

EXHIBIT A

8.000**Use of Force – CORE PRINCIPLES**

This section outlines the Seattle Police Department's core principles relating to the use of force. These general principles provide the foundation for the more specific policies governing the application, reporting, investigation and review of force. The Department recognizes that officers will face unique and challenging circumstances not specifically addressed in this policy. Officers are expected to apply these core principles reasonably in unanticipated situations.

1. Every Member of the Seattle Police Department is Committed to Upholding the Constitution and Laws of the United States and the State of Washington, and Defending the Civil Rights and Dignity of All Individuals, While Protecting Human Life and Property and Maintaining Civil Order.

It is the policy of the Seattle Police Department to accomplish the police mission with the cooperation of the public and as effectively as possible, and with minimal reliance upon the use of physical force.

The community expects and the Seattle Police Department requires that officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use timely and adequate force when it is necessary may endanger themselves, the community and fellow officers.

2. When Safe under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force

Additional guidance on how to reduce the need to use force may be found here. [Hyperlink to Section 8.100.]

3. Sometimes the Use-of-Force Is Unavoidable, and an Officer Must Exercise Physical Control of a Violent, Assaultive, or Resisting Individual to Make an Arrest, or to Protect Members of the Public and Officers From Risk of Harm

In doing so:

- Officers should recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.
- Officers should take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy, or by not following policy or training.
- Officers should continually assess the situation and changing circumstances, and modulate the use-of-force appropriately.

4. An Officer Shall Use Only the Degree of Force That Is Objectively Reasonable, Necessary Under the Circumstances, and Proportional to the Threat or Resistance of a Subject

Objectively reasonable: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight

The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, dynamic and rapidly evolving—about the amount of force that is necessary in a particular situation.

The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Necessary: Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose.

Proportional: The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.

Guidance on when force is authorized may be found here. [Hyperlink to Section 8.200.1.]

5. Each Officer Is Responsible for Explaining and Articulating the Specific Facts, and Reasonable Inferences From Those Facts, Which Justify the Officer's Use Of Force

The officer's justification will be reviewed to determine whether or not the force used was in or out of policy.

Failure to adequately document and explain the facts, circumstances, and inferences when reporting force may lead to the conclusion that the force used was out of policy.

Additional guidance on reporting force may be found here. [Hyperlink to Section 8.400.]

6. The Department Is Committed to Upholding Lawful, Professional, and Ethical Standards Through Assertive Leadership and Supervision Before, During, and After Every Force Incident

The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous standards and transparent oversight systems to ensure accountability to the community in order to maintain their trust. This includes:

- Force prevention efforts,
- Effective tactics, and
- Objective review and analysis of all incidents of reportable force

Additional guidance on the Department's review of force may be found here. [Hyperlink to Section 8.500.]

7. A Strong Partnership Between the Department and the Community Is Essential for Effective Law Enforcement and Public Safety

Uses of force, even if lawful and proper, can have a damaging effect on the public's perception of the Department and the Department's relationship with the community.

Both the Department and individual officers need to be aware of the negative effects of use-of-force incidents and be empowered to take appropriate action to mitigate these effects, such as:

- Explaining actions to subjects or members of the public
- Offering reasonable aid to those affected by a use-of- force
- Treating subjects, witnesses, and bystanders with professionalism and courtesy
- Department follow-up with neighbors or family to explain police actions and hear concerns and feedback

EXHIBIT B

8.050

Use of Force – DEFINITIONS

Deadly Force: The application of force through the use of firearms or any other means reasonably likely to cause death, Great Bodily Harm, or serious physical injury.

When reasonably likely to cause death or serious physical injury, Deadly Force includes:

- Shooting a firearm at a person
- A hard strike to a person’s head, neck, or throat with an impact weapon
- Striking a person’s head into a hard, fixed object (examples include but are not limited to concrete objects or surfaces, or solid metal structures such as bars or guardrails.)
- Shooting a person in the head or neck with a beanbag shotgun round
- Using stop-sticks on a moving motorcycle

Neck and carotid restraints may only be used when deadly force is authorized. See 8.200 POL 10. See 8.1000.5 and .6 for guidance on when deadly force is authorized.

De-escalation: Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force. *See 8.100 for further guidance.*

De-escalation Techniques: Actions used by officers, when safe and without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident, and increase the likelihood of gaining voluntary compliance from a subject. *See 8.100 for examples of de-escalation tactics and techniques.*

Force: Force means any physical coercion by an officer in performance of official duties, including the following types of force.

- **De Minimis Force** – Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury. Includes:
 - Use of control holds or joint manipulation techniques in a manner that does not cause any pain, and are not reasonably likely to cause any pain.
 - Using hands or equipment to stop, push back, separate, or escort a person without causing any pain, or in a manner that would reasonably cause any pain.
- **Type I** – Force that causes transitory pain, the complaint of transitory pain, disorientation, or intentionally pointing a firearm or bean bag shotgun at a person.
- **Type II** – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm, and/or the use of any of the following weapons or instruments: CEW, OC spray, impact weapon, bean bag shotgun, deployment of K-9 with injury or complaint of injury causing less than Type III injury, vehicle, hobble restraint.
- **Type III** – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, impact weapon strikes to the head.

Additional guidance on reporting force may be found here. [Hyperlink to Section 8.400.]

FIT (Force Investigation Team): The Department personnel tasked with conducting Type III use-of-force investigations, to include investigations of officer-involved shootings.

Injury Classifications:

- **Physical or Bodily Injury (also “Injury”):** Physical pain or injury, illness, or an impairment of physical condition greater than transitory pain but less than great or substantial bodily harm (SMC 12A.02.150,

RCW 9A.04.110) hyperlink so readers can do more in-depth research

- **Serious Physical Injury (RCW 9A.16.040(2)):** Physical injury which creates a substantial risk of death or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ or structure or involves serious concussive impact to the head.
- **Substantial Bodily Harm (RCW 9A.04.110) [hyperlink]:** Bodily injury which involves:
 - *Temporary* but substantial disfigurement

- *Temporary* but substantial loss or impairment of the function of any bodily part or organ
- Fracture of any bodily part
- **Great Bodily Harm (RCW 9A.04.110) [hyperlink]**: Bodily injury which either:
 - Creates a probability of death
 - Causes significant serious permanent disfigurement
 - Causes a significant permanent loss or impairment of the function of any bodily part or organ

Less-Lethal Devices: Devices designed and intended to apply force not intended nor likely to cause the death of the subject or Great Bodily Harm. For the intended purpose of Less Lethal Tools see: [Hyperlink to 8.200.2]. Includes: TASER, Impact weapons, Beanbag shotgun, OC spray.

Necessary Force: “Necessary” means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. *See RCW 9A.16.010 – Definitions.*

Objectively Reasonable Force: Objectively reasonable force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer at the scene, rather than with the 20/20 vision of hindsight. *See 8.000 and 8.100 for further guidance on objectively reasonable force.* [Hyperlink to 8.100.1]

Reportable Force: All uses of force other than de minimis are reportable. Reportable force includes the intentional pointing of a firearm at a subject. [Hyperlinks to “de minimis”, Type I, Type II, and Type III definitions, and crowd management-specific policies (TBD).]

Use of Force: *See “Force.”*

Weapons:

- **Approved Weapon**: A tool used to apply force that is both specified and authorized by the Department
- **Approved Use of a Weapon**: Use of an approved weapon by an officer who has been properly trained and certified in the use of that weapon
- **Impact Weapon**: Any authorized intermediate weapon or object used to strike a subject and inflict pain or injury through blunt force.
- **Improvised Weapon**: An object used to apply force other than those approved and authorized by the Department. Also, any Department-approved weapon used by an officer who has not received required training or certification to use the weapon.

EXHIBIT C

8.100**Use of Force – DE-ESCALATION****1. When Safe under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force**

De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, which that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. (See 8.050.)

When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

When time and circumstances reasonably permit, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavioral crisis

An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Mitigating the immediacy of threat gives officers time to utilize extra resources, and increases time available to call more officers or specialty units.

The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.

Other examples include:

- Placing barriers between an uncooperative subject and an officer
- Containing a threat
- Moving from a position that exposes officers to potential threats to a safer position
- Decreasing the exposure to potential threat by using
 - Distance
 - Cover
 - Concealment
- Communication from a safe position intended to gain the subject's compliance, using:
 - Verbal persuasion
 - Advisements
 - Warnings
- Avoidance of physical confrontation, unless immediately necessary (for example, to protect someone, or stop dangerous behavior)
- Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) Training, to calm an agitated subject and promote rational decision making
- Calling extra resources to assist or officers to assist:
 - More officers
 - CIT officers
 - Officers equipped with less-lethal tools
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject

EXHIBIT D

1. Use of Force: When Authorized

An officer shall use only the force reasonable, necessary, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others.

In other words, Officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, training, and rules for specific instruments and devices. Once it is safe to do so and the threat is contained, the force must stop.

When determining if the force was objectively reasonable, necessary and proportionate, and therefore authorized, the following guidelines will be applied:

Reasonable: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The time available to an officer to make a decision;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects; and
- The environmental factors and/or other exigent circumstances.
- Whether the subject has any physical disability.

The assessment of reasonableness must allow for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Necessary: Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose.

Proportional: To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others.. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

2. Use of Force: When Prohibited

An officer may **not** use physical force:

- to punish or retaliate
- against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function
- on restrained subjects (e.g. including handcuffed or contained in a police vehicle) except in exceptional circumstances when the subject's actions must be immediately stopped to prevent injury, or escape, destruction of property. All such force shall be closely and critically reviewed.

Exception: Subjects who are refusing to get out of a Department vehicle may be removed from the vehicle after reasonable attempts to gain voluntary compliance have failed, subject to supervisor approval.

- To stop a subject from swallowing a substance that is already in their mouth :
 - Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to prevent a suspect from putting a substance in their mouth.
 - In the event that a suspect swallows a harmful substance, officers shall summon medical assistance.
- To extract a substance or item from inside the body of a suspect without a warrant.

3. Officers Should Assess and Modulate the Use-Of-Force as Resistance Changes

For example, as resistance decreases, the use of force may decrease.

4. Use of Deadly Force

Deadly force may only be used in circumstances where threat of death or serious physical injury to the officer or others is imminent. A danger is imminent when an objectively reasonable officer would believe that:

- A suspect is acting or threatening to cause death or serious physical injury to the officer or others, and
- The suspect has the means or instrumentalities to do so, and
- The suspect has the opportunity and ability to use the means or instrumentalities to cause death or serious physical injury.

See also 8.050 – Deadly Force

5. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect Only When an Objectively Reasonable Officer Would Believe That it Is Necessary and That There is Probable Cause That:

- The suspect has committed or is in the process of committing a felony involving the infliction or threatened infliction of serious physical injury or death; and
- The escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or to another person unless the suspect is apprehended without delay; and
- The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.

6. Following a Use-of-Force, Officers Shall Render or Request Medical Aid, if Needed or if Requested By Anyone, as Soon as Reasonably Possible

Following a use-of-force, officers will request a medical aid response, if necessary, for suspects and others and will closely monitor subjects taken into custody.

Absent exigent circumstances, prone subjects will be placed on their side in a recovery position. Officers shall not restrain subjects who are in custody and under control in a manner that compromises the subject's ability to breathe.

7. Officers Shall Automatically Request Medical Aid in Certain Situations

Every Type III use-of-force, specifically including, but not limited to:

- Impact weapon strikes to the head
- Impact of the head against a hard, fixed object

The following less-lethal incidents:

- CEW applications
- Beanbag shotgun applications
- OC spray applications, when a subject is in custody (See 8.300-POL-6.9.)

After any use-of-force, greater than De Minimis force on subjects who are reasonably believed or known to be:

- Pregnant
- Pre-adolescent children
- Elderly

- Physically frail

8. Consistent With the Timelines in 8.400, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated

See 8.400 – Reporting and Investigating Use-of-Force [Hyperlink to Section 8.400.]

EXHIBIT E

8.300**Use of Force – TOOLS**

This policy addresses the use and deployment of all force tools that are available to sworn Department employees. The following force options are governed by this policy:

- Beanbag shotgun
- Canine deployment
- CEW/Conducted Electrical Weapons (TASER)
- Firearms
- Impact weapons
- Oleoresin Capsicum (OC) spray
- Vehicle-related force tactics
- Specialty unit weaponry
- Hobble restraint
- Neck and carotid restraint

The policies addressing and governing the use of specific force tools are 8.300-POL-1 through 8.300-POL-10, which are contained in the “Use of Force Tools Policy Manual.” Those policies and that manual have the full force and effect of SPD policy.

The Intended Purpose of Less-Lethal Devices

Less-lethal devices are used to interrupt a subject’s threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications. Less-lethal devices alone cannot be expected to render a suspect harmless.

Support officers should be prepared to take immediate action to exploit the brief opportunity created by the less-lethal device and take control of the subject if safe to do so.

1. Officers Will Only Carry and Use Weapons That Have Been Approved by the Department and That the Officer has Been Properly Trained and Certified to Use, Except Under Exigent Circumstances

Intentional or reckless violations of policy or training standards will result in discipline. Negligent violations of policy or training standards may result in discipline.

The use of Improvised Weapons will be subject to the same standards as Approved Weapons set forth in 8.200, *Using Force*.

2. Uniformed Officers Are Required to Carry at Least One Less-Lethal Tool

Uniformed officers who have been issued a CEW shall carry it.

3. Sergeants and Lieutenants Will Ensure That Each Officer in Their Command is Trained and Certified on the Tools They Carry, as Required

4. Officers Are Prohibited From Using Less-Lethal Tools as a Form of Punishment or for Retaliation

5. Officers Shall Not Use Less-Lethal Tools to Prod or Jab Individuals, to Awaken Unconscious or Intoxicated Individuals, or to Prevent the Destruction of Evidence

6. Officers Shall Consider Risks to the Subject and Third Parties When Determining Whether to Deploy any Less-Lethal Tools

Officers may only use less-lethal force on suspects who are visibly pregnant, elderly, apparently pre-adolescent, or visibly frail when there is an exigency or an immediate threat to officers or third parties.

7. Use of Less-Lethal Tools in the Following Circumstances is Only Permitted in Situations Where There is a Risk of Death, Great Bodily Harm, or Serious Physical Injury to the Officer or Third Parties

- When the suspect is in an elevated position where a fall is likely to cause substantial injury or death
- When the suspect is in a location where the suspect could drown
- When the suspect is operating a motor vehicle or motorcycle and the engine is running or is on a bicycle or scooter in motion

- When an individual is handcuffed or otherwise restrained
- When an individual is fully contained in a police vehicle

8. Officers Must Use Less-Lethal Tools in Accordance with the Tool-Specific Policies

The policies addressing and governing the use of specific force tools are 8.300-POL-1 through 8.300-POL-10, which are contained in the *Use-of-Force Tools Policy Manual*. ([hyperlink](#))

EXHIBIT F

8.300-POL-1

Use of Force – BEANBAG SHOTGUN

A beanbag shotgun is designed to temporarily interrupt the behavior of a suspect or dangerous individual, so that law enforcement officers can subdue and arrest that person with less danger of injury or death to themselves and others.

1. Firearms Training Squad (FTS) Manages the Beanbag Shotgun Program

FTS will maintain the beanbag shotgun operator's manual, develop curriculum, and conduct training and qualifications.

2. FTS Will Train and Certify Operators Annually

Only officers who have been trained and certified are allowed to use beanbag shotguns. Beanbag rounds may only be used in a manner consistent with training provided by this Department.

3. Officers Who Have Been Trained and Certified to Use a Beanbag Shotgun and Have Been Issued One Must Deploy With It During Their Shift

4. Officers Shall Only Use the Beanbag Shotgun When Objectively Reasonable [Hyperlink to definition and explanation of "objectively reasonable," 8.200.]

5. Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Deploying the Beanbag Shotgun

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a beanbag shotgun will be used and defer using the beanbag shotgun a reasonable amount of time to allow the subject to comply with the warning.

Exception: A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

6. Officers Shall Consider the Risk of the Beanbag Shotgun Round Causing Serious Harm When Determining Whether to Deploy

7. Officers Shall not Target a Subject's Head, Neck or Genital Area

Officers shall not target the head or neck unless deadly force is justified.

In circumstances where deadly force is not justified, officers should direct the beanbag round toward the following areas:

- Lower abdomen, at belt level
- Buttocks
- Arms below the elbow
- Thigh area
- Legs below the knee

8. Authorized Use, Prohibitions, and Cautions

- Beanbag rounds may only be used on an individual engaged in active aggression, or to prevent imminent physical harm to the officer or another person.
- Beanbag rounds should not be shot through glass or a chain link fence due to the likelihood of rupturing the beanbags and having the contents injure others.
- All less lethal shotguns must be stored in the trunk or rear storage area of patrol vehicles.
- Officers are cautioned that the target area for a beanbag round substantially differs from a deadly force target area. Instead of aiming for the center mass of the body, beanbag shotguns are aimed at the lower abdomen, thighs or forearms.
- Officers should be aware that targeting the chest has on occasion proven lethal when beanbag round is fired at a close range of less than 21-30 feet.
- Officers are further cautioned that the accuracy of the rounds decreases significantly after approximately 45 feet and their flight becomes erratic, striking objects to the right, left, or below the target, increasing the risk to innocent bystanders.

9. Tactical Considerations

- The optimal distance for a beanbag is between 21-45 feet. The beanbag rounds present a risk of death or serious physical injury when fired at the chest, head, neck, and groin.
- Officers should also be prepared to employ other means to control the individual — including, if necessary, other force options consistent with Department policy—if the individual does not respond sufficiently to the beanbag and cannot otherwise be subdued.

10. Officers Are Prohibited From Using Beanbag Rounds on an Individual in a Crowd Without the Approval of a Supervisor

Officers are prohibited from using beanbag rounds against an individual in a crowd unless the officer has the approval of a supervisor and can:

- Target a specific individual who poses an immediate threat of causing imminent physical harm; and
- Reasonably assure that other individuals in the crowd who pose no threat of violence will not be struck by the weapon.

11. Officers Must Justify Each Separate Beanbag Shotgun Use in Their Use-of-Force Statement

12. Officers are Required to Report Each Use of the Beanbag Shotgun, (e.g. Each Time the Beanbag Shotgun is Aimed at a Subject and Each Round Fired) Regardless of Whether a Subject is Struck. See 8.400-POL-1.4.

13. All Shotguns Firing Beanbag Rounds Must be Painted in a Bright Color or Otherwise Marked Clearly so as to Make Them Instantly Distinguishable From a Shotgun Firing Live Rounds

14. Officers Shall Summon Medical Aid for all Subjects Who Have Been Struck by a Beanbag Round

15. Beanbag Shotguns Inspections Will Be Conducted on a Semiannual Basis to Ensure That all Are Operable and Perform any Necessary Maintenance or Repairs

8.300-POL-2

Use of Force – CANINE DEPLOYMENT

The prompt and proper utilization of a trained canine team has proven to be a valuable resource in law enforcement. When properly used with strict handler control, a canine team increases the degree of safety to persons within a contained search area, enhances individual officer safety, increases the likelihood of suspect apprehension, and may reduce the amount of time necessary to conduct a search. At the same time, handlers must make all reasonable efforts to avoid unnecessary and unnecessarily injurious bites.

1. Canine Unit Has Operational Control

Canine Unit will maintain a unit manual. [Hyperlink to unit manual.]

2. Canine Unit Will Train and Certify its Officers Annually, at a Minimum

No handler is permitted to train the police dog in methods, techniques, or activities contrary to the accepted methods used by the Canine Unit.

Strict handler control is the overriding goal of canine training such that a handler must be able to cause the dog to follow the handler's orders

- When the dog is on leash and off leash;
- When the dog is ordered to release a bite;
- When the dog is ordered to bite; and
- To stay and guard without biting.

3. Canine Handlers Must Have the Ability to Control and Will Be Tested Quarterly in Real-Life Scenarios on Their Ability to Control:

- The dog on leash and off leash;
- When the dog is ordered to release a bite;
- When the dog is ordered to bite; and
- Whether the dog can stay and hold without biting.

Handlers who are not capable of demonstrating such control shall not be active in the field until the situation is rectified.

4. Police Canines Shall be Deployed as a Force Tactic Only When Objectively Reasonable

Canine handlers will only allow their canines to physically engage or bite a suspect if there is a reasonable belief or if it is known that the suspect is armed with a weapon or other instrumentality capable of producing death or significant physical injury or otherwise poses an imminent threat of death or serious physical injury to the handler or others or is engaged in active aggression or escaping. In the case of a subject who has been located hiding, handlers will not allow their canine to seize and extract the suspect if a lower level of force could reasonably be expected to control the suspect or allow for the apprehension.

Releasing the Bite

- Should a bite occur, the handler will as rapidly as possible determine if the suspect is armed and call off the dog at the first possible moment the canine can be safely released.
- If the suspect is not armed, the handler shall order the canine immediately to release the bite.
- When deciding to call off the dog, particular attention must be given to the perceived threat or actual resistance presented by the suspect. Handlers will continue to factor into their call-off decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, will not be cause for not calling off the canine.
- Without exception, a reference to the duration of the canine's contact with a suspect shall be included in the handler's supplemental report.

5. Canine Deployment Announcements

If Feasible, Officers Shall Issue a Verbal Warning to the Suspect Prior to Deploying a Police Canine as a Force Tactic and Wait a Reasonable Time to Allow Subjects to Comply. The Announcement Shall Advise That Failure to Comply With the Officers' Commands Will Result in the Release of a Trained Police Canine and They May Be Bitten if They Do Not Comply.

Prior to deploying a canine in any structure or enclosed contained area an amplified announcement shall be made and repeated. This announcement is intended to notify persons within the containment area of the intent to utilize a canine team and to afford suspects the opportunity to surrender to the police. The announcement shall say that there are police officers on the premises and that a trained police canine will be released and may bite you if you do not surrender. Additionally:

- The announcement shall be clear, loud and audible to all personnel at the operation. Where there is a reasonable belief that the suspect speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and the exigency of the situation permits.
- The utilization of patrol car address systems will increase the likelihood that the canine announcement is heard.
- An amplified warning shall be repeated as the search proceeds and the canine team reaches a different floor, or parts of the building or other area where the initial announcement may not have been heard.
- A reasonable amount of time shall be allowed between announcement and deployment for the suspect to respond and others to seek safety.
- Containment personnel shall confirm hearing the canine announcements prior to initiating a search.

A decision not to make a deployment announcement shall be made by a lieutenant or higher. The circumstances under which an announcement may be dispensed with are:

- The foreknowledge that there is likely to be one or more suspects armed with guns or another instrumentality likely to result in death or serious physical injury
- In a contained location where an officer ambush is possible, combined with
- A tactical demand for stealth or surprise based upon strong considerations of officer safety, and
- No reasonable alternative will suffice to extract the suspects.

6. Officers Must Justify Police Canine Deployment as a Force Tactic if it Results in Reportable Force

No handler shall use their police dog solely to intimidate, coerce, or frighten any person.

7. Canine Deployments

- a. **Off-Leash Canine Deployments, Searches, and Other Instances Presenting a Significant Risk of a Canine Bite to a Suspect or Others Shall Be Limited to Searches for Armed Felony or Armed Misdemeanor Suspects, Wanted for a Serious Crime, Particularly One of Violence, Where There is a Clear Danger of Death or Serious Physical Injury to the Officer or Others. In all Other Instances, Searches Must Be On-Leash.**

- In the case of known or suspected juvenile suspects, special consideration should be given to the suspect's age and propensity for violence, and officers shall explore alternatives to the deployment of a canine.
- Canine teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol if no other serious crime is involved, nor the mentally disturbed or disabled if no other serious crime is involved.
- It is prohibited to use canines for crowd control situations at peaceful demonstrations. During a riot or other major unlawful assembly, after an order to disperse has been made, and only with a specific approval of the Chief of Police or his or her designee, canines may be used. In these situations, canines shall be short-leashed at all times to protect the public from serious injury, and the handler shall not be permitted to initiate any offensive action, unless to prevent imminent death or serious physical injury.

b. Subject to the Limitations of the Section Above, the Following Locations are Suitable for Off-Leash Canine Deployments:

- Commercial building searches where there is the possibility of suspects hidden inside, including attics, basements, and crawl spaces.
- If there is breaking and entering at a school, officers will investigate the nature and extent of the offense before requesting a canine unit. Many break-ins at schools involve juveniles engaged in petty theft or vandalism. Canines shall not be used in such cases. Conversely, some break-ins occurring at schools are committed by adults and involve significant theft, such as computers and other valuable equipment. Upon authorization as set forth in the section about "authorization for off-leash canine deployment," the canine unit may be used.
- Canine searches of residences are discouraged whenever there is risk of a bite to innocent persons. Before conducting a search of a residence, the handler shall make every effort ensure the safety of any residents that might be present.
- Residential searches should be conducted on short leash unless the handler can determine that there are no residents at home. This can be done through contacts with victims, witnesses, neighbors, responsible parties, and officers on the scene.
- The presence of uncontained animals in a residence to be searched will normally preclude the use of canines unless the animals can be lured out or contained. In cases where it can be done safely, an on-leash search can be done in the presence of uncontained animals.
- Prior to beginning an open area search with a police service dog, a perimeter shall be established. A police officer should precede the canine team to clear the area and contact residents to request their cooperation during the search by staying inside and bringing their animals inside unless there is:
- The foreknowledge that there is likely to be one or more suspects armed with guns or another instrumentality likely to result in death or serious physical injury
- In a contained location where an officer ambush is possible, combined with a tactical demand for stealth or surprise based upon strong considerations of officer safety, and
- No reasonable alternative will suffice to extract the suspects or warn residents.
- During the search the handler makes every reasonable effort to keep the police canine in sight.
- Because of the potential danger to bystanders and other officers in open area pursuits, handlers should terminate the pursuit and recall their canine if reasonable alternatives exist.

c. Authorization for Off-Leash Canine Deployment

- In all instances, a canine supervisor and a field supervisor from the concerned precinct shall respond to the scene of the incident. In those instances where a canine supervisor is not present, field supervisors shall monitor the operation and ensure Department policy is adhered to.
- This policy requires canine officers to have approval from an immediate supervisor before the canine can be deployed off-leash. The supervisor shall make certain that the requirements above have been met prior to giving authorization. If the handler is unable to contact a canine unit supervisor, approval must be sought from a supervisor in charge at the scene before the canine can be deployed. The approving supervisor will not serve as a canine handler in the deployment.

8. Post-Deployment Procedures

Immediately upon securing an individual who has been bitten, an on-scene supervisor shall summon paramedics to examine and treat the individual or transport the person to a hospital for emergency or other care. The individual will not be moved or transported by police officers without medical clearance.

The reporting and investigation requirements are covered in 8.400.

8.300-POL-3**Use of Force – CEW/CONDUCTED ELECTRICAL WEAPONS (TASER)**

This policy applies to the use of conducted electrical weapons (CEW) by all sworn Department employees.

A CEW in probe deployment is designed to stimulate a portion of the nervous system with sufficient pulsed electrical energy to bring about uncontrolled muscle contractions which override an individual's voluntary motor function. Drive stun mode occurs when the CEW makes direct contact with the subject's body and does not override an individual's motor responses. It is intended to cause significant pain. Use of the CEW in probe deployment is preferred in some circumstances over use in drive stun mode, which can only be used at close range and may cause marks and scarring.

1. Education & Training Section (ETS) Manages the CEW Program

ETS will maintain the CEW operator's manual. [[Hyperlink to CEW Operator's Manual.](#)]

2. ETS Will Train and Certify Operators Annually

Only officers who have been trained and certified are allowed to use CEW.

3. Officers Who Have Been Trained and Certified to Carry a CEW and Have Been Issued One Must Carry It During Their Shift

Officers must carry their CEW in a holster on their support side.

4. Officers Shall Only Deploy CEW When Objectively Reasonable [[Hyperlink to definition and explanation of "objectively reasonable" in 8.200.](#)]

Officers may use CEWs in the following circumstances:

- When a subject causes an immediate threat of harm to the officer or others; or
- When public safety interests dictate that a subject needs to be taken into custody and the level of resistance presented by the subject is likely to cause injury to the officer or to the subject if hands-on control tactics are used

When a CEW is used against a subject, either in probe or drive stun mode, it shall be for one standard discharge cycle of five seconds and the officer using the CEW must reassess the situation. Only the minimum number of five second cycles necessary to place the subject in custody shall be used.

Officers should assume that if they have used the CEW three times against a subject but the subject continues to actively resist or aggress, the CEW may not be effective against that person; the officer shall reassess and consider other options.

Officers shall not deploy multiple CEWs at the same subject, unless the first deployed device fails.

When using CEW in the drive stun mode, officers shall wait a reasonable amount of time between applications to discern if compliance has been gained.

5. CEWs Shall Not Be Used In any Environment Where an Officer Knows That a Potentially Flammable, Volatile, or Explosive Material is Present

Officers aware of environmental hazards shall alert fellow officers as soon as possible.

6. Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Deploying the CEW

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a CEW will be used and defer using the CEW a reasonable amount of time to allow the subject to comply with the warning.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, the deploying officer should document his/her reason for believing his/her safety would have been compromised in his/her use of force statement.

7. The Preferred Target for CEW is Center Mass

Absent an immediate threat to officer or third party safety that can not be reasonably dealt with in any other fashion, CEW users will not target a subject's head, neck, or genital area. The center mass of the back to the buttocks is a viable target. Targeting the chest and heart area should be avoided if possible. Officers shall target below the ribcage down to the upper thigh, splitting the

beltline, if possible. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as targets.

8. As With the Initial CEW Application, Each Subsequent Application of a CEW Must Be Individually Justified

a. Officers are Required to Report the Use of a CEW, Regardless of Whether a Subject is Struck.

See 8.400-POL-1.5.

9. Officers Shall Summon Medical Aid Whenever a Subject Has Sustained a CEW Application

a. Officers Shall Not Remove CEW Barbs That are Embedded in Flesh

CEW probes that are embedded in flesh shall only be removed by fire department personnel or healthcare professionals. Probes embedded in clothing may be removed by an officer. Officers shall collect and submit into evidence all primary components of the CEW cartridge: probes, wires and cartridge.

10. Officers Shall Monitor All Subjects Who Have Sustained a CEW Application While They Are in Police Custody

11. When Restraining a Subject That Has Been Struck With a CEW, Officers Shall Use a Technique That Does Not Impair Respiration

Once a subject is under control, officers shall place him or her in a recovery position until such time as medical aid arrives.

12. CEWs May be Used to Stop a Dangerous Animal

13. ETS Shall Conduct CEW Inspections on a Biannual Basis to Ensure That All CEWs are Operable, to Conduct Information Downloads, and Perform Any Necessary Maintenance or Repairs

8.300-POL-4

Use of Force – FIREARMS

1. Officers Shall Only Shoot Firearms in Situations Where Deadly Force is Permitted [Hyperlink to 8.000.]

a. Firearms May Be Used Against a Dangerous Animal to Deter an Attack or to Prevent Injury to Persons Present

2. Officers Shall Only Carry and Use Department-Approved Firearms, Except in Exigent Circumstances

See Seattle Police Manual Section 9.120. [Hyperlink to 9.120.]

3. Officers Must Pass an Annual Firearms Qualification

All officers are required to qualify with their on-duty, back- up/off-duty firearms as directed by the Education & Training Section Captain. See 9.120. [Hyperlink to 9.120.]

4. Officers Shall Not Use Firearms as Impact Weapons, Except When a Suspect is Attempting to Take the Firearm or Lethal Force Is Permitted

5. An Officer May Draw or Exhibit a Firearm in the Line of Duty When the Officer has Reasonable Cause to Believe It May Be Necessary for His or Her Own Safety or for the Safety of Others

When an officer determines that the threat is over, the officer shall holster his or her firearm.

Unnecessarily or prematurely drawing or exhibiting a firearm may limit an officer's alternatives in controlling a situation, may create unnecessary anxiety on the part of the public, and may result in an unwarranted or unintentional discharge of the firearm.

Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.

6. Officers Shall Not Fire Warning Shots

7. Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Shooting a Firearm

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a firearm will be shot and defer shooting the firearm a reasonable amount of time to allow the subject to comply with the warning.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, the deploying officer should document his/her reason for believing his/her safety would have been compromised in his/her use of force statement.

8. Officers Shall Not Fire at or From a Moving Vehicle

Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force.

An officer threatened by an oncoming vehicle shall, if feasible, move out of its path instead of discharging a firearm at it or any of its occupants.

Officers shall not discharge a firearm from a moving vehicle unless a person is immediately threatening the officer or another person with deadly force.

Note: It is understood that the policy in regards to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy and to the Department's use-of-force principles. Any deviations from the provisions of this policy shall be examined rigorously on a case-by-case basis. The involved officers must be able to articulate clearly the reasons for the use of deadly force.

Factors that may be considered include:

- Whether the officer's life or the lives of others were in immediate peril
- And if there was no reasonable or apparent mean of escape

9. Pointing a Firearm at a Person is Type I Reportable Force

Officers shall document all incidents where they point a firearm at a person. *See 8.400. [Hyperlink to 8.400.]*

Unholstering or displaying a firearm – including in a sul or low-ready position – without pointing it at a person is not reportable force.

10. All Firearms Discharges are Investigated and Reviewed

Intentional discharges (including discharges against people and against animals) and unintentional discharges are investigated by FIT and reviewed by the Force Review Board.

Exception: This does not apply to discharges during legal recreational shooting, range training, hunting, or military activity.

8.300-POL-5

Use of Force – IMPACT WEAPONS

This policy applies to the use of Department-approved and exigent (improvised) impact weapons, by all sworn Department employees. An impact weapon is any object that is used to forcefully strike a subject in a manner that is reasonably likely to cause injury. The baton is capable of delivering powerful blows to interrupt or incapacitate an aggressive subject. It is also capable of delivering lethal or permanently disabling blows.

Using a bicycle to forcefully strike a subject is a reportable use of force governed by this policy.

See Manual Section 8.300 [hyperlink to 8.300] for information on approved impact weapons.

1. Education & Training Section (ETS) Will Train and Certify Officers on Department-Approved Impact Weapons Every Two Years

Officers will be trained and certified to use Department-approved impact weapons before being authorized to carry these weapons.

2. Officers Shall Only Use Impact Weapons When Objectively Reasonable [Hyperlink to definition and explanation of "objectively reasonable" in 8.200.]

3. Officers Will Not Use Impact Weapons on Subjects Who Are Restrained and Under Control, or Complying With Police Direction

4. A Hard Strike to the Head With Any Impact Weapon, Including a Baton, Is Prohibited Unless Deadly Force is Justified

The head, throat, neck, spine, groin, or kidneys shall not be targeted unless deadly force is justified. Unintentional or mistaken blows to these areas must be reported to ensure that all reasonable care was taken to avoid them.

Preferred target areas include arms, legs and torso.

5. Officers Shall Not Use Flashlights as Impact Weapons, Except in Exigent Circumstances

The improvised use of weapons, such as flashlights, may present a greater risk of injury than batons. Use of another object in place of the baton, including flashlights, is prohibited unless there is an immediate need to strike and an officer is precluded from using or cannot feasibly use the CEW, baton, or OC spray.

The failure to carry a baton, in and of itself, does not justify the regular use of a flashlight as an impact weapon. Routine reliance on flashlights as an impact weapon is prohibited.

6. Officers Must Justify Each Separate Impact Weapon Application in Their Use-of-Force Report

- a. Officers are Required to Report the Use of an Impact Weapon to their Sergeant, Regardless of Whether a Subject is Struck.** *See 8.300-POL-1.4.*

8.300-POL-6	Use of Force – OLEORESIN CAPSICUM (OC) SPRAY
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This policy applies to the use of OC spray by all sworn Department employees.

Oleoresin Capsicum spray (OC spray) is an inflammatory agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. A one second burst applied directly to the face (direct exposure), even with glasses, will usually result in the immediate closing of the eyes. The individual's eyes will likely close, tear, and swell as a result. When inhaled (secondary exposure), the respiratory tract will likely become inflamed and temporarily restrict breathing to short, shallow breaths. The individual may experience choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. The individual may experience nausea, lung pain, or temporarily impaired thought processes. The individual may become disoriented or lose his or her balance.

OC spray may reduce or eliminate the need for substantial physical force to make an arrest or gain custody. It may reduce the potential for injuries to officers and suspects.

1. Education & Training Section (ETS) Will Train and Certify Officers in the Use of OC Spray Every Two Years

The OC spray policy and training will incorporate the evolving guidance contained within the SPD Post-Basic Law Enforcement Academy course on less-lethal force as well as guidance from the medical community.

2. Officers Shall Only Use Department-Issued or Approved OC Spray**3. Officers Will Use OC Spray, Including for Crowd Dispersal or Protection, Only When Such Force is Objectively Reasonable** [Hyperlink to definition and explanation of “objectively reasonable” in 8.200.]

For use of OC spray in the context of crowd management, see Manual Section 14.090.10. [Hyperlink to Section 14.090.10.]

- a. OC Spray May Be Used Against a Dangerous Animal to Deter an Attack or to Prevent Injury to Persons Present**
- b. OC Spray Shall Not Be Used Unless the Use of Physical Force Is Necessary**

4. Officers Shall Issue a Verbal Warning to the Subject, Fellow Officers and Other Individuals Present Prior to Using OC Spray

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that OC spray will be used and defer using OC spray a reasonable amount of time to allow the subject to comply with the warning.

Exception: A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

5. Officers Must Justify Each Separate Application of OC Spray

After the initial application of OC spray, each subsequent spray must also be reasonable and the employee should reevaluate the situation accordingly.

6. **Officers are Required to Report the Use of OC Spray, Regardless of the Effect, as Well as the Decontamination Procedures That Followed See 8.400-POL-1.5.**
7. **The Application of OC Spray on Persons in Restraints Such As Handcuffs Must Be to Protect an Officer or Member of the Public from Physical Injury**
8. **Officers Shall Direct OC Spray at the Specific Subject(s) Who are Posing a Threat**

Officers deploying OC will attempt to minimize exposure to non- targeted parties.

9. **Officers Shall Assist Exposed Subjects with Decontamination and Water- Flushing of Exposed Areas as Soon as Feasible**

If the subject was exposed inside or in a confined space, officers will remove the subject as soon as possible from the contaminated area and expose the individual to fresh air.

Officers shall request medical response or assistance for subjects exposed to chemical spray when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing condition (such as asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by chemical spray.

Officers shall monitor exposed subjects for changes in their condition while in police custody and request medical evaluation as needed.

10. **The Department Shall Maintain Written Documentation of the Number of OC Spray Canisters Annually Distributed to, and Utilized by, Each Employee**

8.300-POL-7

Use of Force – VEHICLE-RELATED FORCE TACTICS

Authorized vehicle-related force tactics include the PIT (Pursuit Intervention Technique) and stop sticks. In certain circumstances, vehicle-related force tactics may be considered deadly force. (Link to deadly force policy.)

1. **Only Officers Who are Trained and Certified in the Use of These Tactics are Permitted to Use Them**
2. **SWAT Will Administer Annual PIT Training and the Education & Training Section Will Administer Annual Stop Stick Training**
3. **The Use of Stop Sticks Against a Motorcycle is Considered Deadly Force**
4. **Officers Will Use Vehicle-Related Force Tactics Only When Objectively Reasonable** [Hyperlink to definition and explanation of “objectively reasonable” in 8.200.]
5. **Officers Shall Consider Secondary Risks to the Subject and Third Parties When Determining Whether to Deploy Vehicle-Related Force Tactics**

Secondary risks to pedestrians and other vehicles include, but are not limited to, the dangers presented by a spun-out vehicle and loose tires on the road.

6. **Officers Will Report the Use of PIT, and Stop Sticks as a Use-of-Force**
7. **See 8.300-POL-4 for Guidance on Shooting at or From a Moving Vehicle** [Hyperlink to Section 8.300-Pol-4.]

8.300-POL-8

Use of Force – SPECIALTY UNIT WEAPONRY

1. **The Assistant Chief for Special Operations Oversees all Specialty Unit Weaponry**
2. **Specialty Units That Utilize Unique Weaponry Will Maintain Unit Manuals and Training Records Which Contain an Inventory and Specific Guidance for Each Weapon**

Per Seattle Police Manual Section 12.070, unit manuals have the force of Department policy. [Hyperlink to Section 12.070.]

3. **Officers in Specialty Units Shall Use Their Weaponry in a Manner That is Objectively Reasonable Per the Given Circumstance** [Hyperlink to definition and explanation of “objectively reasonable” in 8.200.]

The fact that a weapon is part of the specialty unit weaponry does not exempt it from the policy requirements of this Manual. The same principles stated in 8.000 and 8.200 apply fully.

The use of blast balls and flash bangs is a reportable use of force.

8.300-POL-9

Use of Force – HOBBLE RESTRAINT

1. Officers May Use the Hobble Restraint to Temporarily Control Violently Combative Subjects

A hobble restraint is a strap designed to restrain a subject's feet.

Officers may use the hobble restraint when objectively reasonable. [Hyperlink to definition and explanation of "objectively reasonable" in 8.200.]

The hobble restraint may not be connected to handcuffs or other restraints (i.e., "hog tie.")

2. Officers Must Place Subjects in the Hobble Restraint Either in an Upright, Seated Position or on Their Side and Not Face Down, Including During Transport

3. Officers Must Closely Monitor Subjects Who Have Been Placed in the Hobble Restraint

Officers shall monitor for signs, such as labored breathing or sweating, of serious medical conditions and provide for immediate medical treatment as necessary.

4. Officers Shall Report any Use of the Hobble Restraint as a Use-of-Force

8.300-POL-10

Use of Force – NECK AND CAROTID RESTRAINTS

Neck and carotid restraints are strongly disfavored by the Department due to the high risk of injury or death when improperly applied. Any use of a neck or carotid restraint is a Type III use-of-force, will result in a FIT investigation, and will be subject to strict scrutiny by the Force Review Board.

1. Officers Are Prohibited From Using Neck and Carotid Restraints Except When Deadly Force is Justified

2. Officers Must Place the Subject in the Recovery Position and Summon First Aid Immediately Following the Application of Neck and Carotid Restraints, if at all Possible

3. Officers Shall Monitor All Subjects Who Have Been Subjected to Neck and Carotid Restraints While They Are in Police Custody

EXHIBIT G

8.400-POL-1

Use of Force – REPORTING AND INVESTIGATION

The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous and transparent oversight systems to ensure accountability to the community and maintain their trust. In order to ensure transparency and accountability officers must clearly and reliably report and thoroughly document each time they use force defined as Type I, II, or III.

All uses of force are reportable except de minimis force.

Supervisors must clearly and reliably document the steps they have taken to investigate and review the actions of the officer and any additional steps taken or recommendations for further review and action.

The requirements for reporting, investigating, and reviewing use-of-force incidents are separated into three types, based on the nature of the incident. (For deaths, also see 15.055.) The 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. The categorization of the uses of force is based on the following factors: degree of injury caused, potential of the technique or weapon to cause injury, degree of pain experienced, degree of disability experienced by the subject, complaint by the subject, degree of restraint of the subject, impairment of the functioning of any organ, duration of the force, and physical vulnerability of the subject.

Force	Threshold	Examples	Components of Reporting & Investigation
De Minimis	Physical interaction meant to separate, guide, and/or control that does not cause pain or injury	Using hands or equipment to stop, push back, separate or escort, the use of compliance holds without the use of sufficient force to cause pain, and unresisted handcuffing	No investigation or reporting required
Type I	Transient Pain Disorientation Aiming of Firearm or Beanbag Shotgun at a Subject	“Soft” takedowns (controlled placement) Strike with sufficient force to cause pain or complaint of pain Open hand technique with sufficient force to cause complaint or indication of pain	Sergeant Screening In-person (Unless Impractical) Blue Team entry FRB Chair review
Type II	Physical Injury (Greater than temporary pain) Reasonably expected to cause physical injury Complaint of injury Use of CEW (TASER) Use of OC Spray Use of Impact Weapon causing less than a Type III injury Use of Beanbag Shotgun causing less than a Type III injury K9 Deployment with Less Than Type III Injury or Complaint of Less Than a Type III injury Vehicle Tactics Pursuit Intervention Technique Hobble Restraint	Abrasion Bruising “Hard strike” Hard takedown Kick	Sergeant Screening at the Scene <i>Use-of-Force Witness Officer Statement (form 24.5)</i> Blue Team entry Use-of-Force Type II Supervisor Review- Bureau Chief (form 24.14) Collection of Evidence Review of Video FRB Review FRB Review

Force	Threshold	Examples	Components of Reporting & Investigation
Type III	Great Bodily Harm Substantial Bodily Harm Deadly Force Loss of Consciousness Neck and Carotid holds Criminal Conduct by Officer(s) Serious Misconduct by Officer(s) Use of Stop Sticks Against a Motorcycle Impact Weapon Strike to the Head	Broken arm Closed head injury Discharging a firearm at a person	Sergeant Screening at the Scene FIT Response and Investigation FRB Review

1. Officers Shall Report All Uses of Force Except De Minimis Force

Officers shall thoroughly document all reportable uses of force to the best of their ability, including a description of each force application.

The Department recognizes the inherent limitations on perception and recall following tense and rapidly evolving circumstances.

2. Officers, Including Witness Officers, Will Verbally Notify a Supervisor Immediately, Unless Not Practical, Following any Use of Reportable Force

a. Officers Who Use Reportable Force While On-Duty Shall Call for an On-Duty SPD Sergeant Via Radio

b. Officers Who Use Reportable Force While Exercising Police Authority in all Other Circumstances Shall Call and Request to be Contacted by an On-Duty Lieutenant

c. Officers Who Discharge a Firearm at a Person While Off Duty, Except During Military Activity, Shall Call and Request to be Contacted by an On-Duty Lieutenant

d. Officers Who Use Reportable Force While Working for a Secondary Employer Shall Call for an On-Duty Sergeant Via Radio Unless an SPD Sergeant is Assigned or Working the Same Off-Duty Detail

- When an officer is involved in an incident in another precinct while working off-duty, a sergeant in that precinct (or a sergeant assigned to the same off-duty detail, when there is one) will conduct the investigation and then submit it to the involved officer's chain of command for approval.

e. Animal Shootings and Unintentional Discharges not Resulting in Injury are not Considered Force, but are Investigated Under the Same Mechanisms Prescribed in This Policy

3. The Sergeant Will Review the Incident and Do One of the Following:

- Classify the investigation as **Type I** Use of low-level physical force that:
 - Causes transient pain or disorientation, but does not cause, and would not reasonably cause, injury or otherwise require a Type II investigation
 - Intentionally pointing a firearm or beanbag shotgun at a person
 - Un-holstering or displaying a firearm without intentionally pointing it at a person – including the sul and low-ready positions – or simply displaying any weapon, is not a reportable use-of-force
- Classify the investigation as **Type II** Use of physical force that:
 - Causes physical injury greater than temporary pain, or
 - Could reasonably be expected to cause such an injury, or
 - Results in a complaint of such an injury, and does not rise to the level of a **Type III** investigation
 - Use of intentional ramming or PIT (Pursuit Intervention Technique)

- Call the captain of the FIT Unit and screen a Type III response by the FIT
 - Use-of-force that results in, or could reasonably be expected to result in, great bodily harm [RCW 9A.04.110(4)(c)] or substantial
 - bodily harm [RCW 9A.04.110(4)(b)], to include broken bones and an admission to the hospital for treatment, or
 - Use of deadly force, including those incidents involving the discharge of a firearm, or
 - Use-of-force that results in a subject's loss of consciousness as the
 - result of the force, or
 - Use-of-force that potentially involves criminal conduct or serious misconduct on the part of the officer, or
 - Application of a neck hold
 - Hard strike to the head or neck with an impact weapon (flashlight, baton or other object)
 - Use of stop-sticks against an occupant of a moving motorcycle

4. The FIT Unit Captain or FIT Sergeant, When Contacted by a Sergeant, Will Either Initiate a Type III Investigation or Suggest Another Type of Investigation

5. When Multiple Officers are Involved in a Use-of-Force Incident, the Entire Incident Will be Reported and Reviewed at the Highest Level Reached by any Single Officer During the Incident

If one officer uses Type I force while another officer uses Type II force, in the same incident, both involved officers will be required to report in accordance with Type II investigation requirements.

6. Sergeants May Request a Higher Level of Investigation for a Given Force Incident

Factors to consider when determining whether a higher level of investigation is appropriate include, but are not limited to, the following:

- The nature of the resistance encountered
- Force used against a handcuffed, or otherwise restrained, under- control, or in-custody subject
- Force used against a pregnant or vulnerable subject (e.g., age or infirmity)
- Incidents resulting from faulty information or unintentional error
- When it is unclear whether the officer's actions were consistent with policy or law

7. No Supervisor Who Used, Participated In, or Ordered Reportable Force, Will Conduct the Investigation of the Incident, Unless it is Impractical Under the Circumstances

When a sergeant uses or orders reportable force, a lieutenant shall determine who will conduct the investigation.

8. Officers are Required to Report the Use of OC Spray, Beanbag Shotgun, TASER and Patrol CART Munitions, Regardless of the Effect

Reporting is required whether or not the subject is struck, affected, or taken into custody.

9. Once a Subject is Free to Leave, Officers Will Not Detain for Screening Purposes

10. The Incident Commander Will Make Appropriate Notifications of Serious Officer Misconduct or Criminal Liability

The incident commander/watch commander will notify the command staff and OPA if information is obtained at any step in the investigation that suggests either serious officer misconduct or criminal conduct.

If the situation warrants, the incident commander may relieve the officer from duty for up to 24 hours pursuant to Manual Section 5.002.4.c.

11. Whenever the Department Investigates the Discharge of a Firearm by an Officer, the Firearm Must be Inspected by Range Staff Prior to Being Returned to the Involved Officer

- The Range Staff will verify:
 - The firearm is approved by the Department for use by the officer
 - The ammunition is approved by the Department for use by the officer. Neither the firearm nor the ammunition has been modified to be out of compliance with Department policy
 - Provide to the FIT a memorandum identifying:

- The firearm evaluated
- The name and serial number of the officer to whom it is assigned
- The type of tests performed on the firearm
- The results of those tests
- The individual who conducted the test.
- Conclusion whether the firearm is functioning properly
- Any malfunctions discovered with the firearm
- Any other information relevant to the functioning of the firearm inspected

8.400-POL-2**Use of Force – TYPE I INVESTIGATIONS****1. Sergeants Must Screen Uses of Reportable Force In-Person With the Involved Officer and the Subject, Unless Impractical, Prior to the Subject Being Booked or Released**

If the subject is free to leave, the detention will not be extended to facilitate the screening process; however, the subject may choose to remain at the scene to speak with the sergeant. *See 8.300-TSK-1, Involved Officers' Responsibilities During a Type I Investigation.*

If there is any uncertainty or concern about the reason or nature of the force used, or the existence of any injury, the sergeant will immediately respond to the scene, unless impractical in the circumstances.

2. Officers Shall Document All Uses of Reportable Force

Type I reporting is not intended to be comprehensive or burdensome. In nearly all Type I use-of-force cases, it should be sufficient to complete the form in Blue Team and write a brief narrative entry describing what occurred.

Additional guidance on how to report Type 1 force may be found here. [Hyperlink to 8.400-TSK-1.]

When complaint of pain from handcuffing is the only reportable force used in an incident, officers shall complete a brief narrative entry in the Type I Use-of-Force Report in Blue Team, noting handcuffs were applied, that the subject complained of pain from the handcuffs, what steps the officer took to ensure proper fit and address the complaint of pain, and that no injury was apparent. No other statement is required. A supervisor must inspect the suspect to confirm there is no visible injury, with the caveat that officers may not extend a detention solely to await the arrival of a supervisor.

Witness officer statements are not required for a Type I use-of-force. Only the involved officer and the screening sergeant fill out statements.

3. The Officer's Immediate Supervisor Will Review the Documentation as Soon as Practicable and Will Direct the Officer to Provide More Information, if Needed

Sergeants shall give a brief summary of their review of the incident and give their approval [or disapproval] in the comments section in Blue Team.

No ICV or other video review is required of the sergeant or chain of command.

Additional guidance on how to investigate Type 1 force may be found here. [Hyperlink to 8.400-TSK-2.]

8.400-POL-3**Use of Force – TYPE II INVESTIGATIONS****1. In Conducting a Type II Investigation, a Sergeant Will Respond to the Scene and Thoroughly Investigate the Event, Unless Officer or Public Safety Will be Compromised as a Result**

See 8.400-TSK-6 Responsibilities of the Sergeant During a Type II Investigation.

The sergeant retains the discretion to refer any use of force to FIT for their determination of whether to take investigatory responsibility over the matter.

2. The Sergeant Will Conduct the Investigation as an Impartial Fact-Finder and Shall Not Draw Conclusions About Whether the Force was Within Policy or Law**3. The Sergeant Will Make Appropriate Notifications When He or She Believes that Criminal Conduct or Serious Misconduct May Have Occurred**

When a sergeant believes that there may have been criminal conduct or serious officer misconduct, the sergeant will consult with an on-duty captain or lieutenant and confirm that either OPA or FIT is notified.

4. Sergeants Will Complete Their Review Within 3 Days of Learning of the Use-of-Force

Exception: The lieutenant may approve an extension.

Sergeants shall give an appropriate summary of their review of the incident and give their approval [or disapproval] in the comments section in Blue Team.

a. Each Reviewer in the Chain Will Review the Report Within a Reasonable Period of Time to Ensure it is Thorough and Complete

Every reviewer in the chain of command is responsible to ensure the accuracy and completeness of the Use-of-Force Reports completed by sergeants. Lieutenants and captains shall assess the quality of the sergeant's review and document their own review in the comments section in Blue Team. The lieutenant's and captain's review shall indicate why the approval or disapproval of the force is warranted.

If any investigative deficiencies exist, the reviewer will initiate corrective action where appropriate.

- When it appears to a reviewer that there is additional relevant and material evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, that supervisor should ensure that additional investigation is completed.
- When it appears to a reviewer that the findings are not supported by a preponderance of the evidence, that reviewer will modify the findings after consultation with the investigating supervisor and previous reviewers, and document the reasons for this modification, including the specific evidence or analysis supporting the modification.

5. An Investigation May Be Re-Assigned

At the discretion of the officer's chain of command, or OPA in the case of potential misconduct, a use-of-force investigation may be assigned or re-assigned to FIT or to another supervisor, either within or outside of the precinct in which the incident occurred, or may be returned to the unit for further investigation or analysis.

- 6. Where, After Investigation, a Use-of-Force is Found to be Out of Policy, or the Investigation of the Incident is Lacking, the Chief or Designee Will Direct and Ensure Appropriate Corrective Action, if Warranted, Including Referral to OPA in the Case of Misconduct**
- 7. When the Use-of-Force Indicates Policy, Training, Tactical or Equipment Concerns, the Chief or Designee Will Ensure That Necessary Training is Delivered and That Policy, Tactical or Equipment Concerns are Resolved**
- 8. After the Precinct Captain has Reviewed the Use-of-Force Packet and Finds the Investigation Complete and Supported by the Evidence, He or She Shall Forward the Investigation File to the Force Review Board**

8.400-POL-3

Use of Force – TYPE III INVESTIGATIONS

- 1. The Force Investigations Team (FIT) Will Conduct All Type III Investigations, With Assistance from the On-Scene Sergeant**
- 2. FIT Responses Will Be Tailored to the Circumstances, But Will Normally Include One to Six FIT Detectives, the FIT Sergeant, the FIT Captain, a Training Section Representative, and an OPA Representative**
- 3. At Least One Member of the FIT Will be Available at All Times to Evaluate Potential Referrals from SPD Sergeants**
- 4. The FIT Captain Shall Staff the FIT with Employees Who Have the Appropriate Expertise and Investigative Skills**

FIT should be staffed with individuals with appropriate expertise and investigative skills to ensure that uses of force that are contrary to law or policy are identified and appropriately resolved; and that its investigations allow the Force Review Board to identify trends or patterns of policy, training, equipment, or tactical deficiencies, or positive lessons related to the use-of-force.

5. A Training Section Representative Will Have Certain Responsibilities During a Type III Investigation

The Training representative will not have investigative roles at the scene of a use-of-force, but will attempt to identify any policy or training issues.

See 8.400-TSK-19, Responsibilities of the Training Representative During a Type III Investigation.

6. An Office of Professional Accountability (OPA) Representative Will Have Certain Responsibilities During a Type III Investigation

The OPA representative will not have investigative roles at the scene of a use-of-force, but will attempt to identify any potential misconduct issues.

See 8.400-TSK-20 Role of the Office of Professional Accountability (OPA) Representative During a Type III Investigation.

7. FIT Personnel Will Take Control of the Use-of-Force Investigation Upon Their Arrival

See 8.400-TSK-16, Responsibilities of the FIT Captain During a Type III Investigation (Not a Firearms Discharge), 8.400-TSK-17, Responsibilities of the FIT Captain During a Type III Investigation (Firearms Discharge), 8.400-TSK-14, Responsibilities of the FIT Unit Sergeant During a Type III Investigation (Not a Firearms Discharge) and 8.400-TSK-15, Responsibilities of the FIT Unit Sergeant During a Type III Investigation (Firearms Discharge).

a. Once FIT has Assumed Control of the Scene, the Patrol Sergeant Will Work at the Direction of the FIT Captain

See 8.400-TSK-9 Responsibilities of the Patrol Sergeant During a Type III Investigation (Not a Firearms Discharge) and 8.400-TSK-10 Responsibilities of the Patrol Sergeant During a Type III Investigation (Firearms Discharge).

8. For Type III Investigations, All Involved Officers Will Provide a Recorded Statement as Directed by the FIT Captain

Typically, the FIT Captain will direct officers who used Type I or Type II force to complete a use-of-force statement and officers who used Type III force to participate in an audio-taped interview.

Exception: If information suggests possible criminal conduct by an officer, that officer will not be compelled to provide any statement or interview prior to the conclusion of any criminal investigation.

9. Within 30 Days (90 Days for Firearm Discharge Cases), the FIT Captain Will Present the Completed Investigation to the Chief of the Compliance & Professional Standards Bureau for Review as to Completeness of Investigation

The Chief's review will normally be completed within three business days. The investigation will then be forwarded to the involved officer's chain of command. After this review has been completed, the FIT Captain will be responsible for presenting the investigation to the Force Review Board.

See 8.400-TSK-16, Responsibilities of the FIT Captain During a Type III Investigation (Not a Firearms Discharge), and 8.400-TSK-17, Responsibilities of the FIT Captain During a Type III Investigation (Firearms Discharge).

10. Witness Officers Who had Significant Involvement in any Lethal Force Incident are Required to See a Department-Approved MHP for a Post-Incident Debrief

Significant involvement includes, but is not limited to:

- Serving as a cover officer
- Administering any medical aid to the suspect or a victim
- Being the victim of violence from the suspect
- Using any reportable force during the incident prior to the shooting

The above examples are a sampling of witness officer roles that will be considered significant involvement; however, witness officers may be subject to a mandatory MHP debrief on a case-by-case basis at the discretion of the Chief of Police.

All witness officers referred to an MHP for a *mandatory debrief* will be given four days of release time.

If desired, witness officers who witnessed any portion of a lethal force incident may contact a Department- approved mental health professional (MHP) for a psychological post-incident debrief. (Department-approved MHPs are specially-trained in debriefing law enforcement incidents.)

- The Department will provide for up to the first six visits over a one-year time period beginning on the date of the incident.
- The witness officer may bring a family member along at no extra charge to any or all covered visits.

11. The FIT Captain Will Notify the Command Staff if Information is Obtained at any Stage of the Investigation That Suggests Either Serious Officer Misconduct or Criminal Liability

The assigned FIT investigator will continue to complete the use-of-force investigation.

a. The FIT Captain Will Take the Following Actions When Possible Criminal Conduct is Revealed:

- Refer the investigation to OPA
 - If OPA agrees that a criminal investigation is appropriate, they will refer the investigation to the Homicide Unit or another investigative body for assignment to an uninvolved sergeant for bifurcated criminal and administrative investigations using a “clean team” and “exposed team” approach.
- Screen all information through a case master, who will see to it that no information that would compromise the criminal investigation is passed on to the sergeant who is supervising the criminal investigation.
 - Additionally, any compelled interview of the subject officer(s) will be delayed until the end of the investigation.
- Consult with a representative of the King County Prosecutor’s Office or the City Attorney’s Office when necessary.
 - The criminal investigation will have priority access to witnesses and evidence.

b. The FIT Captain Will Take the Following Actions When Possible Serious Officer Misconduct is Revealed:

- Advise the OPA director and refer the misconduct investigation to the OPA.

8.400-TSK-1

Use of Force – INVOLVED OFFICERS’ RESPONSIBILITIES DURING A TYPE I INVESTIGATION

Upon being involved in a use-of-force that will be investigated at Type I, the **involved officer** (any officer who used the reportable force):

1. **Notifies** an on-duty sergeant
2. **Uploads** and **flags** in-car video (ICV) with the incident number before going off shift
3. **Documents** the incident, as appropriate
4. **Completes** a *Type I Use-of-Force Report* in Blue Team by the conclusion of the current shift, unless the sergeant approves an extension

The report will include the following elements:

- Brief summary of the incident
- Description of the Type I force
- Why the force was necessary
- Who screened the incident
- Where the screening occurred
- Anything else noteworthy

8.400-TSK-2

Use of Force – RESPONSIBILITIES OF THE SERGEANT DURING A TYPE I INVESTIGATION

When conducting a Type I investigation, the **sergeant**:

1. **Screens** the incident in-person with the involved officer
 - If there is any uncertainty or concern about the reason or nature of the force used, or the existence of any injury, the sergeant will immediately respond to the scene, unless impractical in the circumstances.
 - If the sergeant responds to a scene in which there is allegation of injury or pain, the sergeant will **photograph** the bodily area of the alleged injury or pain and an overall photo of the subject.
 - When a subject is not in custody, the sergeant will request permission before taking photographs.
 - When a subject is in custody, the sergeant will take photographs unless the subject refuses and safety dictates, after voluntary and non-coercive attempts fail

2. **Determines** if the use-of-force is appropriately classified as a Type I incident
 - If unable to make that determination, the sergeant will consult with the lieutenant or FIT to assist in the determination.
3. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
 - If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted and consult the FIT team regarding reclassification of the incident as Type II or Type III.
4. **Addresses** any concerns with the involved officer and initiates corrective action, as necessary
5. **Directs** the involved officer to complete a *Type I Use-of-Force Report* in Blue Team
6. **Reviews** the Blue Team entry and any related documentation, including GO and supplemental reports and directs the officer to supply more information, if needed
7. **Orders** the officer to provide additional information or clarification if the Blue Team entry is unclear
8. **Completes** a brief summary of their review of the incident in the comments section in Blue Team
9. **Forwards** the reports to the lieutenant

8.400-TSK-3**Use of Force –INVOLVED OFFICERS’ RESPONSIBILITIES
DURING A TYPE II INVESTIGATION**

Upon being involved in a use-of-force that will be investigated at Type II (physical injury [greater than temporary pain], reasonably expected to cause physical injury, complaint of injury, use of CEW, use of OC spray, use of impact weapon, use of beanbag shotgun, K9 deployment, vehicle-to-vehicle contact to end a pursuit, full-restraint position), the **involved officer** (any officer who used the reportable force):

1. **Requests** medical attention for any injured persons
2. **Notifies** an on-duty sergeant
3. **Uploads** and **flags** in-car video (ICV) with the incident number before going off shift
4. **Completes** a General Offense Report, if appropriate
5. **Completes** a *Type II Use-of-Force Report* in Blue Team by the conclusion of the current shift, unless exigent circumstances require an extension

The statement will include the following elements:

- The name and serial number of the officer who used force
- The names of other officers, whether or not they used force, and identified witnesses present
- A detailed description of the circumstances, and the valid law enforcement objective, that led up to the contact with the subject
- A detailed description of the words, actions or behaviors of the subject that precipitated the need for force
- A detailed description of any force and non-force actions used, how those actions furthered the intended law enforcement objective, and the observed results
- A detailed description of any force clearly observed being used by other officers during this incident
- A detailed description of any apparent injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided
- The name and serial number of the sergeant who screened the incident

8.400-TSK-4**Use of Force –RESPONSIBILITIES OF WITNESS OFFICERS
DURING A TYPE II OR TYPE III INVESTIGATION
(NOT A FIREARMS DISCHARGE)**

A **witness officer** (any officer who was on-scene at the time the force was used and who did not use reportable force):

1. **Protects** the scene and related evidence
2. **Stands by** at the scene until released by the sergeant (for a Type II investigation) or the FIT supervisor (for a Type III investigation)
3. **Uploads** and **flags** in-car video (ICV) with the incident number before going off shift
4. **Provides** a *Use-of-Force Witness Officer Statement* (form 24.5), as directed by the sergeant (for a Type II investigation) or the FIT supervisor (for a Type III investigation). If a witness officer is aware that reportable force was used but not reported, the witness officer shall provide the witness statement to his or her supervisor.

8.400-TSK-5**Use of Force –RESPONSIBILITIES OF WITNESS OFFICERS
DURING A TYPE III INVESTIGATION
(FIREARMS DISCHARGE)**

A witness officer (any non-shooting officer who was on- scene at the time the force was used):

1. **Protects** the scene and related evidence
2. **Answers** questions posed by a supervisor without being compelled
3. **Conducts** a scene walkthrough and briefings with the FIT detective if directed
4. **Remains** at the scene until directed to respond to the FIT office by FIT personnel
5. **Completes** a written statement prior to the end of shift, as directed by FIT personnel
 - **Exception:** Officers who witness the firearms discharge but use Type III force will participate in an audio recorded use of force interview with the case sergeant and detectives, if requested to do so, by the conclusion of the current shift, unless exigent circumstances require an extension.
6. If desired, witness officers who witnessed any portion of the firearms discharge may **contact** a Department- approved mental health professional (MHP) for a psychological post-incident debrief. (Department-approved MHPs are specially-trained in debriefing law enforcement incidents.) See 8.300-POL-4.10.
 - The Department will provide for up to the first six visits over a one-year time period beginning on the date of the incident.
 - The witness officer may bring a family member along at no extra charge to any or all covered visits.

8.400-TSK-6**Use of Force –RESPONSIBILITIES OF THE SERGEANT
DURING A TYPE II INVESTIGATION**

When conducting a Type II investigation, the **sergeant**:

1. **Responds** to the scene
2. **Examines** the subject of the force for injury
 - When feasible, the sergeant will **assess** the subject's injuries and **determine** whether the subject's injuries are consistent with the force reported by the officer(s).
3. **Interviews** the subject for complaints of injury
4. **Confirms** that appropriate medical aid is rendered to any injured party
5. **Obtains** basic information and determines if the incident requires screening with the FIT supervisor

6. **Identifies** and **secures** evidence to enable him or her to summarize the use of force and the facts and circumstances surrounding it, including:
 - Physical evidence
 - Audio and video recordings
 - Photographs
 - Documentation of the presence or absence of injuries

7. **Attempts** to locate relevant civilian witnesses and **arranges** for witnesses to be interviewed
 - An officer who was involved in, or witnessed, the use of force shall not conduct witness interviews.
 - If witnesses do not want to be interviewed, the sergeant shall record their contact information.
 - Where practicable and warranted in the circumstances, the sergeant will arrange for all interviews with civilian witnesses to be audio recorded. Civilian witnesses shall be interviewed separately, unless unreasonable under the circumstances.
 - Interviews of the subject, or the subject’s refusal to be interviewed, will be audio or ICV recorded, if feasible.
 - **Documents** all efforts to locate and interview civilian witnesses;
 - If no civilian witnesses were located, **documents** that none were found.

8. **Reviews** CAD to make sure that all officers at the scene are contacted to determine if they used or observed force

Conducts separate interviews of officers involved in a use of force incident, unless unreasonable under the circumstances and the sergeant **documents** the circumstances.

Exception: Whenever there is an indication of possible criminal conduct by an officer, the officer will not be compelled to provide a statement.

9. **Directs** the involved officer(s) to complete a *Type II Use-of-Force Report* in Blue Team and the witness officer(s) to complete a *Use-of-Force Witness Officer Statement (form 24.5)*

Exception: Whenever there is an indication of possible criminal conduct by an officer, the officer will not be compelled to provide a statement.

10. **Canvasses** the area for privately-owned video that may have captured the incident, and attempts to obtain copies voluntarily
 - If the owner of the video refuses or the video is unavailable, **documents** the location and/or owner
 - If no privately-owned video is discovered, **documents** that none was found
 - **Documents** all efforts to obtain private video

11. **Photographs** the following:
 - The location where the incident occurred, to document damage and to make sure that relevant evidence is collected
 - Any officer injuries or areas of complained injury, and any damaged government or private property
 - When a subject is not in custody, **asks** for permission to photograph injuries
 - When a subject is in custody, **photographs** the subject unless the subject refuses and safety dictates, after voluntary and non-coercive attempts fail
 - **Takes** a minimum of three photos, per subject:
 - Overall photo of the subject
 - Photo of the general area of the injury (arm, neck, etc.)
 - Close-up photo of the injury
 - **Uploads** photos to DEMS
 - **Documents** refusal, as appropriate

12. **Reviews** the officer’s Blue Team entry to make sure the account is full and accurate
 - **Verifies** that the officer has thoroughly documented all reportable uses of force to the best of their abilities, including a description of each force application

13. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

- If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted and consult the FIT team regarding reclassification of the incident as Type III.
14. **Advises** his or her lieutenant of the incident by the end of the shift during which the incident occurred
 15. **Confirms** that all officers who responded to the incident upload their ICV by the conclusion of their shift
 16. **Reviews** and **bookmarks** any and all relevant and material ICV or holding cell video related to the incident
 - If any video appears to be missing, **calls** the IT Unit immediately to request a review of the fail safe.
 17. If a CEW was deployed, **confirms** that the CEW data is downloaded and that data analysis is included in the Use-of-Force Report
 18. **Attaches** primary supporting documents (witness statements, etc.) to the Blue Team entry
 19. **Provides** an appropriate summary of their review of the incident in the comments section in Blue Team
 - The Use-of-Force Report will include a narrative description of the incident. The narrative will summarize the force used by the officers and the subject, injuries sustained by the subject and the officer, and will describe the sequence of events. Additionally, it will document the supervisor's actions in reviewing or screening the incident.
 - The Use-of-Force Report will include documentation of all evidence that was gathered, including physical evidence; photographs; and names, phone numbers, addresses and summaries of statements by all civilian witnesses to the incident.
 - In situations where there are no known witnesses, the Use-of-Force Report will specifically state this fact.
 - In situations in which witnesses were present but the author of the report did not determine the identification, phone number or address of those witnesses, the Use-of-Force Report will state the reasons why.
 - The Use-of-Force Report shall include the names of all other SPD employees witnessing the use-of-force and summaries of their statements.
 - The Use-of-Force Report shall include the sergeant's evaluation of the evidence, including any material inconsistencies in the evidence or statements.
 20. **Forwards** a completed Blue Team entry along the chain of command within three days, unless an extension is approved by the supervisor's commanding officer
 21. **Reviews** and **approves** all associated General Offense reports

Exception: Another sergeant may review the documentation if it is impractical for the initial sergeant to do so. The screening sergeant will locate an alternate to perform the review and will inform the reporting officer of the change.
 22. **Sends** VMail with the GO number to HALERT requesting immediate transcription

8.400-TSK-7

**Use of Force – INVOLVED OFFICER'S RESPONSIBILITIES
DURING A TYPE III INVESTIGATION
(NOT A FIREARMS DISCHARGE)**

Upon being involved in a use-of-force that will be investigated at Type III and does not involve the discharge of a firearm (great bodily harm, substantial bodily harm, deadly force, loss of consciousness, neck holds, criminal conduct by officers, serious misconduct by officers, use of stop sticks against a motorcycle), the **involved officer** (any officer who used the reportable force):

1. **Requests** medical attention for any injured persons
2. **Notifies** an on-duty sergeant for a response
3. **Stands by** at the scene until the arrival of the FIT Unit sergeant or the FIT Captain

Exception: When the officer has sustained an injury that requires treatment, biohazard exposure or when there are hazardous conditions at the scene

4. **Participates** in an audio- recorded Type III Use-of-Force interview with the case sergeant and detectives, if requested to do so, by the conclusion of the current shift, unless exigent circumstances require an extension

The interview will include the following elements:

- The name and serial number of the officer who used force
- The names of other officers or identified witnesses present
- A detailed description of the circumstances that led up to the contact with the subject
- A detailed description of the words, actions or behaviors of the subject that precipitated the need for force
- A detailed description of any force and non-force actions used to achieve the law enforcement objective, and the observed results
- A detailed description of any force clearly observed being used by other officers during this incident
- A detailed description of any apparent injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided
- The name and serial number of the sergeant who screened the incident

8.400-TSK-8

**Use of Force – INVOLVED OFFICER’S RESPONSIBILITIES
DURING A TYPE III INVESTIGATION
(FIREARMS DISCHARGE)**

Upon being involved in a firearms discharge, the **involved officer** (any officer who discharged his or her firearm):

1. **Notifies** his or her sergeant

If off-duty, **calls** Communications to request that an on-duty SPD lieutenant be notified

2. **Answers** questions posed by the first arriving sergeant from the Public Safety Statement Card, when directed
3. **Remains** at the scene until the FIT Sergeant or Captain arrives.

Exception: When the officer has sustained an injury that requires treatment, biohazard exposure or when there are hazardous conditions at the scene.

4. **Responds** to the FIT office, when directed
5. **Relinquishes** his or her discharged weapon, when directed by FIT personnel
6. **Conducts** a scene walk-through, if directed

This can occur at any time during the investigation and will be preceded by reasonable notice to the officer. The officer has the option of bargaining unit and legal representation at this walk-through.

7. **Provides** an audio- recorded statement

An audio-recorded statement will be provided by the involved officer as soon as practicable, taking into account the totality of the circumstances, including, but not limited to, the psychological, physiological, and medical condition of the officer, and the complexity of the scene processing.

8. **Completes** a Firearms Discharge Blue Team entry and a Use-of-Force Blue Team entry, at the direction of a FIT supervisor
9. **Contacts** an SPD Firearms Training Unit sergeant to arrange for a function test of the replacement firearm
 - This shall occur when practical.
 - When the involved officer is notified that the involved firearm has been cleared to be released from the Quartermaster Unit for duty purposes, he or she will function test the weapon at the SPD Range prior to deploying it again for field duty.
10. **Selects** a mental health professional from the list of Department-approved providers and schedules a post- incident appointment within 72 hours of the incident
 - This visit must occur before the officer returns to work.
 - The Department will provide for up to the first six
 - visits over a one-year time period beginning on the date of the incident.

- The involved officer may bring a family member along at no extra charge to any or all covered visits.

8.400-TSK-9

**Use of Force – RESPONSIBILITIES OF THE SERGEANT
DURING A TYPE III INVESTIGATION
(NOT A FIREARMS DISCHARGE)**

The **sergeant**:

1. **Responds** to the scene
2. **Confirms** that appropriate medical aid is rendered to any injured party

If the subject is transported to a hospital, **verifies** that the subject has been identified and **arranges** for hospital guard, if necessary
3. **Notifies** an on-duty watch lieutenant of the incident
 - a. **Maintains** control of the scene until the lieutenant arrives
 - b. **Briefs** the lieutenant
4. **Obtains** basic information and determines if the incident requires screening with the FIT sergeant
 - This may include completing a Use-of-Force Public Safety Statement Card (form 24.3).
5. **Ensures** the scene is contained
6. **Supports** the involved officer
 - a. **Does not isolate** the involved officer
 - b. **Does not allow** the involved officer to talk to other personnel about the incident
 - c. **Confirms** that the involved officer has access to the following:
 - Food and drink
 - Restroom facilities
 - Telephone
 - Representative from his or her collective bargaining unit
 - d. **Does not allow** the involved officer to sit in the back seat of a police vehicle
 - e. **Avoids** making the involved officer feel like a suspect
 - f. **Assigns** an officer to standby with the involved officer, if appropriate
7. **Attempts** to locate and identify civilian witnesses and request that they stand by to be interviewed by FIT personnel
 - If witnesses do not want to be interviewed, the sergeant shall record their contact information.
8. **Turns** the scene over to the arriving FIT personnel
9. **Gives** any *Use-of-Force Public Safety Cards* to the FIT Unit sergeant or FIT Captain upon their arrival
10. **Complies** with directions from the FIT Captain
11. **Assigns** an officer to complete the General Offense Report
12. **Confirms** that all officers who responded to the incident upload the ICV by the conclusion of their shift
 - If any video appears to be missing, **calls** the IT Unit immediately to request a review of the fail safe.
13. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

- a. If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted.
- b. Advises the FIT Sergeant of any other concerns noted.

8.400-TSK-10

**Use of Force – RESPONSIBILITIES OF THE SERGEANT
DURING A TYPE III INVESTIGATION
(FIREARMS DISCHARGE)**

During the investigation of a firearms discharge, the patrol sergeant:

1. **Responds** to the scene
2. **Advises** communications of his or her assumption of command
3. **Confirms** that the necessary medical aid requests have been made
If the subject is transported to a hospital, **verifies** that the subject has been identified and **arranges** for hospital guard.
4. **Completes** a Public Safety Statement Card from the involved officer, if feasible.
5. Immediately **broadcasts** the information obtained from the Public Safety Statement Card to enhance public safety and assist with the capture of outstanding suspects.
6. **Initiates** Incident Command System (ICS).
7. **Attempts** to locate and identify civilian witnesses and **requests** they stand by to be interviewed by FIT personnel
If witnesses do not want to be interviewed, the sergeant records their contact information.
8. If the subject is transported to a hospital, **verifies** that the subject has been identified and **arranges** for hospital guard.
9. **Notifies** an on-duty lieutenant
10. **Maintains** control of the scene until the lieutenant arrives
11. Upon the arrival of the lieutenant, **relinquishes** command of the scene, after an in-person briefing
Coordinates with the lieutenant to make sure that, at a minimum, notification is made to the captain in whose precinct the incident occurred and the section captain for the involved officer(s)
12. **Requests** the response of the FIT
13. **Relieves** the involved officer of any scene-related duties
If it becomes unsafe for the involved officer(s) to remain at the scene (an injury requiring medical attention or an unruly crowd, etc.) the patrol supervisor **arranges** for the involved officer to be transported to a hospital or to the FIT office, as appropriate
14. **Assigns** an officer to standby and accompany the involved officer
 - a. If there are multiple involved officers, **assigns** an officer to each
 - b. The officer(s) assigned to the involved officer(s) shall not be witness officer(s) nor union representative(s).
15. **Confirms** that the involved officers understand they are not to change the condition of their weapon or appearance of their uniform, except at the direction of the FIT.
Exceptions to the uniform requirement include but are not limited to an officer's uniform being contaminated with bio-hazard material
16. **Supports** the involved officer
 - a. **Confirms** that the involved officer has access to a representative from his or her collective bargaining unit

- b. **Confirms** that the involved officer has access to food and drink, restroom facilities, and a telephone
 - c. **Does not allow** the involved officer to talk to other personnel about the incident
 - d. **Does not seat** the involved officer in the back seat of a police vehicle
 - e. **Avoids** any action that may make the involved officer feel like a suspect
17. **Remains** at the scene to coordinate scene security
 18. **Gives** the Public Safety Statement Card to the FIT sergeant or FIT Captain upon arrival
 19. **Confirms** that the necessary reports and statements have been completed and approved/delivered before involved personnel go off shift
 20. **Confirms** that all officers who responded to the incident upload their DICV (digital in-car video) before going off shift
 - If any video appears to be missing, **calls** the IT Unit immediately to request a review of the fail safe.
 21. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
 - a. If it appears that serious misconduct or potential criminal conduct may have been involved with the firearms discharge, the sergeant will contact the OPA representative on-scene
 - b. Advises the FIT Sergeant of any other concerns noted.

8.400-TSK-11	Use of Force – RESPONSIBILITIES OF THE WATCH LIEUTENANT DURING A TYPE III INVESTIGATION (NOT A FIREARMS DISCHARGE)
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Upon notification of a Type III investigation the **watch lieutenant**:

1. **Responds** to the scene
2. **Advices** dispatch that he or she has assumed command
3. **Confirms** that the involved officer’s bargaining unit is made aware of the incident
4. **Notifies** a CISM representative of the incident, if appropriate
5. **Relinquishes** control of the inner perimeter of the scene to the FIT sergeant or FIT Captain upon their arrival
6. **Maintains** control of the outer perimeter until the scene is cleared by the FIT
7. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
 - a. If it appears that the force used involves potential criminal conduct or misconduct, other than minor misconduct, on the part of the officer, the lieutenant will ensure that OPA is contacted.
 - b. Advises the FIT Lieutenant or FIT Captain of any other concerns noted.

8.400-TSK-12	Use of Force – RESPONSIBILITIES OF THE WATCH LIEUTENANT OR CAPTAIN DURING A TYPE III INVESTIGATION (FIREARMS DISCHARGE)
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During the investigation of a firearms discharge, the on- scene Lieutenant or Captain:

1. **Responds** to the scene
 - If the discharge occurred in another jurisdiction, responds to the location if it is within a reasonable distance
2. **Advices** communications of his or her arrival and assumption of command
3. **Confirms** that Incident Command has been established and the proper duties have been delegated

4. **Provides** the appropriate level of command and command structure to achieve scene preservation and crime scene integrity
5. **Maintains** command of the scene until the FIT sergeant or Captain arrives.
6. Upon arrival of the FIT sergeant or Captain, **relinquishes** the inner perimeter of the scene
7. **Confirms** that all officers directly involved in the shooting respond to the FIT office, when directed to do so by the FIT sergeant or Captain
8. **Confirms** the involved officers are accompanied by other officers, if appropriate
9. **Notifies** the duty captain
10. **Confirms** that a representative of the appropriate collective bargaining unit is notified of the incident
11. If appropriate, **assists** with coordinating a Crisis Management Briefing for officers who are not involved officers in the firearms discharge, as recommended by the CISM team leader
12. **Coordinates** with the FIT Captain to make sure that all existing reports, documents and officer statements are immediately routed to the FIT
13. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
 - a. If it appears that serious misconduct or potential criminal conduct may have been involved with the firearms discharge, **contacts** the OPA representative on-scene
 - b. Advises the FIT Lieutenant or FIT Captain of any other concerns noted.

8.400-TSK-13	Use of Force – RESPONSIBILITIES OF THE FIT CASE DETECTIVE DURING A TYPE III INVESTIGATION (FIREARMS DISCHARGE)
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During the investigation of a firearms discharge, the FIT case detective:

1. **Responds** to the scene
2. **Arranges** for a canvass for any witnesses and privately owned video
3. **Determines** if there is an immediate need for any ICV (in-car video) or HCV (holding cell video) download
4. **Participates** in the compelled in-person interview of the involved officer(s)
5. **Participates** in any interview or statement review of the witness officers
6. **Takes custody** of the weapon used by the involved officer in the condition it was in after being fired and performs a round count
7. **Confirms** the involved officer's firearm is placed into Evidence

8.400-TSK-14	Use of Force –RESPONSIBILITIES OF THE FIT UNIT SERGEANT DURING A TYPE III INVESTIGATION (NOT A FIREARMS DISCHARGE)
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During a Type III investigation, the **FIT Unit sergeant**:

1. **Confirms** that the scene is photographed and processed either by FIT detectives or CSI detectives
2. **Confirms** that ICV from involved officers is uploaded prior to them going off shift
 - If any video appears to be missing, **calls** the IT Unit immediately to request a review of the fail safe.
3. **Reviews** CAD to make sure that all officers at the scene are contacted to determine if they used or observed force

4. **Arranges** for all involved officers to provide an audio -recorded use-of- force statement as directed by the FIT Captain
 - Typically, the FIT Captain **directs** officers who used Type I or Type II force to complete Blue Team entry.
 - **Verifies** that the officers who have provided statements have thoroughly documented all reportable uses of force to the best of their abilities, including a description of each force application

Exception: If information suggests possible criminal conduct by an officer, that officer will not be compelled to provide a use-of-force statement or a -recorded interview prior to the conclusion of any criminal investigation.

5. **Arranges** for all witness officers to provide a statement
6. **Oversees** the FIT investigation, per the FIT manual
 - If a FIT investigation, at any point, reveals that the force used involves potential criminal conduct or misconduct, other than minor misconduct, on the part of the officer, FIT supervisor will contact OPA.

**8.400-TSK-15 Use of Force – RESPONSIBILITIES OF THE FIT UNIT SERGEANT
DURING A TYPE III INVESTIGATION
(FIREARMS DISCHARGE)**

During the investigation of a firearms discharge, the FIT sergeant:

1. **Responds** to the scene
2. **Arranges** for documentation of the scene and evidence collection by Crime Scene Investigation personnel
3. **Coordinates** with the On-Scene Sergeant to make sure that a General Offense report on the incident is immediately routed to the FIT
 - If any video appears to be missing, **calls** the IT Unit immediately to request a review of the fail safe.
4. **Confirms** that ICV from involved officers is uploaded prior to them going off shift
5. **Reviews** CAD to make sure that all officers at the scene provide statements
 - **Verifies** that the officers who have provided statements have thoroughly documented all reportable uses of force
6. **Verifies** the involved officer is placed in a conference / soft interview room at the FIT office
7. **Participates** in the compelled in-person interview of the involved officer(s)

Exception: If information suggests possible criminal conduct by an officer, that officer will not be compelled to provide a written or audio recorded statement prior to the conclusion of any criminal investigation.
8. **Completes** and provides all involved officers with an Officer Involved Shooting Post-Incident Checklist. **Supervises** the investigation of the incident, per the FIT manual
 - If a FIT investigation, at any point, reveals that the force used involves potential criminal conduct or misconduct, other than minor misconduct, on the part of the officer, the FIT supervisor will contact OPA.

**8.400-TSK-16 Use of Force –RESPONSIBILITIES OF THE FIT CAPTAIN
DURING A TYPE III INVESTIGATION
(NOT A FIREARMS DISCHARGE)**

Upon notification of a Type III investigation, the **FIT Captain:**

1. **Assumes** control of the inner perimeter of the scene
2. **Compels** officers who used force to provide an in-person interview if necessary and consistent with the requirements of the FIT Manual
3. **Arranges** for a Training Section representative to respond to the investigation

4. **Completes** a *Use-of-Force Major Incident Summary* and routes it to the involved officers' chain of command and the command staff, as well as the FIT Unit chain of command
5. **Monitors** the investigation
6. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

If it appears that the force used involves potential criminal conduct or misconduct, other than minor misconduct, on the part of the officer, the captain will ensure that OPA is contacted.
7. **Presents** the complete investigation to the Force Review Board
8. **Conducts** any briefings or presentations to Command Staff regarding the incident

8.400-TSK-17	Use of Force –RESPONSIBILITIES OF THE FIT CAPTAIN DURING A TYPE III INVESTIGATION (FIREARMS DISCHARGE)
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During the investigation of a firearms discharge, the FIT Captain:

1. **Responds** to the scene
2. **Assumes** control of the inner perimeter of the scene
3. **Arranges** for an OPA representative and a Training Section representative to respond to the investigation
4. **Completes** a *Use-of-Force Major Incident Summary* and routes it to the involved officers' chain of command and the command staff, and the FIT Unit chain of command
5. **Monitors** the investigation
6. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

If it appears that the force used involves potential criminal conduct or misconduct, other than minor misconduct, on the part of the officer, the captain will ensure that OPA is contacted.
7. **Presents** the complete investigation to the Force Review Board
8. **Contacts** the Critical Incident Stress Management team leader to coordinate a response from a CISM team member
 - **Ensures** the involved officers are provided a CISM Lethal Force Incident booklet
9. **Ensures** the officer has access to
 - Food and drink
 - Restroom facilities
 - Telephone
 - Bargaining unit representative
 - Legal representative
10. **Provides** the involved officer(s) with a copy of the Police Officers Bill of Rights during their in-person interview and compels their participation, consistent with the requirements of the FIT manual.
11. **Provides** the involved officer(s) with a replacement weapon
 - a. This will normally occur at the scene if the involved officer is still on scene when FIT arrives, and otherwise will occur at the FIT office
 - b. No immediate replacement will be provided for a Department-issued long gun
12. **Maintains** overall responsibility for the investigation
13. **Facilitates** return to work plan for involved officer.

- a. Notifies the Involved Officer's Captain when the Involved Officer has been approved through their post-incident debriefing to return to work.
- b. Together with the Involved Officer's Captain, briefs Chief of Police and Command Staff at next scheduled Command Staff meeting for a decision regarding return to work.

**8.400-TSK-18 Use of Force – RESPONSIBILITIES OF THE DUTY CAPTAIN
DURING A TYPE III INVESTIGATION
(FIREARMS DISCHARGE)**

During the investigation of a firearms discharge, the duty captain:

1. **Verifies** the following notifications are made:
 - Section captain of the involved officer(s)
 - Assistant Chief of the involved officer(s)' bureau
 - Office of the Chief
 - Chief of Staff
 - Public Affairs Unit

**8.400-TSK-19 Use of Force – RESPONSIBILITIES OF THE TRAINING UNIT REPRESENTATIVE
DURING A TYPE III INVESTIGATION**

The **Training Unit** representative:

1. **Responds** to the scene
2. **Consults** with the FIT sergeant overseeing the investigation in order to **identify** any Department- wide policy or training issues
3. **Functions** as a liaison and fulfills all requests from the FIT Unit

**8.400-TSK-20 Use of Force – ROLE OF THE OFFICE OF PROFESSIONAL ACCOUNTABILITY
(OPA) REPRESENTATIVE DURING A TYPE III INVESTIGATION**

The **OPA** representative will have no investigative role at the scene but:

1. **Consults** with the FIT Captain overseeing the investigation in order to **identify** any potential misconduct issues
2. **Functions** as a liaison to the FIT Unit

EXHIBIT H

8.500**Use of Force – REVIEWING USE-OF-FORCE**

Timely and thorough review of all uses of force a critical priority of the Department. By dynamically analyzing tactics, training, policies, processes and procedures, the Department learns important lessons from every significant use-of-force incident.

- 8.500-POL-1 addresses general principles of force review.
- 8.500-POL-2 addresses command review of use-of-force.
- 8.500-POL-3 addresses the Force Review Unit.
- 8.500-POL-4 addresses the Force Review Board.
- 8.500-POL-5 addresses expedited summary review for specific firearms discharges.
- 8.500-POL- 6 addresses investigation and review of force used during crowd management events.

8.500-POL-1**Use of Force – GENERAL PRINCIPLES****1. All Reviews Must Be Completed in a Timely Manner**

For all reviews, furloughs, vacations, extended sick leave or any other absence from work are not considered valid reasons for delaying the review process. Each level of review is expected to have a sufficient number of personnel trained in the review process to sustain the review process in a timely manner. In the case of absences from work, the reviewer or his or her designee will assign another supervisor to complete the review of the use-of-force report.

2. All Reviewers Shall Evaluate Use-of-Force With Regard to With Regard to Department Policy**3. Each Reviewer Shall Ensure That the Use-of-Force Report is Thorough and Complete and Contains All Necessary Documentation and Evidence**

The reviewer shall return the use-of-force report to the investigator if it is determined that an investigation is not thorough or complete.

4. Each Reviewer Shall Address Any Discrepancy, Confusion or Lack of Relevant Information Prior to Completing the Applicable Blue Team Entry

Any noted discrepancies will be returned to the investigating sergeant or the FIT detective.

Means of addressing these issues include:

- Supplementary statements from officers
- Supplementary statements from subjects or witnesses
- Requiring additional investigation

If such issues cannot be resolved, the issue will be noted in Blue Team, as applicable.

5. Reviewers Will Immediately Address Concerns That Arise During Use-of-Force Investigations or Review and/or Recommend Additional Action

If a reviewer identifies concerns that have not been sufficiently addressed, the reviewer will address those concerns.

The reviewer will take appropriate action and/or recommend a course of action, such as:

- Referral to OPA*
- Referral to Training
- Supervisory counseling

Identified concerns and supervisory actions will be documented in Blue Team, as applicable.

*Note: A referral to OPA does not bar other referrals/actions. Reviewers can and should make additional recommendations for addressing a particular concern other than any discipline that may be recommended by OPA. Any questions regarding what constitutes discipline for this purpose should be referred to SPD Human Resources.

6. Reviewers Shall Refer Misconduct, Other Than Minor Misconduct (see POL 5.002.5), as well as Potential Criminal Conduct to the OPA

If it appears that misconduct may have been involved in the use of force, the supervisor shall ensure that the Office of Professional Accountability is contacted and consult the FIT commander regarding reclassification of the incident as a Type II or Type III investigation, if appropriate.

The supervisor will note the OPA referral in Blue Team, as applicable, but shall not take disciplinary action.

Exception: When possible misconduct comes to the attention of the FRB members only through their participation on the Board and reviewing cases in connection with the Board, the member is not required to notify OPA. If the FRB determines that there is possible misconduct the referral to OPA shall be made by the FRB chair. This provision does not prohibit any individual member of the board making a personal referral to OPA.

Exception: Minor misconduct (see POL 5.002.5) may be handled directly by the chain of command.

7. Only the Chief of the Seattle Police Department Has the Authority to Make Policy for the Department

No other Department employee has the authority to ratify the actions of any Department employee.

8. The Office of the Chief Shall Conduct a Documented Annual Analysis of All Reported Uses of Force by the Seattle Police Department

8.500-POL-2	Use of Force – COMMAND REVIEW OF USE-OF-FORCE
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1. The Reporting Officer's Chain of Command, to the Rank of Captain, Will Review all Type I and Type II Use-of-Force Reports

Type I use-of-force reports will be routed for review in the following order:

1. Sergeant
2. Lieutenant
3. Captain
4. Force Review Captain
5. Education & Training Section, the Department of Justice and the Monitoring Team
6. Involved Officer's Bureau Chief

Type II use-of-force reports will be routed for review in the following order:

1. Sergeant
2. Lieutenant
3. Captain
4. Force Review Captain
5. Force Review Unit, and as necessary, the Force Review Board
6. Involved Officer's Bureau Chief

2. For a Type II Investigation, the Precinct Chain of Command Must Review Video

The reviewing sergeant must review and bookmark all video necessary for a decision-maker to make an informed decision about the force and the surrounding circumstances. The lieutenant must review video pertinent to the use of force as bookmarked by the reviewing sergeant.

The captain is ultimately responsible for ensuring that all video has been sufficiently reviewed.

3. Any Supervisor May Re-Classify a Use-of-Force Investigation to the Appropriate Level

If an investigation is re-classified, it will be returned to the appropriate investigator (supervisor or FIT) for necessary action.

The FIT Commander will determine whether a FIT Investigation will be conducted for any use-of-force incident referred to FIT.

A bureau chief may order a FIT response and investigation.

4. The Precinct or Section Captain Shall Designate the Timeframes for Sergeant and Lieutenant Review

The precinct captain shall determine a reasonable time limit based upon the totality of the circumstances for the lieutenant and sergeant review. The precinct captain is responsible to ensure that all use-of-force reports are forwarded to the FRU within 14 calendar days of the date the force was used.

In exceptional cases, when workload issues will preclude timely review, the captain may request assistance from other trained personnel, and/or an extension of time from the appropriate bureau chief.

If a report is delayed beyond this time limit, the reason for the delay will be documented in Blue Team.

5. The Sergeant Shall Complete Review and Forward Reports to the Appropriate Lieutenant

6. For Type I and Type II Investigations, The Reviewing Lieutenant Will Make Determinations Regarding the Use-of- Force

The lieutenant will address the following elements, and document them in Blue Team:

- Whether the Use-of-Force report is thorough and complete
- Whether the force used was necessary and objectively reasonable
- Whether the force used was consistent with Department policy
- Whether any concerns have been sufficiently addressed

Identification of any additional concerns and the action taken to address them.

Exception: For review of force used by a lieutenant or above, the designated primary reviewer will be a supervisor of higher rank in the employee's chain of command.

7. For Type I and Type II Investigations, the Lieutenant Shall Complete Review and Forward Reports to the Precinct or Section Captain

8. The Precinct or Section Captain Will Review the Lieutenant's Determinations on Use-of-Force

The captain's review will include the following aspects, documented in Blue Team:

- Whether the investigation and documentation are thorough and complete
- Whether the findings of the reviewing lieutenant are supported by a preponderance of evidence
- Whether concerns identified by the sergeant and/or lieutenant have been sufficiently addressed
- Identification of any additional concerns and the action taken to address them

9. For Type I and Type II Investigations, the Precinct or Section Captain Shall Forward Completed Use-of-Force Reports to the Force Review Captain Within 14 Calendar Days of the Use-of-Force Incident

In exceptional cases, when workload issues preclude timely review, the captain may request assistance from other trained personnel, and/or an extension of time from the appropriate bureau chief.

If a report is delayed beyond this time limit, the captain will document the reason for the delay in Blue Team.

After completing the review of a Type I Use-of-Force Report, the captain will forward the report to the Force Review Captain if there are no issues.

If there are issues, the captain will send the report back to the officer, via the chain of command, or appropriate supervisor in the chain of command to correct the issues.

10. Precinct Captains and Watch Lieutenants Will Closely and Effectively Supervise Those Sergeants and Officers Under Their Command to Ensure They Identify and Effectively Respond to Uses of Force

The FRB will provide monthly reports to precincts on use-of-force. Precinct captains and watch lieutenants will review these reports. The reports will contain:

- Case statistics
 - Number of use-of-force cases that occurred, by type (i.e., Type I, Type II, Type III)
 - Number of Type I and Type II use-of-force cases for which review was completed, by type
- Number of cases referred to:
 - Office of Professional Accountability
 - Education & Training and Section
 - Supervisory counseling/guidance
- Themes, trends, and learning opportunities identified

Precinct captains will ensure the monthly precinct report is distributed as roll call training and as a group e-mail throughout the precinct. Precinct captains will respond to FRB reports that identify themes, trends, or learning opportunities with specific actions taken.

11. The Force Review Unit Will Review All Type II Use-of-Force Reports

The function of the FRU is to conduct an administrative review of Use-of-Force incidents.

See 8.500-POL-3 Force Review Unit.

12. The Force Review Board Will Review All Type III Uses-of-Force, and all Type II Uses-of-Force Referred to it by the Force Review Unit

See 8.500-POL-4 Force Review Board.

The Chair of the FRB Shall Forward Use-of-Force Reports to the Appropriate Bureau Chief(s) Within 72 Business Hours of the FRB Meeting

If the report is delayed beyond this time limit, the Chair will document the reason for the delay in Blue Team.

13. The Bureau Chief Will Make Final Determinations on Use-of-Force Incidents

The Bureau Chief of the involved personnel will review the FRU and/or FRB findings. The Bureau Chief will make the determination whether they concur with the findings and document that in Blue Team.

8.500-POL-3

Use of Force – FORCE REVIEW UNIT

1. The Force Review Unit Shall Review all Type II Use-of-Force Reports

2. The Force Review Unit Detectives Shall Review all Type II Uses of Force.

The detectives shall return any incomplete report to the appropriate supervisor for additional investigation

The detectives shall identify any areas of concern and immediately inform the Force Review Sergeant.

3. The Force Review Unit Sergeant Shall Immediately Inform the Force Review Lieutenant of Any Actions That Appear to Involve Misconduct by Any of the Officers

a. The Force Review Unit Lieutenant Shall Review the Case Then Forward the Case with Comment to the Force Review Captain for Immediate Review

b. The Force Review Unit Captain Shall Forward Cases Involving Potential Misconduct Other Than Minor Misconduct (see: POL 5.002.5) to OPA for Investigation

4. The Training Unit is a resource for the Force Review Unit and provides subject matter expertise on questions of training. The Training Unit shall have direct access to all Type II Uses of Force for review.

5. Once the Detective's Review of the Use-of-Force is Complete, the Force Review Unit Sergeant Shall Forward the Report to the Force Review Lieutenant for Review

6. **The Force Review Unit Lieutenant Shall Review all Type II Reports and Detectives' Review, Make Finding Recommendations, and Forward to the Force Review Captain**
7. **The Force Review Unit Captain Shall Review the Force Review Lieutenant's Recommendations and Either Document Their Concurrence or Make Additional Recommendations**
8. **Unless the Force Review Unit Captain Determines that an FRB Referral is Warranted, They Will Forward the Case to the Appropriate Bureau Commander for Final Determination**
9. **The Force Review Unit Lieutenant, Captain and Bureau Chief May Refer Cases for Full Board Review**

Cases involving the following shall be referred to the FRB:

- Possibility of misconduct
- Potential policy, training, equipment, or tactical issues
- When FIT was contacted for consultation and declined to respond or investigate
- When less-lethal tools were used on the subject
- When a canine makes physical contact with the subject
- When the subject is transported to an emergency room

The lieutenant, captain and bureau chief will consider the following when determining whether to refer a case for full board review:

- Severity of injury to the suspect
- Severity of the crime at issue
 - (e.g. Whether a obstructing a public officer was the only crime or whether the initial contact was for a civil infraction)
- Whether the suspect posed an immediate threat to the safety of officers or others
- Whether the suspect actively resisted or attempted to evade arrest by flight
- Whether there is a special departmental interest in a particular case (e.g., media inquiries)

10. **The Force Review Unit Captain Will Refer an Additional Ten Percent of the Cases Received Each Month for Review by the Full Board**

These cases will be selected through random, blind sampling by the FRU after the review. This is to ensure that the FRU is conducting a thorough review of the cases. See 8.500-TSK-1 Selecting Cases for Full Board Review.

8.500-POL-4

Use of Force – FORCE REVIEW BOARD

1. **The FRB Will Review All Type III Use-of-Force Investigations and Type II Use-of-Force Reports as Referred by the Force Review Unit**

The FRB will conduct timely, comprehensive, and reliable reviews of Type II cases referred by the FRU, and all Type III cases, and will determine:

- Whether the investigation is thorough and complete
- Whether the force was consistent or inconsistent with SPD policy, training, and core principles
- Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding, among other concerns:
 - De-escalation
 - Supervision
 - Equipment
 - Tactics
 - Training
 - Policy
 - Department best practices
- Review each use-of-force packet to determine whether the chain of command has appropriately identified and taken actions to correct any deficiencies in the way the incident was handled
- Confirm that uniform standards are applied in Use-of- Force practices

- Identify instances, trends, or patterns of deficiencies regarding policy, training, equipment, or tactics
- Monitor all aspects of the Department's Use-of-Force practices with the goal of continual improvement

2. The Assistant Chief of the Compliance & Professional Standards Bureau Shall Select the Standing Members of the FRB

The FRB shall be comprised of the following:

- One supervisor from the Training Section
- Three representatives from the Patrol Operations Bureau
- One representative from the Audit, Policy & Research Section
- One representative from the Investigations Bureau

3. Each Standing Member Shall Serve a Minimum Term of 18 Months

Attendance at board meetings is mandatory. Any board member who is unable to attend a meeting shall notify the Force Review Board Chair and find a suitable replacement. Replacements must meet all the requirements of permanent FRB members and be approved by the Assistant Chief of the Compliance & Professional Standards Bureau.

4. Each Standing FRB Member is Required to Attend a Minimum of 8

Hours of Annual FRB Training

Basic annual training for FRB standing members will focus on use-of-force practices, including but not limited to:

- Legal updates regarding use-of-force
- Use-of-force investigation
- Curriculum utilized by the Education & Training Section regarding use-of-force

Standing members must also, at a minimum:

- Attend all required Department training
- Receive training in Department Crisis Intervention techniques
 - 8 hour initial course
- Additional refresher training as required by the Crisis Intervention Team program, in consultation with the Captain of the Education & Training Section

5. The Force Review Captain is the Standing Chair of the FRB

The Deputy Chief or any Assistant Chief (or designee) may chair the FRB as required by Departmental needs.

The Chair has operational control of the FRB.

6. All Board Determinations will be Made by Majority Vote

Quorum is four. The Force Review Board Chair shall vote in cases where the vote is evenly split.

7. Observers and Consultants are Not Permitted to Vote

Only members of the FRB may participate in the deliberations during the Force Review Board.

Only Standing Members of the FRB Are Permitted to Vote

Consultants include any subject matter experts, beyond Standing Members, whom the Chair feels would be helpful in reviewing particular incidents.

The FRB may consult with other advisors as necessary.

Attendance at the board is limited as follows:

- A Civilian Observer, Appointed by the Mayor in Accordance with Ordinance #118482, Shall Attend all FRB Meetings That Involve the Review of an Officer-Involved Shooting

- A Representative from the Involved Officer's Union May Attend all FRB Meetings That Involve the Review of an Officer-Involved Shooting
- Captains and higher, as well as representatives from the Legal Unit and OPA, may attend FRB meetings and ask questions, but they are not permitted to vote.
- All other observers need written permission from the Assistant Chief of the Compliance & Professional Standards Bureau to attend FRB meetings.

8. The Chair Shall Record All Findings of the Board

The Chair will be responsible for the following determinations, and will document them in IAPro:

- Whether the investigation is thorough and complete
- Whether the force was consistent or inconsistent with SPD policy, training, and core principles
- Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding:
 - De-escalation
 - Supervision
 - Equipment
 - Tactics
 - Training
 - Policy
 - Department best practices

9. FRB Chair Shall Refer Misconduct to OPA

The FRB shall refer all misconduct, other than minor misconduct (as defined at POL 5.002.5) to OPA. The determination of whether the act at issue warrants such referral shall be determined by majority vote of the FRB or at the discretion of the Chair.

When possible misconduct comes to the attention of a FRB member only through their participation on the FRB, the member is not required to make an FRB referral that might otherwise be required under 5.002. This provision does not prohibit any individual member of the board making a personal referral to OPA.

The FRB will not make recommendations concerning discipline.

10. The FRB Will Continue Review and Recommendations Relating to Matters Referred to OPA, But Shall Not Make Final Determinations on Topics Referred to OPA

11. Type III Use-of-Force Investigations Will Be Presented to the FRB by the Captain of the Force Investigation Team

12. The FRB Chair Will Refer Policy, Equipment, and Training Issues to the Appropriate Commanders

The FRB Chair shall assign for follow-up any policy, equipment or training recommendations from the board.

- Individual training recommendations will be referred to the chain of command of the involved officer for follow-up.

The assigned unit will be given a response date that will be tracked by the Force Review Section.

The captain of the assigned unit shall report to the FRB chair the status of any recommendations assigned to their unit. If the board recommendation is not going to be implemented the captain shall submit in writing the reasons why it will not be implemented.

The Force Review Section will maintain a record of all recommendations and the status. Quarterly, the Section shall provide to the Assistant Chief of the Compliance & Professional Standards Bureau a report of the status of the Board recommendations and captains' responses.

The Assistant Chief of the Compliance & Professional Standards Bureau shall forward the report to the Deputy Chief.

8.500-POL-5**Use of Force – EXPEDITED SUMMARY REVIEW****1. At the Discretion of the Chair of the FRB, a Summary Review of the Firearms Discharge is Allowed Under Certain Circumstances**

A summary review is limited to a review of the completed investigation by FIT and the Chair of the FRB without presenting the case to the FRB. Incidents qualifying for summary review are forwarded to the Chair of the FRB by the FIT Captain.

a. Summary Review is Only Allowed Under the Following Circumstances:

- No death or injury to a person is involved; and
- The incident involves an unintentional discharge that occurred in a police facility under circumstances that the Chair of the FRB does not believe requires review by an FRB.

b. If New Information Arises at Any Time During the Summary Review Process That the Chair of the FRB concludes Justifies Review by the FRB, the Incident Will be Presented to the FRB**2. A Summary Review Will Normally be Completed Within 60 Days of the Incident****8.500-POL-6****Use of Force – REVIEWING USE-OF-FORCE – CROWD MANAGEMENT**

This policy applies to the review of the investigation of uses of force that occur during the course of crowd management. For more information about crowd management, see 14.090 – Crowd Management (hyperlink).

1. Incident Commander is Responsible for Reporting Type I Uses of Force Ordered During Crowd Management

For reporting purposes, use of a police line to move crowds where contact occurs will be assumed to involve at least Type I force.

Involved officers do not submit statements for Type I force used during crowd management.

2. Command Review of Use-of-Force – Crowd Management

- Any commander who directs or authorizes the use of force in a crowd-management setting shall complete a Blue Team entry. The Blue Team entry will correspond with the highest level of force used by any individual officer during the directed use-of-force.
- The Crowd Management Force Investigation Team will be comprised of a group of detectives, sergeants and lieutenants selected by the Assistant Chief of the Compliance & Professional Standards Bureau. The CM FIT will be responsible for investigating all Type II uses of force that occur during crowd management.
- Review of Type II Use-of-Force Reports Shall Be Completed by the Incident Commander that oversaw the crowd management.
- The Incident Commander shall submit approved Type II Use-of-Force Reports to the Force Review Unit.
- Type III uses of force shall be investigated and reviewed by FIT.

3. The Force Review Unit Reviews all Type II Uses of Force That Occur During Crowd Management, as Set Forth in 8.500-POL-3**4. The Force Review Board Shall Also Review all Crowd Management Events and Major Incidents**

For the review of crowd management, the board shall include two additional voting members. Both of these members shall be either a lieutenant or a captain, and shall be chosen by the Assistant Chief of the Compliance & Professional Standards Bureau based on their experience with crowd management

Board review of crowd management will focus on command of the incident rather than the individual officer's application of force. The FRB will conduct timely, comprehensive, and reliable reviews of all facets of crowd management and will determine:

- Whether decisions made concerning crowd management were consistent with policy and Department core principles.
- Whether the incident commander or scene commanders adequately documented their reasons for directing the use of force.
- Whether there were any tactical, training, equipment or staffing deficiencies.
- Whether any use of less lethal force during a crowd management event was properly authorized and executed.

The Board shall follow its normal procedures for voting, recording, and referral of findings as set forth in 8.500-POL-4.

8.500-TSK-1	Use of Force – SELECTING RANDOM CASES FOR FULL BOARD REVIEW
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When selecting random cases for full board review, the **FRU Captain** (or designee):

1. **Produces** a list of all of the Type II cases that the FRU reviewed during the previous month
 - This list shall be numbered and ordered by event number, in descending order.
2. **Calculates** the number of cases that equal ten percent (x)
3. **Uses** the research randomizer (<http://www.randomizer.org>) to produce a set of numbers
4. **Takes** the first x numbers out of the set and assigns the corresponding cases for full board review
 - If any of the numbers in the set corresponds to a case that has already been referred to the full board, proceeds to the next number in the set until the x cases that have not already been referred are selected.
5. Retains a copy of the list of cases and the randomizer results

Example: If the FRU reviews 50 cases in a month, the captain shall prepare a list of all 50 cases. The list shall be ordered by event number, and numbered 1 – 50. X will be 5, as 5 is ten percent of 50. If the first 5 numbers in the set provided by the research randomizer are 24, 2, 19, 15 and 31, then the corresponding cases from the original list shall be referred to the full board. If 19 corresponds to a case that has already been referred to the full board, the captain shall select the next number in the set to get the necessary 5 cases.

EXHIBIT I

SEATTLE POLICE MANUAL PREFACE

This Manual sets forth the standards, values, and expectations of the Seattle Police Department. Its policies, procedures, core values, and mission and priority statements exist to maintain high levels of professional conduct and are the embodiment of the Department's concerns for ensuring effective, safe, and constitutional law enforcement.

The Manual is intended to provide specific guidance and to serve as a reference to employees of the Seattle Police Department.

It is the responsibility of each member of the Department to comply with the Manual's rules and provisions.

To the extent that Department policy may contain provisions more restrictive than state or federal law, such provisions are not intended, nor may they be construed or applied, to create a basis for liability against the City or any of its employees.

Finally, the written publications of the Department are only a part of the direction provided to employees. Communication that is directive in nature from supervisory or management personnel has the same authority as any written policy.

The Seattle Police Department Manual is maintained by the Bureau of Compliance & Professional Standards.

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