



Seattle Office of Police Accountability

December 16, 2019

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

- 2019OPA-0186/2019COMP-0037

Topic

- Use of Force Reporting and Investigation

Summary

- It was alleged that the named employees violated Department policy by failing to properly report and document use of force.

Analysis

- *SPD Policy 8.400-POL-1* states that: “[O]fficers must clearly and reliably report and thoroughly document each time they use force defined as Type I, II, or III.” The policy further explains that: “All uses of force are reportable except de minimis force.” Relevant to this incident, the policy defines Type I force as: “Force that causes transitory pain or the complaint of transitory pain.”
- The named employees used de minimis force to push the subject into the rear of the patrol vehicle when the subject struck his head on the patrol vehicle.
- When interviewed by OPA, both officers believed that the subject striking his own head on the patrol vehicle while they were holding him was not reportable force. This was not the first time OPA had heard officers express confusion on this question. OPA also finds that, based on the plain language of the policy, it is unclear whether there was an obligation to report this force.

Recommendation(s)

- Reevaluate use of force reporting and investigation requirements under two common scenarios: 1) If subjects harm themselves or inadvertently suffer an injury while in police custody and while officers are not hands-on with them, and 2) When subjects injure themselves while officers are hands-on but where those officers do not cause the harm.

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

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability