



City of Seattle

Office of Police Accountability

July 27, 2018

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

RE: Reclassifying Investigations of Handcuff Discomfort

Dear Chief Best:

I write to express OPA's support of the Department's proposed modification to SPD Policy 8.400-POL-2 that would require complaints of pain from wearing handcuffs that are not associated with the application of the handcuffs to be reported and tracked as "Handcuff Discomfort" rather than be subject to a Type I Use of Force investigation.

Under the existing policy, if handcuffs are applied and the subject expresses transient pain—either from the application of or the wearing of handcuffs—the threshold for Type I Use of Force reporting and investigation is triggered. With regard to complaints that arise from wearing handcuffs, OPA believes that this practice exhausts a disproportionate amount of resources considering the minimal likelihood for actual injury.

Based on a review of statistics provided to OPA by the Department's Force Review Unit (FRU), complaints of pain from handcuffs currently comprise a significant portion of all Type I force, but the vast majority—nearly 87%—are not associated with the application of handcuffs. FRU also found that the total time spent on each such case (between the officer, supervisor, and administrative reviewer) averaged 2.85 hours. Considering there were 164 complaints of pain from wearing handcuffs in early 2018 (up through May 1), that equals 467 hours of work that could have been spent engaging in other essential law enforcement activities.

In addition, based on OPA's investigations and conversations with officers, there appears to be widespread confusion about who needs to report complaint of discomfort. Is it the officer who applied the handcuffs or the officer who heard the complaint? If the former, it creates a situation where an officer is required to document a complaint that the officer potentially did not know occurred.

As set forth in SPD Policy 8.200, which was approved by the Monitor, the Department of Justice, and the United States District Court, "[t]he goal is to focus police resources on the most serious cases, while also requiring that all reportable uses of force are reported and not under-classified." Modifying the policy to reclassify these cases as "Handcuff Discomfort" rather than a Type I Use of Force that requires a full investigation would accomplish this goal by ensuring proper documentation and review, while acknowledging scarce resources and a need to prioritize in order to police effectively. OPA believes that this would continue to provide accountability and transparency into these complaints, as well as facilitate more effective functioning of the Department and its supervisors.

Thank you for your consideration of this matter. Please feel free to contact me with any questions or concerns.

Sincerely,

Andrew Myerberg

Andrew Myerberg
Director, Office of Police Accountability

cc: Deputy Chief Chris Fowler, Seattle Police Department
Assistant Chief Lesley Cordner, Standards and Compliance, Seattle Police Department
Rebecca Boatright, Senior Police Counsel, Seattle Police Department
Brian Maxey, Chief Operating Officer, Seattle Police Department
Fe Lopez, Executive Director, Community Police Commission
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