, or feces. With that understanding, it is clear to me from the last two days (not the last week, the last two days, June 1 and 2) that military grade weapons are not a proportional response to rocks, bottles, or feces. Military grade weapons do not assist in de-escalation Will you commit that tear gas and flash bang grenades will not be used this evening? What do you believe needs to occur for the use of gas and grenades to end?
- a. Please see the responses to Questions #27, #74, #75, and #76. As always, SPD remains welcoming of any reasonable alternatives.
93. We saw the additional 6 ft spacing from barricade lines de-escalated the scene between Monday June 1st and Tuesday June 2nd. What additional steps are being taken to further de-escalate the situation?
- a. As you know now, SPD next exercised trust and de-escalation by removing the barriers. This was responded to by a repositioning of barriers by the protestors and the occupying of the area.
94. I agree with Chief Best about social media not providing the full picture of any given situation. I would like to join you and your officers this evening so that I can have a first-hand, unfiltered experience of the protests. What time and place should I join you at your incident command location?
- a. SPD was prepared to facilitate this request until the request was withdrawn.

Questions from Councilmember Pedersen:

95. Can our evolving system of accountability – which includes the Community Police Commission, the Office of Inspector General, and the Office of Police Accountability -- make sure any police officers who engaged in misconduct (including excessive force) face justice?
- a. That is exactly the purpose of the accountability structures established under the consent decree. SPD will cooperate fully with all of these investigations.
96. Can the federal consent decree remain in place for longer [City Attorney Pete Holmes has since withdrawn the City's motion]?

- a. As you noted, City Attorney Holmes did withdraw the City's motion to end the sustainment period.
97. Will the new labor contract with our police officers finally incorporate additional police reforms?
- a. That is the responsibility of city labor leaders, including Council, and the police union leadership.
98. Will city leaders thoroughly re-examine how we allocate our city budget dollars to ensure we do no further harm and make sure public safety dollars are used effectively?
- a. SPD welcomes a full and critical review of how all city funds are used to promote community safety and justice.

I had a few questions from my constituents for the Police Chief today and then some facts I'd like the Police Dept to get back to us on:

99. COMMITMENT TO INVESTIGATIONS: Chief Best, do we have your personal commitment to fully cooperate with all these investigations that are likely to occur?
- a. Chief Best has clearly stated that SPD is committed to open and complete participation in all investigations.
100. BADGES: Can you this week instruct those police officers who respectfully use dark tape to mourn other officers who have fallen to do so in a manner that does not cover up their name and badge number?
- a. SPD issued a directive to change the manner in which the mourning band is worn. Council also has codified this policy change. See response to Question #89.
101. CURFEW: Can you explain the rationale for the curfews?
- a. Please see the responses to Questions #7, #62, #63, and #64.
102. BODY CAMERAS: Why were body cameras turned off? (The Chief answered this, but I'd like follow-up on how we can resolve this sooner.)
- a. The Intelligence Ordinance does not allow for the recording of peaceful First Amendment demonstrations. The Mayor issued an Executive Order directing SPD to now have them on during a demonstration.

103.RIFLES: How were police rifles stolen?

- a. SPD and accountability partners are investigating how this happened.

Other questions from my District 4 constituents:

104.How many police officers have been deployed since Saturday, May 30 to the various protests?

- a. The full After Action report will determine this. The situations were so dynamic, with mutual aid, that there is no quick assessment.

105.How many flashbangs have been used since Friday May 29?

- a. The full After Action report and the OPA/OIG investigations will confirm these numbers.

106.How many people have been injured, both protestors and police officers, since Friday May 29?

- a. SPD does not track demonstrator injuries. In conversations with the Seattle Fire Department, they too are not aware of a full count given the field medic model the demonstrators were using.
- b. SPD is aware of at least 31 officers who have been injured.

107.How many arrests have been made since Friday May 29 and what were the charges? (Chief said 55, but through what date?)

- a. Please see the responses to Questions #17, #18, #19, and #20.

108.Are there still protestors in jail now and how many are in jail who did NOT destroy property or who did NOT physically harm another person?

- a. SPD does not track detention statistics. The King County Department of Adult and Juvenile Detention, or the City/King County Attorneys' Offices may be able to provide these data.