



January 14, 2021

Interim Chief Adrian Diaz
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Diaz:

Please see the below Management Action Recommendation.

Case Number

- 2020OPA-0419 / 2021COMP-0005

Topic

- Use of Force – Blast Balls

Summary

- The complainant alleged SPD officers deployed blast balls at a peaceful crowd.

Analysis

- A Lieutenant authorized the use of blast balls to disperse a crowd that was throwing projectiles and had injured officers. The complainant was among a group of protesters kneeling in front of officers. Body Worn Video and video from the complainant showed the crowd was largely responding to officers' dispersal orders, and there was no evidence of projectiles being thrown at officers at the time the Named Employees (NEs) deployed blast balls to move the crowd.
- SPD Policy 8.300-POL-10(3) requires that the use of blast balls must be objectively reasonable, necessary, and proportional. The policy states: "When feasible, officers shall avoid deploying blast balls in the proximity of people who are not posing a risk to public safety or property." Lastly, SPD Policy 8.300-POL-10(4) states: "The preferred method of blast ball deployment is low deployment ('bowling style'). Officers may use a high deployment ('overhand throw') when the need for a farther deployment or the need to get around an obstruction outweighs the risk created by the separating sub-munition."
- OPA found that the NEs technically deployed the blast balls in accordance with training but recognizes that the policy should be altered to avoid similar situations in the future.

Recommendation(s)

- Modify the blast balls policy to prohibit the following:
 1. Deploying blast balls directly into crowds unless individuals in those crowds pose a direct threat of harm to officers. A direct threat cannot be established simply because a crowd is not complying with an order to disperse.
 2. Deploying blast balls directly at a person's body or in a manner that creates a likelihood that a person could be struck unless to prevent imminent serious bodily harm or death.
 3. Deploying blast balls overhand unless to prevent imminent serious bodily harm or death.

Thank you for your consideration of this matter. I look forward to your response.



Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability