



January 5, 2021

Interim Chief Adrian Diaz  
Seattle Police Department  
PO Box 34986  
Seattle, WA 98124-4986

Dear Chief Diaz:

Please see the below Management Action Recommendation.

**Case Number**

- 2020OPA-0082 / 2021COMP-0002

**Topic**

- Vehicles as Deadly Weapons

**Summary**

- It was alleged the Named Employee (NE) used his vehicle as an improvised weapon to stop the Subject from fleeing on foot.

**Analysis**

- The NE was working in plainclothes and driving an unmarked vehicle. He received information that the Subject was committing a bank robbery. Officers were aware the Subject committed two bank robberies the day prior and had outstanding felony warrants, including 1<sup>st</sup> Degree Armed Robbery.
- The NE watched as the Subject exited the bank and ran into the roadway towards his vehicle while being chased by a patrol officer. The NE accelerated his vehicle into the Subject, which caused the Subject to roll onto the windshield before falling to the ground.
- The Supreme Court in *Tennessee v. Garner* held that deadly force may not be used to arrest a fleeing felon unless an officer can show probable cause that the suspect poses an immediate threat to the officer or others. [SPD Policy 8.200-POL-5](#), which governs the use of deadly force, provides similar instruction to officers using force on a fleeing suspect.
- The NE said he did not intend to kill the Subject, but rather to use his vehicle as an improvised weapon to ram the Subject. OPA found the NE's decision to use deadly force rested on reasonable suspicion that the Subject was armed and posed an imminent threat, but that this did not rise to the level of probable cause.
- [SPD Policy 8.300](#) discusses vehicle-related force tactics and the use of improvised weapons. It does not expressly authorize use of a vehicle in this manner, but it does imply that using a vehicle as the NE did is not a trained tactic and is permitted only in exigent circumstances.

**Recommendation(s)**

- Clarify in SPD Policy 8.300-POL-6 whether vehicles may be used as an impact weapon only against other vehicles or also against a person's body.
- Ensure SPD Policy 8.200-POL-5 is consistent with the modifications to 8.300-POL-6.
- Update relevant trainings to ensure that officers are familiar with the policies of using vehicles as deadly force tools.



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

Sincerely,

*AM*

Andrew Myerberg  
Director, Office of Police Accountability