



June 26, 2024

Interim Chief Sue Rahr  
Seattle Police Department  
PO Box 34986  
Seattle, WA 98124-4986

Dear Interim Chief Rahr:

Please see the below Management Action Recommendation.

**Case Number**

- 2023OPA-0418 / 2024COMP-0004

**Topic**

- *De Minimis* Force on Restrained Persons

**Summary**

A named employee used *de minimis* force on a handcuffed person inside a holding room.

**Analysis**

- The named employee guided a handcuffed person to a bench by grabbing his shoulder, gripping his arm, and escorting him forward.
- SPD policy prohibits using force on restrained persons except where reasonable, necessary, and proportional to:
  - i. protect against physical injury,
  - ii. prevent escape, or
  - iii. guide subjects into or out of a vehicle.

Absent an exception, SPD policy does not explicitly allow *de minimis* force to separate, guide, and/or control restrained persons.<sup>1</sup>

- SPD training provides that “Officers will use control tactics to properly move a suspect from one location to the other.” It instructs officers to control a “compliant” suspect’s elbow and wrist<sup>2</sup> and emphasizes the importance of maintaining “positive control” of a subject.<sup>3</sup>

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<sup>1</sup> SPD Interim Policy 8.200-POL-2 Use of Force: When Prohibited (effective date 04/24/2023).

<sup>2</sup> SPD Training. “Escort Handcuffed Subject.” Furnished 5/09/2024.

<sup>3</sup> SPD Training. “Controlling Aggressive Handcuffed Subject.” Furnished 5/09/2024.



- Like SPD, other jurisdictions, including Bellevue,<sup>4</sup> New York City,<sup>5</sup> Portland,<sup>6</sup> and San Francisco,<sup>7</sup> regulate using force on restrained persons. However, unlike SPD, their policies explicitly allow *de minimis* force to control restrained persons.

### **Recommendations**

- SPD should modify Interim Policy 8.200-POL-2 by inserting the word “reportable” before referencing “use of force on restrained persons.” This would clarify that objectively reasonable, necessary, and proportional *de minimis* force on restrained persons is permissible.
- Alternately, SPD could modify Interim Policy 8.200 by adding a new exception for *de minimis* force to separate, guide, and/or control a restrained individual.

I appreciate your consideration and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino Betts, Jr." with a stylized flourish at the end.

Gino Betts, Jr.  
Director, Office of Police Accountability

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<sup>4</sup> Bellevue Police Department, Policy 24.00.010 (forbidding officers from “striking” a prisoner or suspect except when necessary to prevent violence or escape).

<sup>5</sup> New York Police Department, Patrol Guide. *Compare* PG 221-01(2)(d) (forbidding use of force on restrained subjects with limited exceptions) *with* PG 221-03 (not categorizing *de minimis* force as a use of force).

<sup>6</sup> Portland Police Bureau, PPB-1010.00 Use of Force (excluding control holds without resistance from the definition of “force”).

<sup>7</sup> City and County of San Francisco Police Department. General Order 5.01: Use of Force Policy and Proper Control of a Person (forbidding officers from “striking” handcuffed individuals but allowing control holds even where a subject offers no resistance).