



City of Seattle

Seattle Police Department

September 25, 2024

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City of Seattle
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Sara Nelson, President
Seattle City Council
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Seattle, WA 98124

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RE: OPA Case No. 2024OPA-0143

Dear Mayor Harrell and Council President Nelson:

As required under the Seattle Municipal Code, I provide this written statement to advise you of the reasons for my decision not to accept OPA's recommendation that I should sustain the allegation that an officer violated the Department's Use of Force policy in OPA Case No. 24-0143.

The officer in question (Officer 1) responded to a call of a large naked and bleeding individual walking around an intersection striking vehicles. The person was clearly in crisis. The officer told them to get on the ground and that he wanted to help them. The person did not comply, and the officer warned that force could be used. The person replied that they were "betting on that" and that if officers killed them the city would riot. A second officer (Officer 2), who was not the subject of an OPA investigation, assured the person: "No one wants to harm you. We want to get you help. You're bleeding, you're completely naked, and you're a danger to yourself right now. You are detained... Please comply with us, okay?" The person did not comply and took three steps towards the officers. Officer 1 announced "Taser" and deployed it a total of three times. The person surrendered.

OPA opined that Officer 1 could have de-escalated further before deploying his Taser; specifically, he could have warned the person and provided them the opportunity to comply before deploying. Ultimately, OPA found that Officer 1 did “utilize de-escalation tactics [even though] it is possible a specific warning to CM#1 could have prevented the use of force” and did not recommend a sustained finding. Instead, OPA recommended that Officer 1 receive additional training on the Department’s de-escalation policy.

I question OPA’s analysis, since the person was closing the distance, they were clearly in crisis, and they had indicated that they were “betting on” officers using force; thus, I doubt that waiting an additional second or two after saying “taser”, or even shouting a clear warning, would have led to a different result, and may in fact have put officers and the subject in greater danger. Nevertheless, I accepted the recommendation that Officer 1 should undergo additional de-escalation training, and I ordered him to do so.

Once the suspect was under control, Officer 1 attempted to turn off his TASER 10 using a motion that would have deactivated the older model which he had carried for years (this was his first on-duty deployment of the newly issued TASER 10) but that motion inadvertently re-charged the device instead, causing an additional discharge of approximately 1.4 seconds into a handcuffed suspect. OPA recognized that the discharge was clearly accidental, but nevertheless recommended a sustained finding. I acknowledge that intent is not an element that must be proven before an allegation of a violation of SPD Policy 8.200(2)¹ may be sustained, but I disagree that this officer should have his permanent record marred by a sustained improper use of Type II Force over this.

Notably, OPA did not recommend a sustained finding in 2023OPA-0098, which also involved an inadvertent taser deployment. Rather, OPA recommended a Not Sustained – Inconclusive in that case. In the interest of fairness, OPA should adjudicate cases consistently. The facts of 2023OPA-0098 were actually more egregious than the facts in the instant case, in my opinion. There, the officer aimed at a door with his finger on the taser trigger and pulled it when a burglary suspect surprised him by bursting through. Fortunately, that officer was not holding a firearm! That officer was familiar with the device he was holding, and he knew he should not have been holding it with his finger on the trigger. He had plenty of time to think about what he was doing. Here, the officer made the correct decision to modulate his force while actively taking a subject into custody, and he tried to do so, but his muscle-memory betrayed him.

Clearly, some remedial training on the new TASER 10 was called for, and Officer 1 immediately received it. This incident occurred more than six months ago, and the officer has not had anything like this happen again. Imposing discipline at this point would be punitive rather than corrective.

Sincerely,



Sue Rahr
Interim Chief of Police

¹ The policy that OPA determined was violated has since been revised, but intent is still not an element.

cc: Rob Saka, District 1
Tammy Morales, District 2
Joy Hollingsworth, District 3
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Cathy Moore, District 5
Dan Strauss, District 6
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File