



Seattle Office of Police Accountability

December 18, 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

- 2017OPA-0119

Topic

- Use of Force Tools (Taser)

Summary

- It was alleged that the Named Employee violated *SPD Policy 8.300 (4) – Use of Force Tools* by deploying a Taser without an objectively reasonable cause.

Analysis

- SPD Policy 8.300-POL-3 mandates that Tasers only be used when objectively reasonable, and refers to 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.”
- OPA determined that in this case the employee acted consistent with training when he deployed his Taser. However, there are still concerns with the officer’s actions considering the subject was fleeing from arrest for a misdemeanor property crime and the officer had no reasonable basis to believe the subject was an immediate threat to him or to the public.

Recommendation(s)

- Review the second prong of 8.300-POL-3(4) to include more explicit explanations of what constitutes “public safety interests” and what conduct meets the requisite “level of resistance” from the subject.
- Amplify Taser training to address standards for Taser deployment on fleeing subjects near stairs or concrete and define what constitutes an imminent risk of harm, justifying use of a Taser.
- Taser training recommendations have additionally been issued in the MARS for cases 2017OPA-0318 and 2018OPA-0061.

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

Sincerely,

Andrew Myerberg
Director, Office of Police Accountability