



Seattle Office of Police Accountability

November 29, 2018

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2018OPA-0061

Topic

- Use of Force (Taser)

Summary

- It was alleged that the employee used force--specifically a Taser application--inconsistent with policy.

Analysis

- SPD Policy 8.300-POL-3 mandates that Tasers only be used when objectively reasonable, and refers to SPD Policy 8.000, which specifically delineates two scenarios in which Taser use is appropriate: 1) “when a subject causes an immediate threat of harm to the officer or others”; and 2) “when public safety interests dictate that a subject needs to be taken into custody and the level of resistance by the subject is likely to cause injury to the officer or to the subject if hands on control tactics are used.”
- The Named Employee articulated that harm could have occurred were he to go hands-on with the subject, but this standard can be satisfied in virtually every case. This fact is worrisome, as it allows for Tasers to be used in a wide variety of situations, effectively permitting a relatively high level of force to be applied in potentially inappropriate situations.

Recommendation(s)

- In a prior case, 2017OPA-0318, OPA issued a MAR requesting that the Department amplify its Taser training in multiple areas. Most relevant to this case was the recommendation that the Department provide: clearer guidance as to what constitutes an imminent risk of harm, justifying use of a Taser; and more explicit explanations of what constitutes the “public safety interests” that are referenced in the second prong of the Taser policy and what conduct is sufficient to meet the requisite “level of resistance” from the subject. It is unclear whether the Department has accepted OPA’s recommendations and instituted these modifications. If not, OPA would like to renew that recommendation.

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

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability