

# EXHIBIT A

**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 fail in their duty to act as public guardians and may endanger themselves, the community and fellow officers.

**2. When Time, Circumstances, and Safety Permit, Officers Will Take Steps to Gain Compliance and De-escalate Conflict Without Using Physical Force**

When safe under the totality of circumstances and time and circumstances permit, officers shall use advisements, warnings, verbal persuasion, and other tactics in order to reduce the need to use force.

Officers should 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

Additional guidance on how to reduce the need to use force may be found here. [Hyperlink to Section 8.100.2.]

**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 embody allowance 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: the question is 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 8.100.1.](#)]

### **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.

### **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

## 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

### 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
  - Street surfaces
  - 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 reduce or eliminate the necessity to use physical force. *See 8.100.2 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 8.100.2 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.
- **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.

**FIT (Force Investigation Team):** The Department personnel tasked with conducting Officer-Involved-Shootings and Type III use-of-force investigations.

**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 that the outcome is 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.]

**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.

<b>8.100</b>	<b>Use of Force – USING FORCE</b>
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### **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, and/or the subject complies with the officer’s orders, 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.

The assessment of reasonableness must embody allowance 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: the question is 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 immediate situation, including the presence of an imminent danger to officers or 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 or contains specific threats to harm the officers or others
- on Handcuffed or Otherwise Restrained Subjects Except in Exceptional Circumstances when the subject's actions must be immediately stopped to prevent injury, or escape, destruction of property. Use-of-force on restrained subjects shall be closely and critically reviewed. Officers must articulate both:

- The exceptional circumstances, and
- Why no reasonably effective alternative to the use-of- force appeared to exist.
- To stop a subject from swallowing a substance, such as a plastic bag containing a controlled substance or other evidence.
- To extract a substance or item from inside the body of a suspect without a warrant.

### **3. 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 seek to minimize the likelihood of the need to use force during an incident.

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

#### **4. Officers Should Assess and Modulate the Use-Of-Force as Resistance Decreases**

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

#### **5. 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 conclude 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*

#### **6. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect Only When an Objectively Reasonable Officer Would Conclude That it Is Necessary and the Officer Has Probable Cause to Believe That:**

- The suspect has committed 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.

#### **7. 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.

## 8. Officers Shall Automatically Request Medical Aid in Certain Situations

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

Any subjects or officers who:

- Sustain a CEW application
- Are struck by a beanbag shotgun round
- Sustain a impact weapon strike to the head
- Sustain a strike of their head against a hard, fixed object

## 9. Consistent With the Timelines in 8.300, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated

*See 8.300 – Reporting and Investigating Use-of-Force* [Hyperlink to Section 8.300.]

<b>8.200</b>	<b>Use of Force – TOOLS</b>
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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 8.200-POL-1 through 8.200-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 *8.100, 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 Are Prohibited from Using Less-Lethal Tools or Other Techniques in the Following Circumstances, Absent Active Aggression by the Suspect That Cannot be Reasonably Dealt With in Any Other Fashion:**

- When the suspect is visibly pregnant, elderly, pre- adolescent, visibly frail, or known or suspected to be disabled unless deadly force is the only other option
- 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
- To escort, prod, or jab individuals
- To awaken unconscious or intoxicated individuals
- To prevent the destruction of evidence
- Against passive or low-level resisting subjects
- When the suspect is detained in the police vehicle