

# Use of Force Annual Report January 31, 2018

# OVERVIEW

## What is in this report?

Last year's inaugural Annual Use of Force Report examined the use of force by Seattle police officers over a 25-month period, between July 1, 2014, and August 31, 2016 – a study period selected to control for the learning curves associated both with new reporting and review policies that were published in January 2014 and with new reporting and tracking software that was implemented in March 2014. This report builds on last year's report and presents both a quantitative and qualitative discussion of use of force incidents occurring between January 1 and December 31, 2017.

Utilizing the advanced analytical capability available through the Data Analytics Platform (DAP), Section I of this report presents aggregate statistics regarding use of force events and applications, filtered across precincts, subject demographics, call types, and other discrete measures. Key among the findings, consistent with last year's report, was that the use of force overall remains extraordinarily low; *over the time period examined here officers reported using force of any level at a rate of less than one fifth of one percent (0.18%) of all dispatches to nearly 400,000 unique events – and of these uses of force, the overwhelming majority (approximately 77%) involved no greater than the lowest level of reportable force (such as minor complaints of transient pain with no objective signs of injury, or the pointing of a firearm). Further, serious levels of force – force that causes or may be reasonably expected to cause substantial bodily injury – was used in only 16 (0.004%) of these nearly 400,000 events.* In short, while each application of force is separately investigated and reviewed, overall the use of force by Seattle police officers continues to be an empirically rare occurrence. This finding shows that officers continue to implement, in practice, the de-escalation training and tactics that have earned Seattle national acclaim, while maintaining a high level of engaged, proactive law enforcement activity.

Section II provides an overview of the Force Investigation Team (FIT) – a specialized unit comprising experienced detectives, sergeants, and commanders that responds to and investigates all serious force incidents – and briefly describes each of the 26 separate events to which FIT responded during 2017. The Department also reports in this Section on case assessments by the Force Review Unit (FRU) and the Force Review Board (FRB) during 2017, which provide an additional layer of review with respect to officer use of force and chain of command review of force, ensuring that force applied by Seattle police officers is consistent with the mandates of Department policy. Additionally, as a forum for reviewing policies, training, tactics and equipment, the FRB provides the opportunity for experience and review to continually drive Department operations and practices. These processes help to ensure that the department is policing the community it serves effectively and constitutionally through self-regulation.

### What if this report doesn't answer my questions?

As one of the original 21 jurisdictions participating in the Police Data Initiative, launched in response to recommendations from President Obama's Task Force on 21<sup>st</sup> Century Policing (and now managed by the Police Foundation in Washington, D.C.), the Seattle Police Department committed to publishing its use of force data, including data concerning officer-involved shootings, to help communities gain greater visibility into key information on police/civilian interactions. Fulfilling and building upon that commitment, the Department continues to release to the City's open data portal, *data.seattle.gov*, the use of force data described in Section I of this report, and has added to its newly-redesigned website interactive dashboards through which the public can explore for itself officers' use of force, parsed across demographic and geographic fields. The Department cautions of the inherent hazard that data can be subject to differing interpretations and lead to differing conclusions depending on the sophistication of the analysis and the potential for confirmation bias; SPD provides this data with the hope that, as new technology has created opportunity for increasingly sophisticated inquiries internally, providing greater transparency of its data externally creates greater opportunity for SPD and the community to work collaboratively to drive the policies and priorities of this department.

## SECTION I: USE OF FORCE

### A. Policies and Overview of Force

The Seattle Police Department's Use of Force policies are published, collectively, as Title 8 of the SPD Manual. Policy sections 8.000 through 8.200 set forth the conditions under which force is authorized, when force is prohibited, and affirmative obligations to de-escalate prior to using force, when reasonably safe and feasible to do so, and to assess and modulate force as resistance changes. While recognizing that officers are often forced to make split second decisions, in circumstances that are tense, uncertain, and rapidly evolving, this policy allows officers to use only the force that is objectively reasonable, necessary, and proportionate to effectively bring an incident or a person under control. Section 8.300 addresses the use and deployment of force tools that are authorized by the Department, such as less-lethal munitions, canine deployment, firearms, OC spray, and vehicle-related force tactics. Section 8.400 prescribes protocols for the reporting and investigation of force; section 8.500 sets forth the process for review of force.

Force is classified and reviewed according to level of severity, described as below:

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**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. Examples including using hands or equipment to stop, push back, separate or escort, the use of compliance holds without sufficient force to cause pain, and unresisted handcuffing. Officers are not required to report or investigate this level of force.

**Type I** – Actions which “causes transitory pain, the complaint of transitory pain, disorientation, or intentionally pointing a firearm or bean bag shotgun.” This is the most frequently reported level of force. Examples of Type I force, generally used to control a person who is resisting an officer’s lawful commands, include “soft takedowns” (controlled placement), strike with sufficient force to cause pain or complaint of pain, or an open hand technique with sufficient force to cause complaint of pain. Type I uses of force are screened by a sergeant and reviewed by the Force Review Unit.

**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. Examples include a hard take-down or and/or the use of any of the following weapons or instruments: CEW, OC spray, impact weapon, beanbag shotgun, deployment of K-9 with injury or complaint of injury causing less than Type III injury, vehicle, and hobble restraint. An on-scene (where feasible) sergeant collects available video evidence and witness statements; the evidence packet and analysis of the force is reviewed by the Chain of Command and the Force Review Unit. Cases flagged by the Force Review Unit for further inquiry, in accordance with policy criteria, plus an additional random 10% of Type II cases are also analyzed by the Force Review Board.

**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, and impact weapon strikes to the head. Type III force is screened on-scene by a sergeant, investigated by the Force Investigation Team, and analyzed by the Force Review Board.

At any point during an investigation where a witness officer or any reviewer has reason to believe that the force is out of policy, that individual has an affirmative obligation to report the concern to the Office of Professional Accountability. The FRB votes as to whether force is within policy; individual members may, but are not mandated to, refer out of policy force to OPA.

### B. Quantitative Overview of Use Force

The Seattle Police Department documents force at three levels. Most broadly, use of force at the incident level (generally but not always associated with a specific CAD event) may involve multiple officers and/or multiple subjects, each of whom may be documented as either involved in or witness to the use of force. At the individual officer level, force is documented and recorded as the combination of a force incident, a unique officer, and a unique subject; accordingly,

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depending on how many officers used force during an incident, a single use of force incident may be associated with multiple uses of force reports. The most granular level of documentation occurs at the use of force application level, at which the involved officer documents *each* reportable application of force; a single use of force may thus include multiple applications of force. For example, if in the course of one incident, Officer A pointed a firearm, Officers B and C used a hard-takedown maneuver to bring a subject under control, following which Officer A handcuffed the subject, who then complained of pain, the incident would be documented as one incident, involving three uses of force, comprising four applications of force, two of which (the pointing of a firearm and subsequent handcuffing by Officer A) would be classified as Type I, and two of which (the hard take-down by Officers B and C) would be classified as Type II. Because force is reviewed at the level commensurate with the highest level of force used, the incident would be reviewed as a Type II incident. For purposes of this report, force is discussed at the officer report level – i.e., the combination of a unique officer, unique subject, and unique incident, and reported at the highest level of force used by a given officer.

Between January 1 and December 31, 2017, the Seattle Police Department dispatched officers to calls **891,740** times in response to **398,459** unique events.

**Note:** Dispatch counts reflect the number of officers responding to a unique event, as captured in the Department's Computer Aided Dispatch (CAD) data.

Over this same time period, officers reported using force at some level (Type I, II, or III) **1,578** times. Of these, **1,372** are associated with **845** unique CAD events.<sup>1</sup>

*Viewed in the context of overall activity, this means that less than less than one-quarter of one percent (0.21%) of unique events, and less than one-fifth of one percent (0.18%) all officer dispatches, resulted in any use of force.*

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<sup>1</sup> The higher number (1,578) reflects the number of individual force reports in the system – which includes 206 reports that were not associated with a particular dispatched event. Within the data set relating to CAD events, there are events that are clear outliers in terms of the amount of force reported. For example, one CAD event (an August 2017 demonstration during which pepper spray and blast balls were used to separate two clashing groups of protesters) is associated with 20 separate Type II uses of force.

## 1. Use of Force by Level of Force

**Figure 1: Force Counts by Year (January 1 – December 31, 2017)**

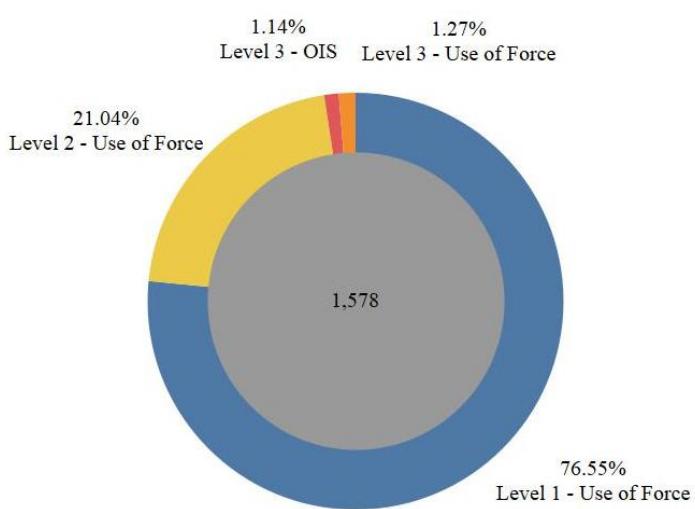


Figure 1 shows the breakdown of use of force, by type, over the calendar year reported. Of the 1,578 uses of force reported during 2017, **1,288 (nearly 77%)** involved no greater than low-level, Type I force.<sup>2</sup>

*Another 38 (approximately 2.4%) of these 1,578 reports were of Type III force, across 16 incidents, involving 18 subjects.* Of these 16 incidents, six were officer-involved shootings, involving eight subjects and 17 SPD officers;<sup>3</sup> three of these incidents were

fatal. Another five were associated with an in-custody death that did not involve significant force, is not believed to be caused by a use of force, but was, per policy, investigated as a Type III incident and is thus included in the Type III statistics. See Section II for details.

*Viewed in the context of overall activity, this means that 0.004% of all events to which Seattle Police Officers were called to respond in 2017 ultimately involved a serious use of force.*

Type II use of force (n=332) comprised slightly more than one-fifth (21%) of force overall.

The quantitative component of last year's report covered a 25-month data period beginning July 1, 2014 – a date selected to account for “noise” attributable to a sixth-month period following the publication of SPD's new use of force/force reporting and review policies (SPD Manual Section Title 8) and the point at which all officers had been fully trained as to those policies. For

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<sup>2</sup> Approximately 50% of Type I use of force involved a complaint of pain, with no objective sign of injury.

<sup>3</sup> One incident involved a State Department of Corrections officer as well; per policy, that use of force is documented as part of the force reporting and review of the incident. Officer-involved shootings are discussed in more detail later in this report; in addition, comprehensive information concerning officer-involved shootings over the past ten years can be explored through the Department's public-facing OIS dashboard.

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purposes of showing trends over time, Table 1 shows all use of force reported between January 1, 2014 and December 31, 2017.

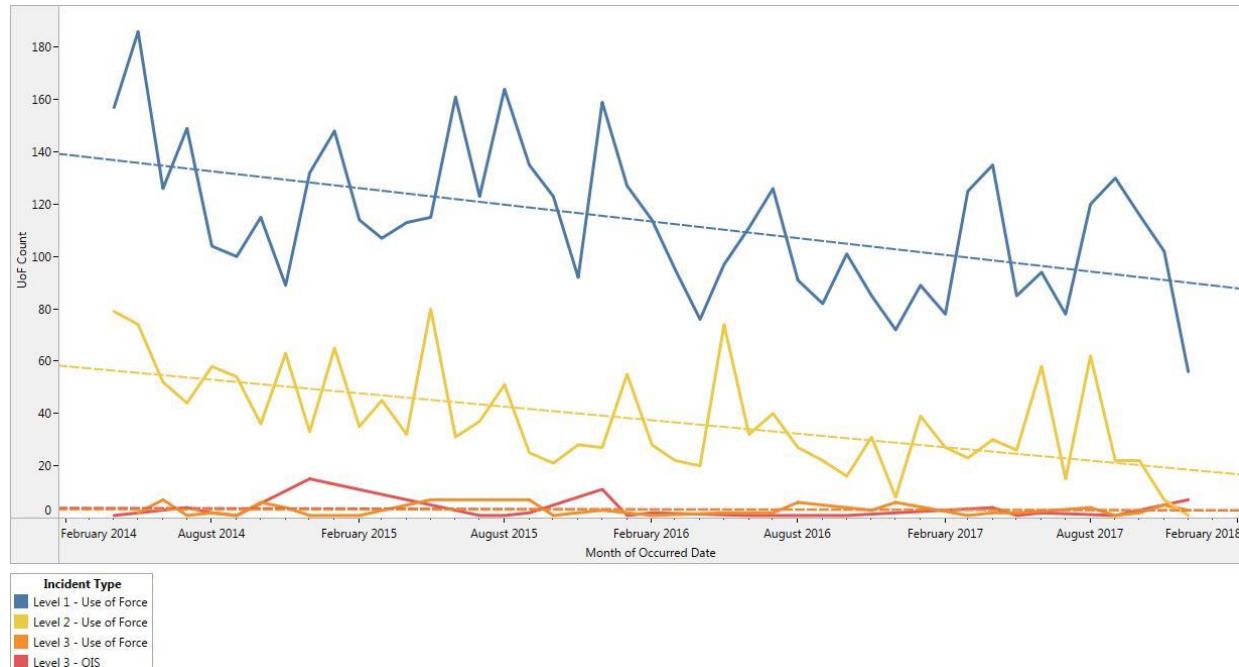
**Table 1: Force Counts by Year (January 1, 2014 – December 31, 2017)**

Incident Type	2014	2015	2016	2017	Grand Total
Level 1 - Use of Force	1,159	1,554	1,177	1,208	5,098
Level 2 - Use of Force	502	477	375	332	1,686
Level 3 - Use of Force	24	20	20	20	84
Level 3 - OIS	23	15	5	18	61
<b>Grand Total</b>	<b>1,708</b>	<b>2,066</b>	<b>1,577</b>	<b>1,578</b>	<b>6,929</b>

*Note: One OIS involved three different subjects, all in one vehicle; because use of force is measured as an algorithm of unique incident/officer/subject, each different combination of factors is considered as a separate use of force. For that reason, the number 18 is higher than the number of officers using force who were dispatched across all incidents, as is shown in Table 3.*

A linear regression time series analysis of this four-year period, **indicating continued, significant declining trends in Type I and Type II use of force**, citywide, is shown in Figure 2.

**Figure 2: Use of Force Trends Citywide**



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Type I force continued to decline significantly, with small, bordering on medium, effect.<sup>4</sup> Type II force was observed to decline significantly, with medium effect.<sup>5</sup> Type III force, which occurs so infrequently as to be considered a statistically random event, accordingly showed no significant trends across the time series.

One particular subcategory of force within Type I use of force should be noted. SPD Policy (8.300) provides that officers may exhibit a firearm in the line of duty when an officer has reasonable cause to believe that it may be necessary for his or her own safety or for the safety of others. In certain high-risk responses (e.g., felony vehicle stops, building searches, warrant arrests of known violent felons, reports of armed individuals, etc.), it is expected that officers will routinely display a weapon. Officers are required to document all incident where they point a firearm at a person as a Type I use of force (Manual Section 8.400). Unholstering or displaying a firearm in a low-ready or *sul* (pointed towards the ground, indexed to the chest) position is not reportable force.

Over the 12 months reported here, nearly a quarter (n=388, or 24.5%) of the 1,578 uses of force overall, and nearly one-third (32%) of the 1,208 Type I reports, involved the pointing of a firearm.

## 2. Use of Force by Administrative Assignment

Table 2 shows the distribution of force by type and bureau of involved officers' administrative assignment. The majority (80%) of uses of force were reported within the Patrol Operations Bureau, which is primarily responsible for beat patrols and 911 responses. Slightly less than nine percent of uses of force were reported within the Professional Standards Bureau (a number that is attributable to the fact that the Professional Standards Bureau oversees Field Training, which is the unit to which student officers on patrol are administratively assigned). Officers from all bureaus are assigned to crowd management and special events.

**Table 2: Distribution of Use of Force by Type and Bureau**

	OPERATIONS BUREAU	COMPLIANCE AND PROFESSIONAL STANDARDS BUREAU	SPECIAL OPERATIONS BUREAU	INVESTIGATIONS BUREAU	Grand Total
Level 1 - Use of Force	61.17%	7.61%	5.90%	1.90%	76.59%
Level 2 - Use of Force	17.20%	0.89%	2.73%	0.19%	21.00%
Level 3 - Use of Force	1.08%	0.19%			1.27%
Level 3 - OIS	0.95%	0.06%	0.06%	0.06%	1.14%
<b>Grand Total</b>	<b>80.39%</b>	<b>8.76%</b>	<b>8.69%</b>	<b>2.16%</b>	<b>100.00%</b>

\*\*Does not include "Null" Bureaus (.06% Type 2, .06% Type 2)

<sup>4</sup>  $p = .0004$ ,  $r^2 = .25$

<sup>5</sup>  $p < .0001$ ,  $r^2 = .33$

### 3. Use of Force by Subject Demographics

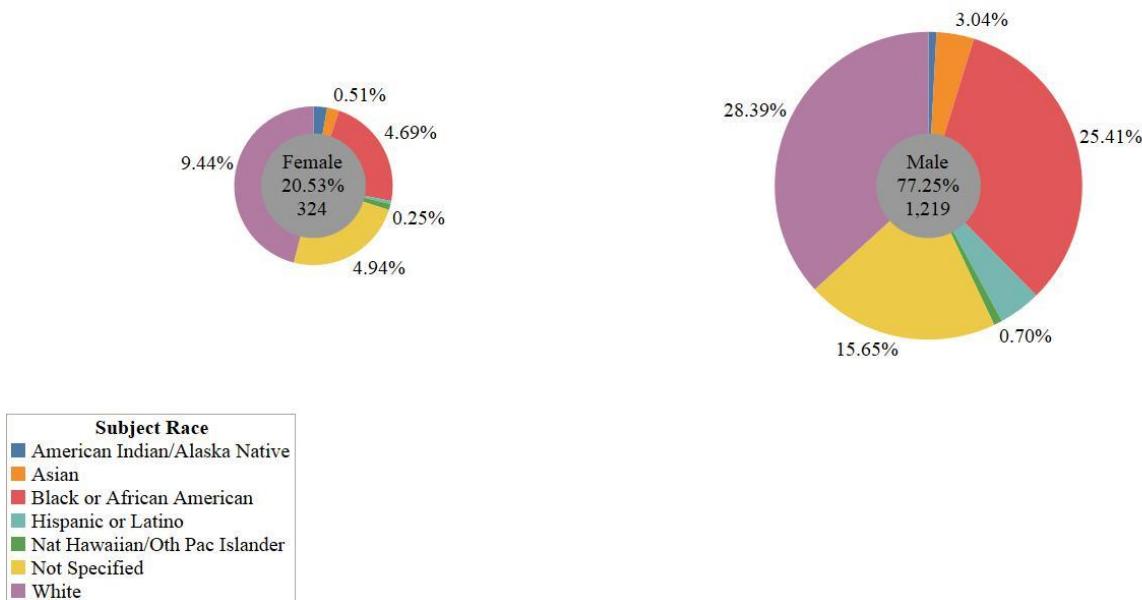
In discussing disparity in the demographic distribution of subjects involved in any study of law enforcement activity, one important note bears emphasizing. As is reflected in statistics nationwide, racial disparity is of significant ongoing concern, and is an important issue that requires continued discussion and analysis within the limited role of law enforcement but also beyond. In the present state of sociological and criminal justice research, there is no proven, reliable methodology for accounting for all the multitude of recognized factors that may combine to result in a disparity within the metric measured – including those critical factors upstream (education, socioeconomic status, family structure, etc.) of police involvement that may contribute to the likelihood a person will come into contact with police. ***In other words, while numbers can identify a disparity, they cannot explain the disparity.*** The Department is proud that in addition to its many research agreements with academic institutions around the country (including the University of Virginia and Harvard, Princeton, Northwestern and George Mason Universities), and the world (including University of Tel Aviv in Israel), the Department continues to maintain close research partnerships with Seattle University and the University of Washington – the latter with specific respect to exploring possible effects of implicit bias in police. In addition, the Department continues to partner closely with the Institute on Race and Justice at Northeastern University in Boston, MA. ***All these strategic partnerships are focused on better understanding the causes and remedies for observed disparity across law enforcement metrics.***

With respect to the Department's 2017 data, subjects of force were overwhelmingly male, comprising 77% of the reported 1,578 uses of force. White and Black/African American subjects accounted for approximately equivalent proportions of force overall. Figure 3 shows the distribution of force subjects by race and gender; Figure 4 shows the distribution of force subjects by race for each of Type I and Type II force.

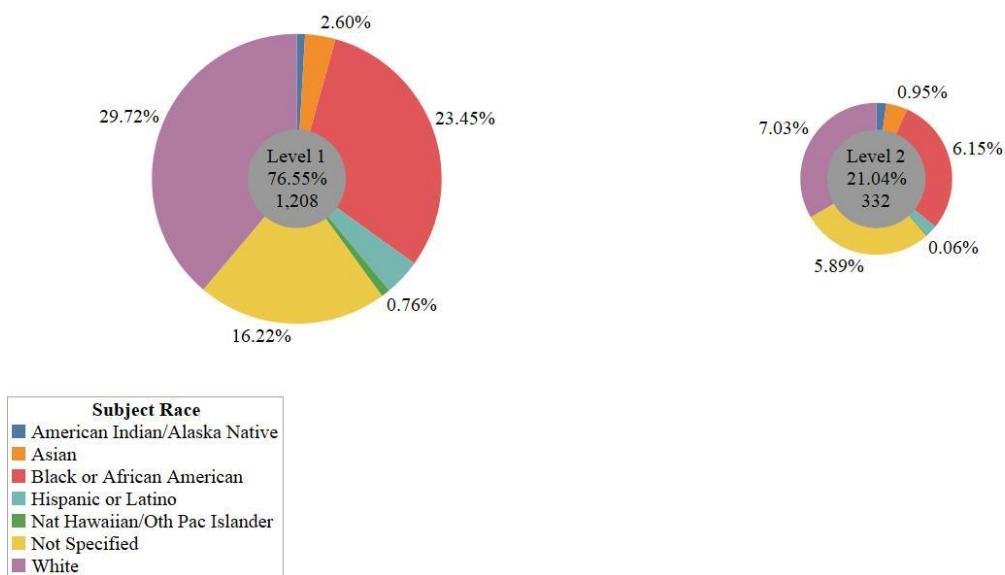
Of the 18 subjects involved in 16 Type III incidents, discussed individually in Section II, seven were White males; four were Black males; Native American males and Black females accounted for two each; and a White female and a Native American female accounted for one each. One female subject of unknown race and unknown age, who was observed in a vehicle that fled from police and has not been located, accounted for another.

Of the eight subjects involved in Officer-Involved Shootings, four were White males (one fatal, three non-fatal); one was a Black male (fatal); one was a White female (non-fatal); one was a Black female (fatal); and one was a female of unknown race or age (non-fatal).

**Figure 3: Subject Gender and Race**



**Figure 4: Subject Race by Force Type**



#### 4. Use of Force by Dispatch Type and Priority

Officers are logged to calls either by a dispatcher (e.g., in response to a 911 call) or by on-viewing an incident (observing an incident while on patrol) and responding. Of the 1,372 CAD events that could be linked to a use of force in 2017, most (72%) were calls in which the officer was dispatched in response to a call for service from the public. A breakdown of use of force, by type, distinguished between dispatches and on-views, is presented in Table 3.<sup>6</sup>

**Table 3: Force used by Dispatch Type**

	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
DISPATCH	56.44% 771	13.47% 184	0.81% 11	1.17% 16	71.89% 982
ONVIEW	21.45% 293	6.08% 83	0.59% 8		28.11% 384
<b>Grand Total</b>	<b>77.89%</b> <b>1,064</b>	<b>19.55%</b> <b>267</b>	<b>1.39%</b> <b>19</b>	<b>1.17%</b> <b>16</b>	<b>100.00%</b> <b>1,366</b>

The reasonableness of force, both in law (see, e.g., *Graham v. Connor*, 490 U.S. 386 (1989)) and in policy (see SPD Manual Section 8.000(4)) is based in part on the totality of the circumstances known to the officer at the time the force used, and considered from the perspective of the reasonable officer on the scene, rather than with 20/20 hindsight and the benefit of additional information. In that regard, call type and priority can be considered to some degree as *a priori* knowledge of the circumstances to which an officer is responding.

Calls for service, whether dispatched or officer-initiated, are assigned a priority, based on the immediacy of the need. Priority 1 calls are incidents that require an immediate response, including incidents that involve obvious immediate danger to the life of a citizen or an officer. Priority 2 calls are noted as urgent, or incidents which if not policed quickly could develop into a more serious issue (such as a threat of violence, injury, or damage). Priority 3 calls are investigations or minor incidents where response time is not critical to public safety. Priority 4 calls involve nuisance complaints, such as fireworks or loud music. Priority 7 calls are officer-

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<sup>6</sup> One OIS involved a task force operation outside of the City of Seattle to which an SPD task force officer responded, but was not dispatched through CAD. Per policy, as this incident involved an SPD officer, it was investigated by FIT, is included in SPD's use of force data, and is discussed in Section II of this report, but as this was not an SPD call, is not captured in dispatch data.

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initiated events, such as traffic stops; Priority 9 is used to indicate administrative tasks or downtime. As would be expected, across force levels, the highest frequency of force occurred in connection with Priority 1 calls. A breakdown of force, by level, and call priority is presented in Table 4.

**Table 4: Levels of Force by Call Priority**

	1	2	3	4	7	9	Grand Total
Level 1 - Use of Force	34.11%	24.89%	11.13%	0.29%	7.10%	0.37%	77.89%
Level 2 - Use of Force	7.83%	5.12%	3.59%		2.42%	0.59%	19.55%
Level 3 - Use of Force	0.15%	0.88%			0.37%		1.39%
Level 3 - OIS	1.02%		0.15%				1.17%
<b>Grand Total</b>	<b>43.12%</b>	<b>30.89%</b>	<b>14.86%</b>	<b>0.29%</b>	<b>9.88%</b>	<b>0.95%</b>	<b>100.00%</b>

When an incident is created by Communications, whether initiated in response to a 911 call for service or called in by an officer on-scene, the incident is assigned an initial call type based on information that is reported at the outset. Table 5 sets forth the 25 initial call types that were associated with the majority (nearly three-quarters) of uses of Type I and Type II force. (Again, because Type III uses of force are statistically random events, they are excluded from this analysis).

**Table 5: Initial Call Type by Resulting Level of Use of Force**

	Level 1 - Use of Force	Level 2 - Use of Force	Grand Total
DISTURBANCE, MISCELLANEOUS/OTHER	7.42%	13.86%	8.49%
DIST - IP/JO - DV DIST - NO ASLT	5.36%	6.37%	5.42%
SUSPICIOUS STOP - OFFICER INITIATED ONVIEW	4.32%	8.99%	5.27%
ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)	4.51%	7.12%	4.90%
AUTO RECOVERY	5.45%	2.25%	4.69%
FIGHT - IP - PHYSICAL (NO WEAPONS)	3.95%	5.62%	4.17%
WEAPN-IP/JO-GUN,DEADLY WPN (NO THRT/ASLT/DIST)	4.70%	0.37%	3.95%
ASLT - IP/JO - DV	4.23%	2.25%	3.73%
SUSPICIOUS PERSON, VEHICLE OR INCIDENT	2.26%	7.49%	3.59%
TRAFFIC STOP - OFFICER INITIATED ONVIEW	3.67%	2.25%	3.51%
NARCOTICS - VIOLATIONS (LOITER, USE, SELL, NARS)	3.95%	1.87%	3.44%
ROBBERY - IP/JO (INCLUDES STRONG ARM)	2.54%	3.75%	2.93%
TRESPASS	3.10%	1.87%	2.93%
ASLT - IP/JO - PERSON SHOT OR SHOT AT	3.20%	0.37%	2.71%
PERSON IN BEHAVIORAL/EMOTIONAL CRISIS	1.88%	2.25%	1.90%
THREATS (INCLS IN-PERSON/BY PHONE/IN WRITING)	1.41%	0.75%	1.90%
DIST - DV - NO ASLT	1.88%	1.50%	1.76%
BURG - IP/JO - RES (INCL UNOCC STRUCTURES)	1.22%	3.00%	1.54%
SHOPLIFT - THEFT	1.41%	2.25%	1.54%
SHOTS - IP/JO - INCLUDES HEARD/NO ASSAULT	1.50%	1.50%	1.54%
SUICIDE - IP/JO SUICIDAL PERSON AND ATTEMPTS	1.22%	2.25%	1.39%
THEFT (DOES NOT INCLUDE SHOPLIFT OR SVCS)	1.50%	1.12%	1.39%
WARRANT - FELONY PICKUP	1.50%	0.75%	1.39%
All Other (<1%)	27.82%	20.22%	25.92%
<b>Grand Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

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Of the initial call types of those events that were subsequently associated with a use of force, the largest proportion, comprising 8.49% of all incidents, were classified as “Disturbance, Miscellaneous/Other.” The remaining four of the top five call types, representing nearly 29% of all incidents associated with a use of force, were initially classified as either Domestic Violence (DV) related, “Officer Initiated...” (on-viewed) suspicious behavior, Assault In Progress (IP) or Just Occurred (JO), and recovery of a stolen vehicle (auto recovery).

In contrast, the lowest frequency of initial call types for incidents involving a use of force (28%) comprised 68 separate call types, each associated with less than one percent of the total use of force during the study period.

Calls are assigned a final call type that is based on information gathered during the call and response and standards for federal crime reporting. As shown in Table 6, comparing the final disposition type (on the horizontal axis) with the initial call type (on the vertical axis), nearly half (45.27%) of the top five initial call types resolved as Assault, Other; the next highest proportion resolved as Domestic Violence – Mandatory Arrest (34.83%).

**Table 6: Crosstab Comparing Initial and Final Call Types of Incidents Involving Force**

	--ASSAULTS, OTHER	--DV - DOMESTIC VIOL/ASLT (ARREST MANDATORY)	--CRISIS COMPLAINT - GENERAL	--NARCOTICS - OTHER	--WARRANT SERVICES - FELONY	Grand Total
DISTURBANCE, MISCELLANEOUS/OTHER	14.93%	5.47%	8.96%	1.99%	1.00%	<b>32.34%</b>
DIST - IP/JO - DV DIST - NO ASLT	2.49%	24.88%	3.98%	0.50%		<b>31.84%</b>
ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)	21.89%	4.48%	1.00%			<b>27.36%</b>
WEAPN-IP/JO-GUN,DEADLY WPN (NO THRT/ASLT/DIST)	3.98%		0.50%			<b>4.48%</b>
AUTO RECOVERY	1.99%			1.49%	0.50%	<b>3.98%</b>
<b>Grand Total</b>	<b>45.27%</b>	<b>34.83%</b>	<b>14.43%</b>	<b>3.98%</b>	<b>1.49%</b>	<b>100.00%</b>

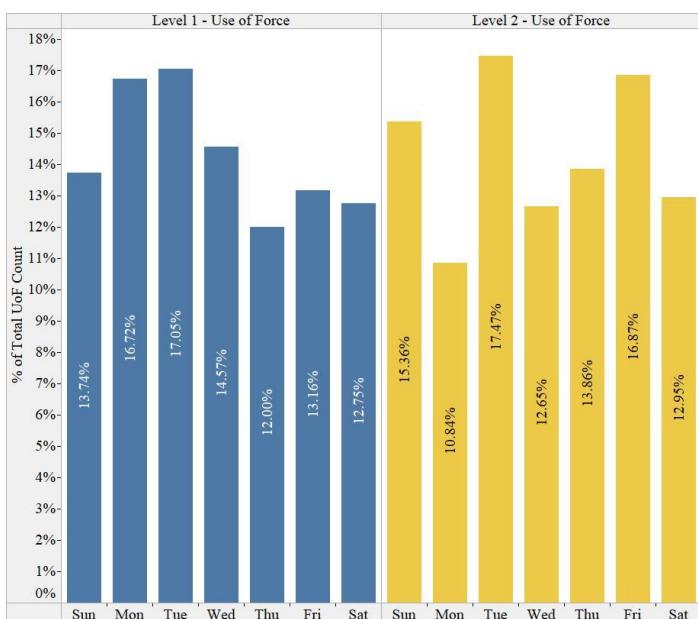
Table 7 shows a full distribution of uses of force (Types I and II) across final call type. Type I and II uses of force were most frequently associated with incidents that resolved as Assault, Other (16.3%), followed by Domestic Violence with Mandatory Arrest (10.4%), Crisis Complaint – General (6.8%), Narcotics - Other (5.49%), and Traffic - DUI (5.2%). 58 final calls types, all representing less than 1% of all uses of force, represent collectively represent the lowest frequency of force incidents.

**Table 7: Final Call Type by Resulting Level of Use of Force**

	Level 1 - Use of Force	Level 2 - Use of Force	Grand Total
--ASSAULTS, OTHER	11.94%	32.58%	<b>16.33%</b>
--DV - DOMESTIC VIOL/ASLT (ARREST MANDATORY)	11.65%	6.74%	<b>10.47%</b>
--CRISIS COMPLAINT - GENERAL	7.61%	4.87%	<b>6.88%</b>
--NARCOTICS - OTHER	5.83%	4.87%	<b>5.49%</b>
--TRAFFIC - D.U.I.	5.83%	2.25%	<b>5.20%</b>
--PROWLER - TRESPASS	5.08%	4.49%	<b>4.98%</b>
--WARRANT SERVICES - FELONY	4.51%	3.75%	<b>4.39%</b>
--AUTOMOBILES - RECOVERY (THEFT)	3.85%	2.25%	<b>3.44%</b>
--WARRANT SERVICES - MISDEMEANOR	3.10%	3.37%	<b>3.07%</b>
--ASSAULTS - HARASSMENT, THREATS	3.29%	1.50%	<b>2.86%</b>
--ROBBERY - ARMED	2.63%	2.62%	<b>2.78%</b>
--ASSAULTS - FIREARM INVOLVED	2.73%	1.87%	<b>2.71%</b>
--ROBBERY - STRONG ARM	2.44%	1.87%	<b>2.42%</b>
--WEAPON, PERSON WITH - GUN	2.54%	0.37%	<b>2.27%</b>
--THEFT - SHOPLIFT	1.41%	2.62%	<b>1.61%</b>
--SUSPICIOUS CIRCUM. - SUSPICIOUS PERSON	1.97%		<b>1.54%</b>
--DV - ENFORCE COURT ORDER (ARREST MANDATED)	1.50%	1.12%	<b>1.39%</b>
--THEFT - ALL OTHER	1.22%	2.25%	<b>1.39%</b>
--BURGLARY - NON RESIDENTIAL/COMMERCIAL	1.22%	1.12%	<b>1.17%</b>
--NARCOTICS - NARCOTICS WARRANT SERVICE	1.50%		<b>1.17%</b>
--PROPERTY DEST (DAMG)	1.32%	0.37%	<b>1.10%</b>
--BURGLARY - RESIDENTIAL OCCUPIED	0.94%	1.50%	<b>1.02%</b>
--BURGLARY - RESIDENTIAL, UNOCCUPIED	0.85%	1.12%	<b>1.02%</b>
All Other (<1%)	15.04%	16.48%	<b>15.30%</b>
<b>Grand Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

## 5. Use of Force by Day and Time

**Figure 5: Average Use of Force by Day of Week**



The distribution of force across day of the week is shown in Figure 5. Use of Type I force was reported to occur most frequently on Monday (16.7%) and Tuesday (17%). Use of Type II force was reported most frequently on Tuesday (17.5%) and Friday (16.9%). Attempts to fit a statistical model failed to find a significant trend (linear or polynomial) in either Type I or II force reporting.

Table 8 shows the distribution of use of force by Watch and Type; Figure 6 shows a breakdown of use of force across Type

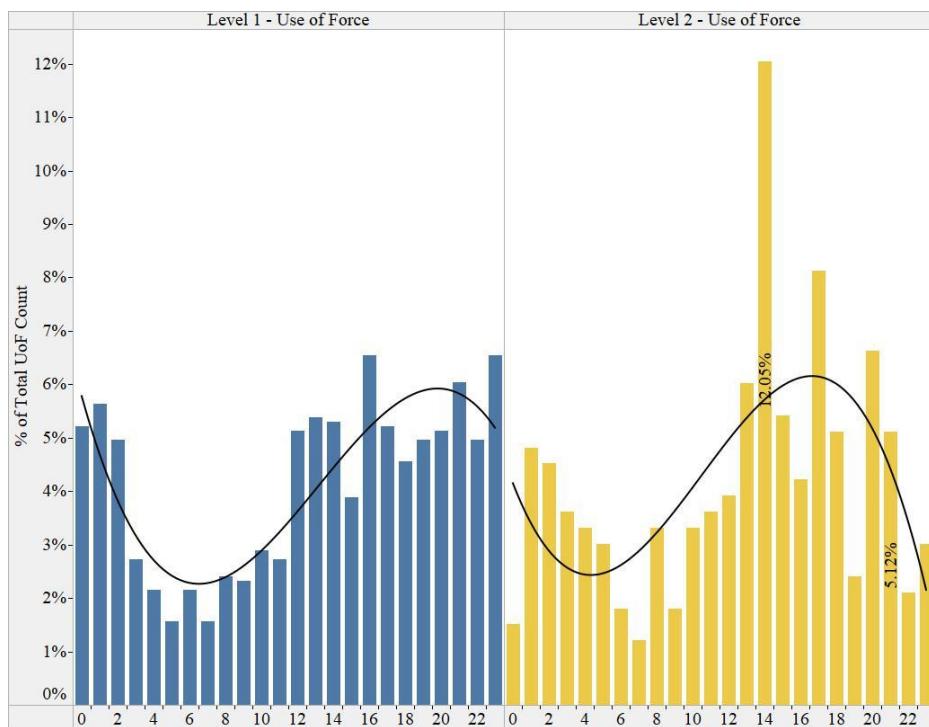
## USE OF FORCE ANNUAL REPORT

I and Type II by hour and against a curve of best fit.

**Table 8: Distribution of Use of Force by Type and Watch<sup>7</sup>**

	Level 1 - Use of Force	Level 2 - Use of Force	Level 3 - Use of Force	Level 3 - OIS	Grand Total
1st Watch	13.62%	4.50%		0.19%	18.31%
2nd Watch	29.66%	10.20%	0.51%	0.32%	40.68%
3rd Watch	33.27%	6.34%	0.76%	0.63%	41.00%
<b>Grand Total</b>	<b>76.55%</b>	<b>21.04%</b>	<b>1.27%</b>	<b>1.14%</b>	<b>100.00%</b>

**Figure 6: Use of Force Rates by Time of Day**



A curvilinear regression analysis (shown in Figure 6) indicates a statistically significant correlation between time of day and the frequency of force, with both Type I ( $p < .0001$ ,  $r^2 = .7$ ) and Type II ( $p = .04$ ,  $r^2 = .32$ ) peaking during Third Watch (between the hours of 7 pm and 3 am). As shown in Figure 5, nearly half (41%) of all force reported in 2017 occurred during Third Watch hours, a trend consistent with data reported from 2014-2016. As noted in last year's report, this finding is not unexpected, but rather consistent with data showing that calls for service increase during Third Watch, particularly around nightlife closing hours.

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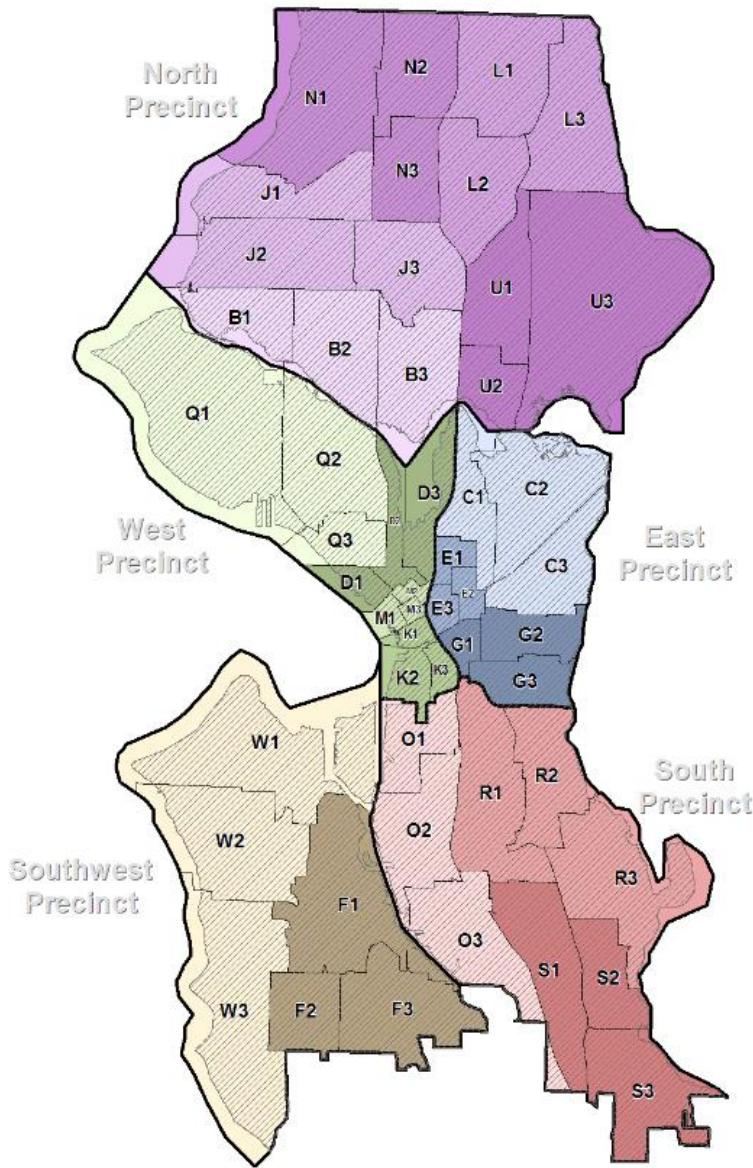
It should be noted that skewing the data with respect to Type II data is one single event, an August demonstration (discussed previously in this report), which is reflected in Figure 5 as an anomaly around the 1400 hour mark. Controlling for this outlier improves the Type II regression model ( $p = .02$ .)

<sup>7</sup> Officers are assigned to one three watches. First watch is from 0300-1200 hours, or 0330-1230. Second Watch is from 1100-2000, or 1130-2030. Third Watch is from 1900-0400 or 1920-0430.

## 6. Use of Force by Precinct and Sector

For purposes of orientation, the beat map that was in place for 2017,<sup>8</sup> showing the City of Seattle, divided by precinct, sector, and beat (1, 2, 3) is shown in Figure 7.

**Figure 7: Precinct, Sector, and Beat Map of Seattle**

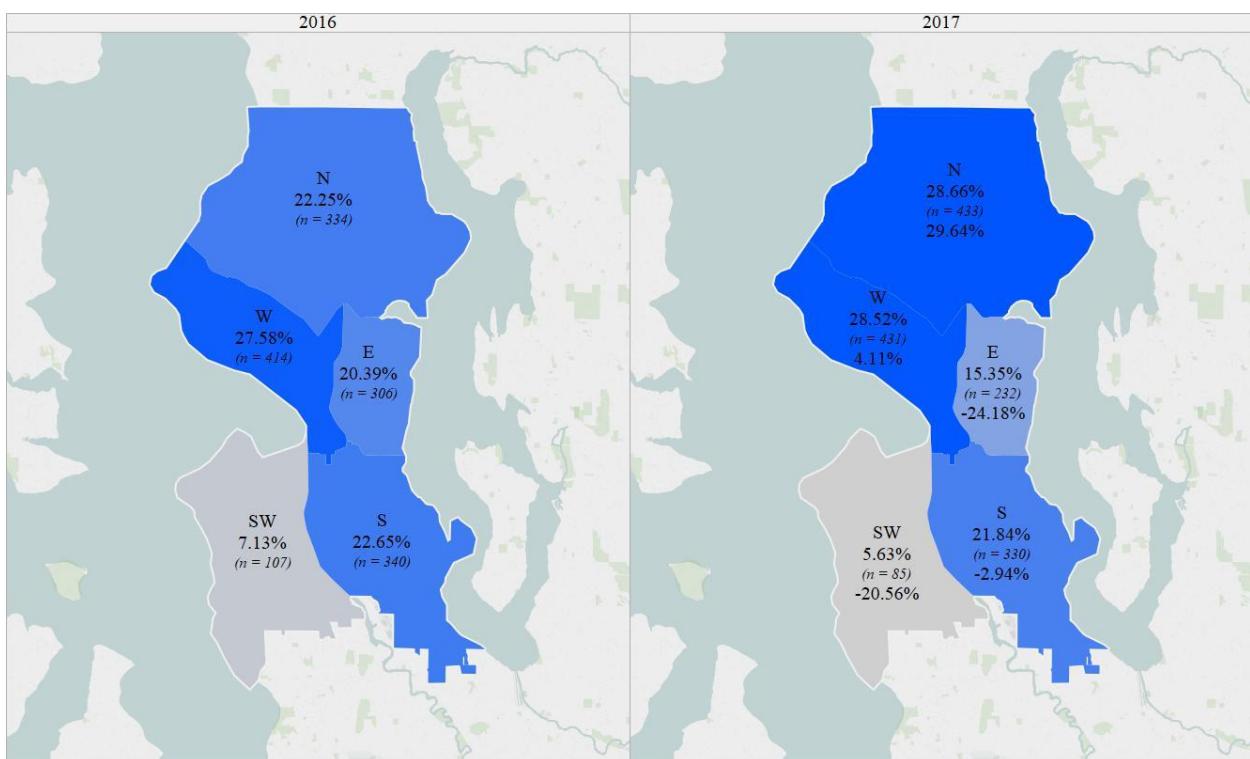


<sup>8</sup> In 2018, the Department re-drew the beat map such that a significant area of the International District that had been within the geographic bounds of the East Precinct was consolidated into West Precinct, to unify the International District within one precinct.

Some differences in use of force at the report level were observed between the precincts when compared to the prior year's reporting. In considering these differences, it is important to note these numbers do ***not*** control for changes in population or call volume in those areas. (Seattle has been cited, by numerous sources, as one of the fastest growing cities in the nation.) ***These are, accordingly, simple comparisons; testing for statistical significance at this level would not be appropriate.***

A precinct comparison, year over year, of overall use of force is shown in Figure 8.

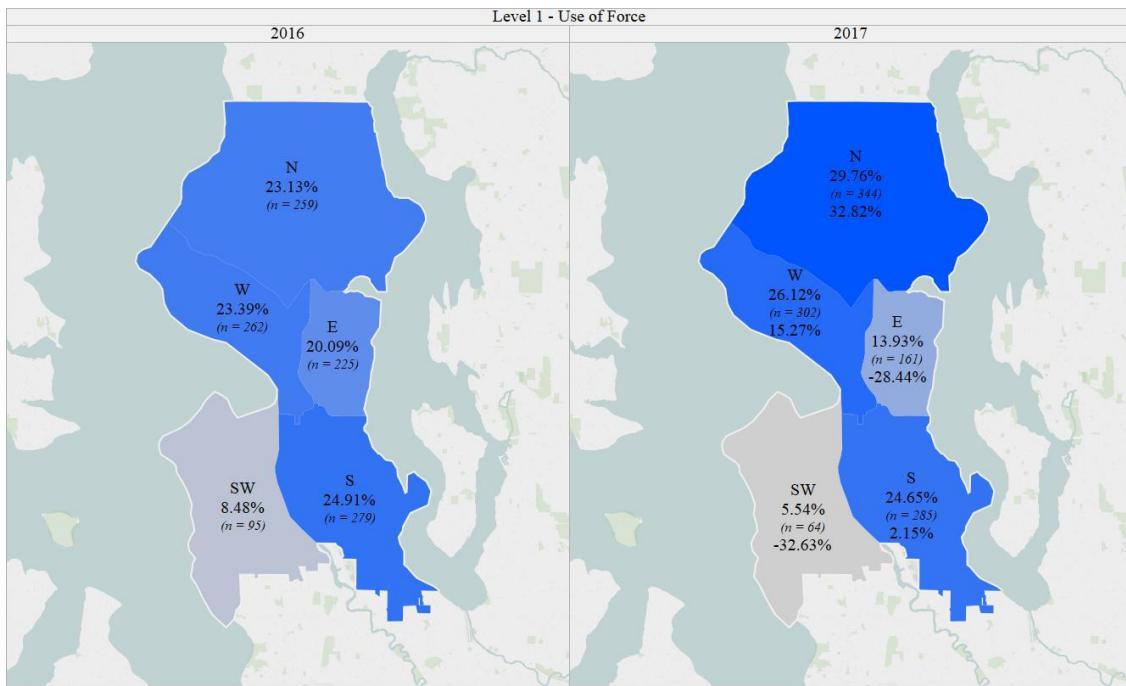
**Figure 8: Force by Precinct**



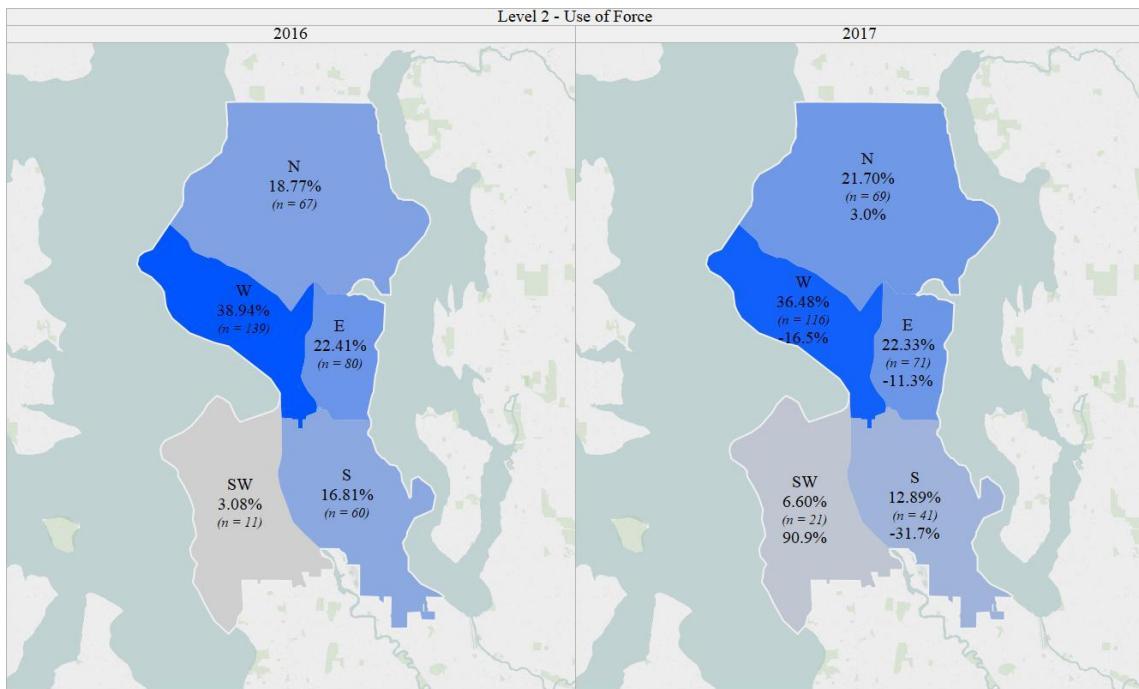
As a percentage of total reporting, use of force in the North Precinct rose to be on parity with the West precinct (28.66% and 28.52%, respectively), with North reporting 344 total uses of force in 2017 relative to 259 in 2016. (For purposes of additional context, a review of CAD activity shows that in 2017, a total of 235,369 North Precinct officers were dispatched to a total of 105,764 unique CAD events, as compared to 2016 data showing that 223,316 officers were dispatched to 102,721 events.)

In sum, nearly 60% of all force (57.2%) was reported across the North and West Precincts. Use of force declined in three (3) of five (5) Precincts, with double-digit declines reported in the Southwest (-24.18%) and East (-20.56%) precincts.

Breaking the data down by level of force provides additional context for the comparison. Choropleth maps showing differences in use of Type I and Type II force, relative to 2016 data, are presented in Figures 9 and 10, respectively.

**Figure 9: Precinct Level Changes in Type I Use of Force**

Within the two precincts that showed the most substantial reduction in Type I force reporting, the Southwest Precinct reported a 32.63% decline; a 28.44% decline was observed in the East Precinct. In contrast, North and West Precincts reported 32.82% and 15.27% increases in Type I force reporting, respectively. The South Precinct reported a 2% increase.

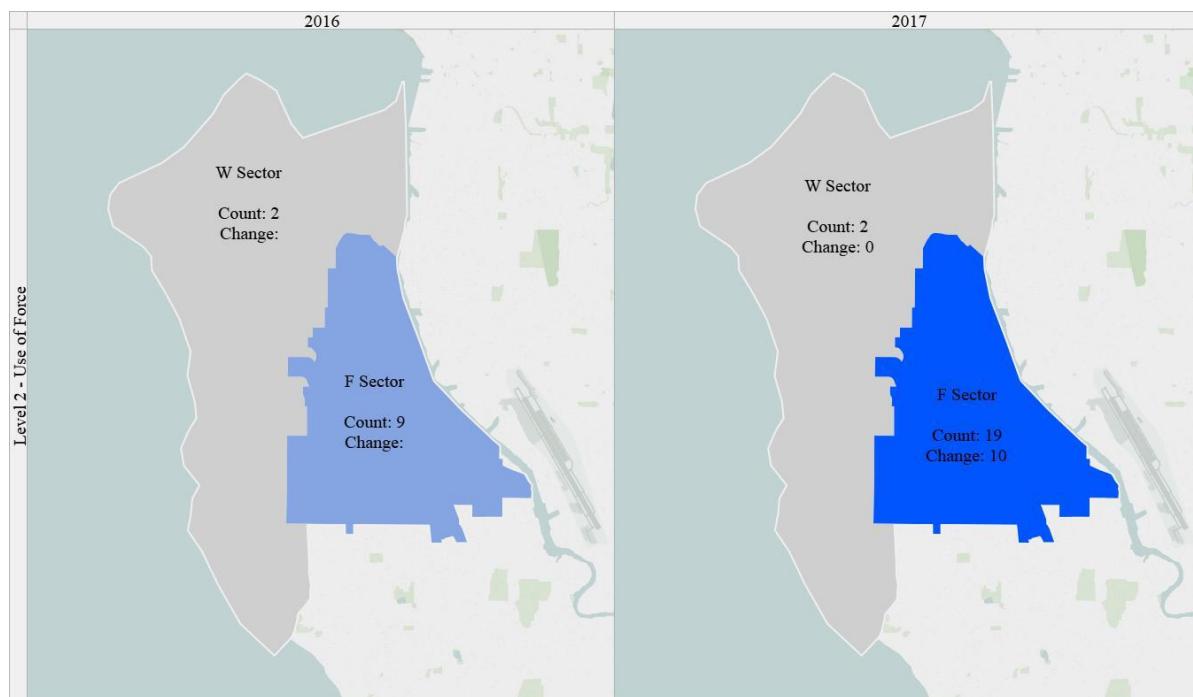
**Figure 10: Precinct Level Changes in Type II Use of Force**

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Within Type II comparisons, South (-31.7%), West (-16.5%) and East (-11.3%) Precincts each reported a decline in use of Type II force. Reports of Type II force increased slightly (3%) in the North Precinct. A numerically substantial increase was observed in the Southwest Precinct, which reported a 90% increase in Type II force reporting relative to 2016; again, however, as these are absolute numbers, a comparison of percentage increase is subject to the inherent “lensing” effect associated with counts that are either extremely small or extremely large. The net increase in number of Type II reports in 2017 in the Southwest Precinct was ten (a total of 21 reports, relative to the 11 reports submitted in 2016).

While additional review of this effect over time will be necessary to identify any meaningful causal factors, a closer examination of concentrations of Type II reporting in the Southwest Precinct, at the Sector level and as shown in Figure 11, isolates the increase in its entirety to Frank Sector (up from nine to 19). In addition, a cross-watch analysis further isolates the bulk of the increased reporting in Frank Sector to Third Watch, with a total increase of six (6) Type II use of force reports, accounting for 60% of the total change (+90%). Finally, these 19 Type II force reports are associated with 17 separate incidents; of these incidents, four are associated with a single address.

**Figure 11: Sector-Level Changes in Type II Use of Force in the Southwest Precinct**



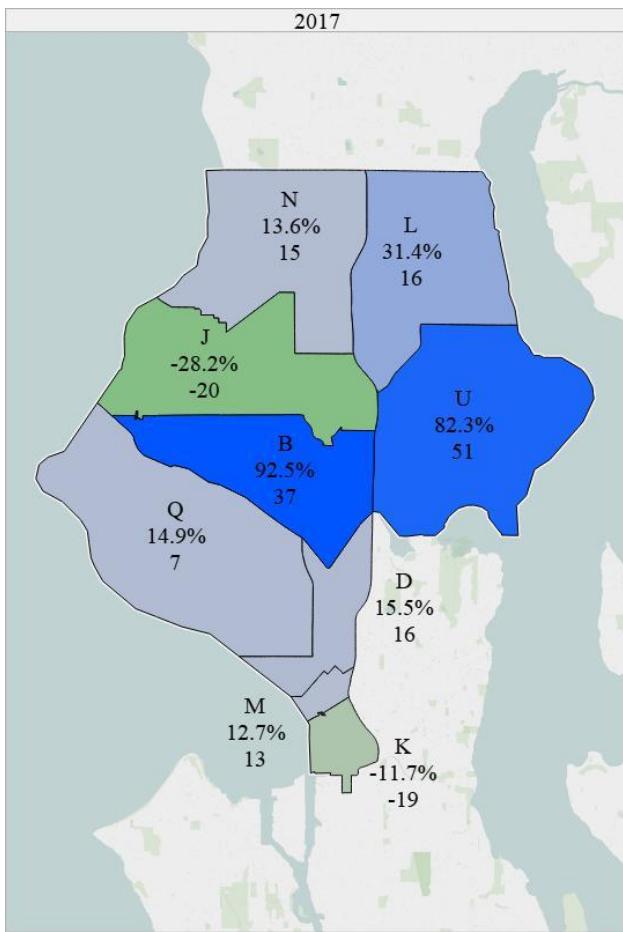
**Table 9: Comparison of Force by Sector City-Wide**

	2016	2017	<b>Grand Total</b>
KING	10.27%	8.78% -11.7%	<b>9.52%</b>
SAM	9.19%	7.62% -14.5%	<b>8.39%</b>
EDWARD	9.51%	5.77% -37.3%	<b>7.61%</b>
ROBERT	7.29%	7.80% 10.4%	<b>7.55%</b>
NORA	6.98%	7.68% 13.6%	<b>7.33%</b>
DAVID	6.53%	7.31% 15.5%	<b>6.93%</b>
MARY	6.47%	7.06% 12.7%	<b>6.77%</b>
GEORGE	6.66%	5.59% -13.3%	<b>6.12%</b>
UNION	3.93%	7.00% 83.9%	<b>5.49%</b>
OCEAN	5.07%	4.79% -2.5%	<b>4.93%</b>
JOHN	4.50%	3.13% -28.2%	<b>3.81%</b>
LINCOLN	3.23%	4.12% 31.4%	<b>3.68%</b>
BOY	2.54%	4.73% 92.5%	<b>3.65%</b>
FRANK	4.25%	2.95% -28.4%	<b>3.59%</b>
QUEEN	2.98%	3.32% 14.9%	<b>3.15%</b>
CHARLIE	3.23%	2.89% -7.8%	<b>3.06%</b>
WILLIAM	2.54%	2.27% -7.5%	<b>2.40%</b>

A breakdown of force, by sector city-wide, as a percentage of total use of force and as compared to 2016, City-wide, is presented in Table 9, on the following page. Despite a nearly 12% decline year over year, King Sector maintained the highest concentration of force overall. As was true in 2016, King, Sam and Edward Sectors reported the highest number of force incidents, accounting for slightly more than 22% of all force reported in 2017, although down from 28% in 2016. That said, relative to 2016, Edward Sector also reported the most significant decrease overall, down 37.3% in 2017.

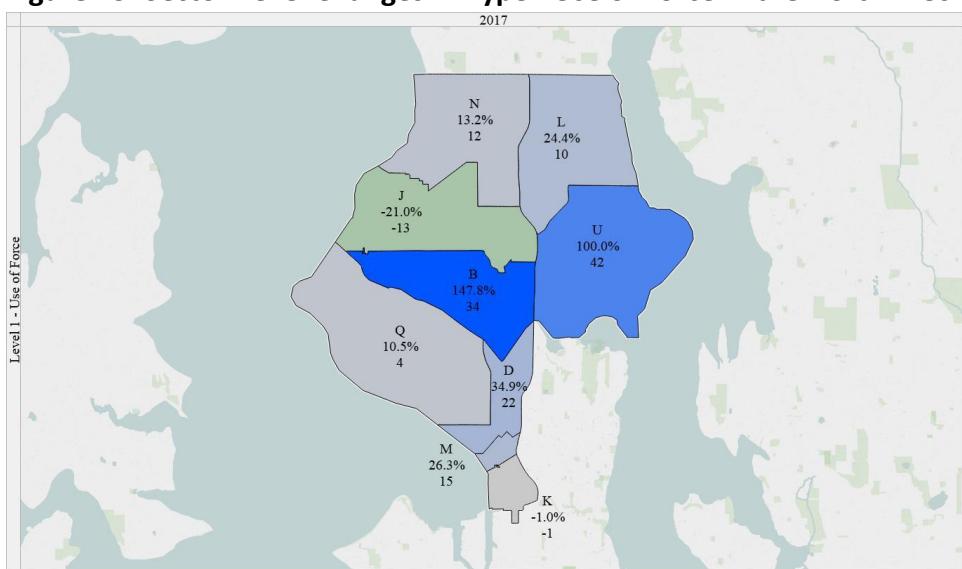
The finding of relatively higher numbers of force incidents in King, Sam, and Edward Sectors is, as the Department noted in last year's report, not unexpected; consistent with data showing that both calls for service and uses of force peak during Third Watch around nightlife closing hours, both King and Edward Sectors have significant nightlife activity that, especially during spring and summer months, is not infrequently associated with large fight disturbances and opportunistic robberies. Sam Sector encompasses a high concentration of shots fired and violent crime calls; King Sector has a high level of narcotics enforcement.

**Figure 12: Sector-Level Changes in Use of Force (North and West Precincts)**



Overall, North and West Precincts reported the largest increases in force reporting, with a nearly 30% increase year over year. Figure 12 shows the year-over-year difference in overall force (percentage and number) by sector. In the North Precinct, increases in force reporting were reported in all but John Sectors, which declined by 28.2%. Similarly, with the exception of King Sector, which reported a nearly 12% decrease in uses of force, all West Precinct Sectors similarly increased.

**Figure 13: Sector-Level Changes in Type I Use of Force in the North Precinct**



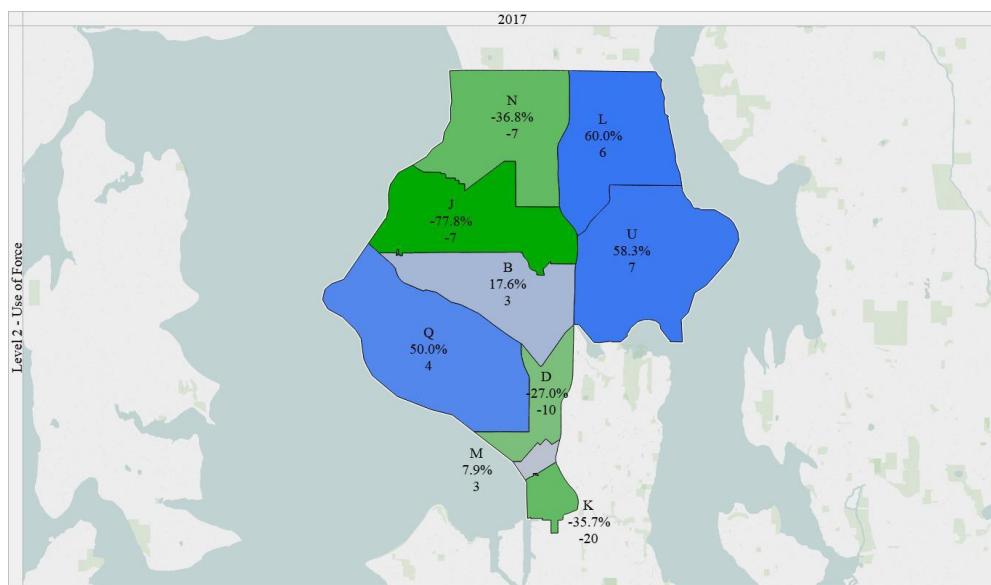
Citywide, Boy Sector reported the largest percentage increase (92%), with 37 more reports of force in 2017 than 2016. This increase is almost entirely due to an increase in Type I use of force. As shown in Figure 12, when controlling for force type, 34 of

these 37 reports in Boy Sector were for Type I force - a 147% increase over 2016. Union Sector

could attribute approximately 80% of its increase in force reporting to Type I, with nearly double the number of reports over the previous year.

As shown in Figure 14, Type II force reporting accounted for just 1% of the increase in Boy Sector and 1.2% of the increase in Union Sector.

**Figure 14: Sector-Level Changes in Type II Use of Force in the North Precinct**



### C. Use of Force – Less Lethal Devices

As defined in SPD Manual Section 8.050, less lethal devices are “devices designed and intended to apply force not intended nor likely to cause the death of a subject or great bodily harm.” Approved/Department-issued devices include the beanbag shotgun, conducted electrical weapons (Taser), impact weapons (baton), and Oleoresin Capsicum (OC) spray. In addition, vehicle related tactics, neck/carotid restraints, and canine deployments are tracked as less lethal tactics; hobble restraints, which can be used to restrain a subject’s limbs, and Noise Flash Diversionary Devices (NFDDs), a device typically used by SWAT which cause a large flash and a noise and are intended to disorient, but not make contact with, a subject are also tracked in this category. A breakdown of incidents involving one or more less lethal tools is provided in Table 10.

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**Table 10: Less-Lethal Deployments (January 1 – December 31, 2017)**

Tool	Number of Incidents	Number of Involved Officers
Stop Stick deployment	1	1
Baton	3	3
Hobble Restraint	5	7
NFDD	23	38
Blast Balls	1	2
Canine <sup>9</sup>	8	8
Vehicle Tactics	8	10
OC – Pepper Spray	6	25
Taser	27	30

Four of the six incidents in which OC spray was used involved crowd control/demonstration management events, as was the one occasion on which blast balls were deployed.

### 7. Less-Lethal Devices – Taser<sup>10</sup>

A Taser is a less-lethal device that is available as a force option when use of force is needed to bring an incident under control where deadly force may not be warranted. The use of a Taser is governed by SPD Manual Section 8.300, Use of Force Tools. As with any less lethal tool, it may be 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.”

Tasers operate in two primary modes: “probe” (or “dart”) mode and “contact” (or “drive stun”) mode. In dart mode, Tasers use compressed nitrogen to fire two barbed probes (darts). Electricity travels along thin wires attached to the probes and can bring about uncontrolled muscle contractions which override an individual’s voluntary motor function (neuromuscular incapacitation, or NMI). In drive stun mode, the device is placed in direct contact with the subject’s body; in this manner of deployment, the Taser is intended to cause significant pain, but it does not override motor function.

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<sup>9</sup> Only those canine deployments that involved contact between the canine and the subject resulting in a reportable use of force are included here.

<sup>10</sup> This report follows on the Department’s 2016 Taser Report, a stand-alone report that describes in greater detail how Taser deployments are tracked and reported. A copy of that report can be accessed at <http://spdblitter.seattle.gov/wp-content/uploads/2017/12/Taser-Report-2016.pdf>.

By policy, Seattle Police Officers are required to carry at least one less-lethal tool (Taser, baton, or Oleoresin Capsicum (OC) spray). Officers who choose to carry Tasers are required to attend a two-day training course before being issued their device.

The Department tracks all Taser deployments (whether in dart mode or stun mode) as a Type II use of force, regardless of whether the Taser application was effective or not in bringing the subject under control. Each Taser application is reported as a separate force count; an officer who deploys their Taser twice in the course of an incident, e.g., is required to report that as two separate applications. Arc warnings (a spark triggered as a visual indicator of the Taser's capacity to enhance a verbal warning) and the pointing of the device's laser alone, are not reportable events.

In reviewing data around Taser deployments, it is important to note that the low frequency with which Seattle officers deploy Tasers precludes drawing statistically meaningful inferences from these numbers. As the Department continues to monitor Taser use over time, any trends that emerge will inform Department policy and training.

### a. Taser Deployments

***In total, 30 Seattle Police officers reported deploying/activating their Taser 54 times across 27 separate use of force incidents.*** (In other words, in some instances, the involved officers deployed their Tasers more than once in the same incident.) Most of these incidents (80%) involved one or two Taser activations. The highest number of Taser activations in a single incident involved a single officer who cycled his Taser a total of six times. In four of those attempts, the Taser malfunctioned and did not deploy; in two, the Taser did deploy and NMI was momentarily achieved, but ultimately insufficiently so to subdue the subject.<sup>11</sup> This particular incident (2017-319167) is described in more detail in Section II of this report.

### b. Taser Effectiveness

Officers are required to report on the effectiveness of all force used, from verbal commands to discharging a firearm, as “effective” or “not effective” under the guideline that “if the force used allowed you to take the subject into custody,” then it was effective. If it did not, then it was not effective. Officers make this determination for each type of force they apply in a given incident.

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<sup>11</sup> An evaluation of this particularly Taser indicated a FET Fault error, an indication of poor or no connection from the cartridge to the Taser.

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Figure 15: Force Reporting Module - Taser

Force Type \*

Electronic Control (ECD / Taser)

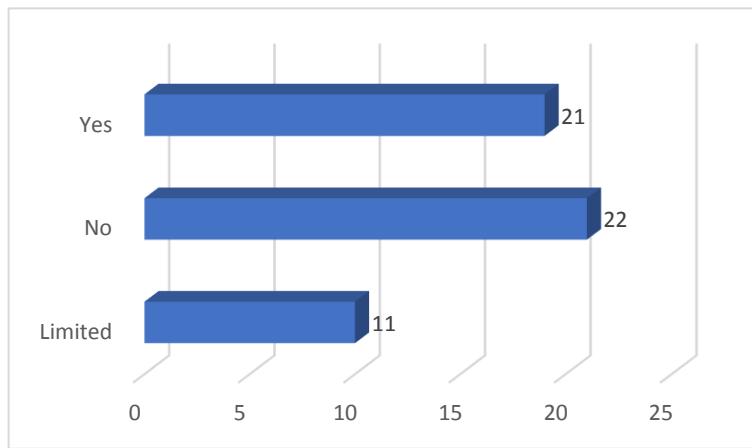
Was the Force Effective? \*

Yes  
 No  
 Limited

The Taser reporting module (shown in Figure 15) allows officers to report force as “Effective,” “Limited,” or “Not Effective.” Effectiveness is determined by the involved officer at the time of Taser activation and is based on their training and prior experience. If an officer believes the Taser was effective in taking the subject into custody, that officer should report the Taser application as “effective.” If the application had some useful effect in taking the person into custody, it should be reported as limited. If the Taser failed, misfired, missed, did not result in NMI, or otherwise was not useful in taking the person into custody, the deployment should be reported as having “No Effect.”

One limit to this reporting interface is that officers evaluate the effectiveness of Taser application with regard to his or her deployments in the aggregate, rather than assessing each deployment individually. In other words, if an officer deploys three Taser applications, the third of which is effective but the first two are not, the reporting interface would reflect that officer’s Taser use, overall, as effective. For purposes of this report, for incidents that involved multiple applications, narratives were examined to determine the effectiveness of each application separately. In the hypothetical example above, accordingly, three applications would be reported, one of which was effective, and two of which were not.

Figure 16: Overall Taser Effectiveness by Activation

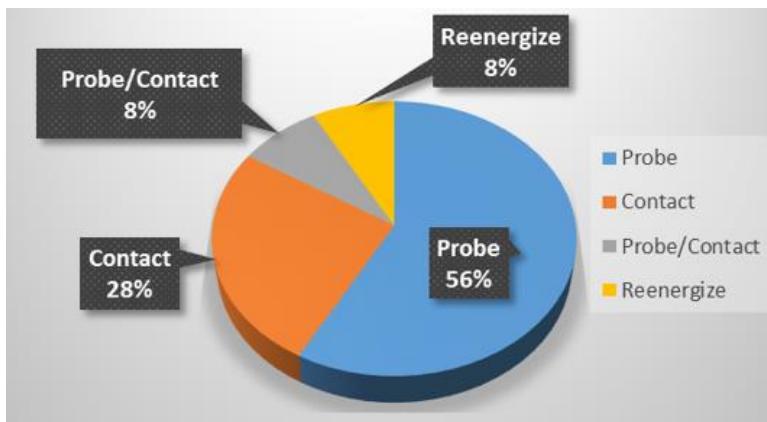


A breakdown of Taser effectiveness, by activation count, is shown in Figure 16. In 21, approximately 39% of the 54 total activations across 27 incidents, the Taser was reported to be effective in taking the person into custody; it was reported not to be effective in 22, or approximately 41%, of the 54 applications. The Taser was reported to be of limited effect in the remaining 20% of applications.

### c. Taser Effectiveness by Application Type

In addition to dart-mode (or probe deployment) and drive-stun, officers may classify certain applications as either “probe/contact” or “re-energize.” A probe/contact application indicates a situation in which the Taser is fired in dart mode, at least one probe makes good contact, but NMI is not achieved. In this circumstance, the Taser is deployed in drive stun elsewhere on the body to complete the circuit in an effort to achieve NMI. The “re-energize” classification indicates a situation in which an officer is required to apply a second or third trigger pull in order to recycle the electric current; as each application is separately described in the officer’s Blue Team statement, a “re-energize” application would necessarily appear in conjunction with another mode of deployment. Again, multiple applications may be reported in a single incident; returning to the hypothetical example of the three applications, only the last of which was effective, one might envision that situation to entail a probe deployment, a re-energizing application, followed by a probe/contact.

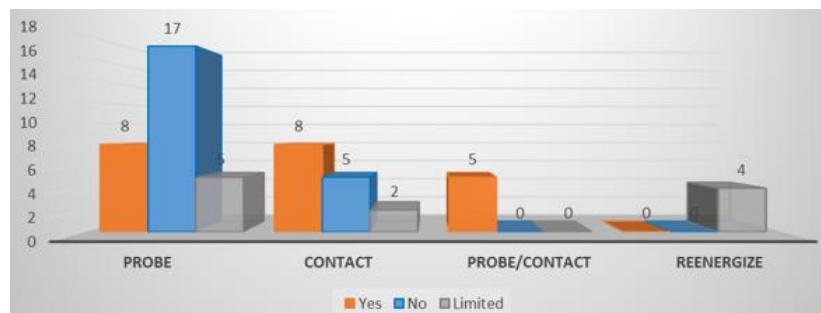
**Figure 17: Taser Deployments by Activation Type**



A breakdown of Taser deployments by activation type (or mode) is presented in Figure 17; Figure 18 shows a breakdown of Taser effectiveness by activation type. As shown between these two figures, slightly more than half ( $n=30$ ) of all Taser deployments in 2017 were in “probe” mode. Of these, 17, or approximately 57%, were reported

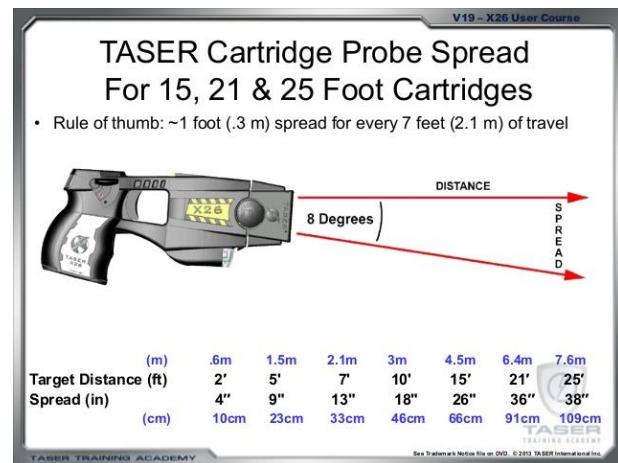
to be effective; eight were reported to be not effective, and the remaining five were reported to be of limited effect. Of the 15 deployments that were activated in “contact” mode, one third ( $n=5$ ) were reported to be effective; slightly more than half ( $n=8$ ) were reported to be not effective, and the remaining two were reported to be of limited effect. The five deployments that were activated in “probe/contact” mode were reported to be not effective; all of the four deployments that were activated in “re-energize” mode were deemed of limited effect.

**Figure 18: Taser Deployments by Activation Type**



#### d. Taser Effectiveness by Subject Distance

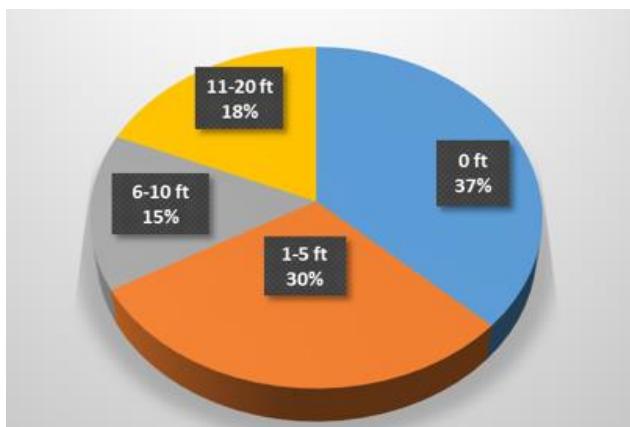
To work in probe, or dart, mode, there must be adequate spread between the probes to generate a sufficient current to cause NMI. Due to the trajectories and lag of the probe wires, the greater the distance the officer is from the subject, the greater the spread will be; as shown in the graphic to the right, Taser estimates an approximate one foot spread per seven feet of travel. Optimum distance for a Taser deployment is 7-12 feet, with a target of center mass. In probe mode, the spread between probes must be generally be a minimum of four inches to be effective.



The reporting module for Taser deployments requires officers to report their estimated distance from the subject by way of four drop-down range selections of 0 feet (as would be the case in contact mode), 1-5 feet, 6-10 feet, and 11-20 feet.

A breakdown of Taser deployments by distance from subject is presented in Figure 19; Figure 20 shows a breakdown of Taser effectiveness by distance.

**Figure 19: Taser Deployments by Distance from Subject**



In approximately 37% of instances (n=20), officers reported Taser deployments at 0 feet (i.e., in contact mode); of these activations, six were reported to be effective, six were reported to be not effective, and eight were reported to be of limited effect. Of the 16 deployments that were reported at a distance of 1-5 feet, seven were reported to be effective, seven were reported to be not effective, and two were reported to be of limited effect. At a distance of 6-10 feet, the majority (five) were reported to be not effective; two were reported to be effective, and one was reported to be of limited effect. Of the ten deployments that were reported at a distance of 11-20 feet, the majority (seven) were reported to be effective and three were reported to be not effective.

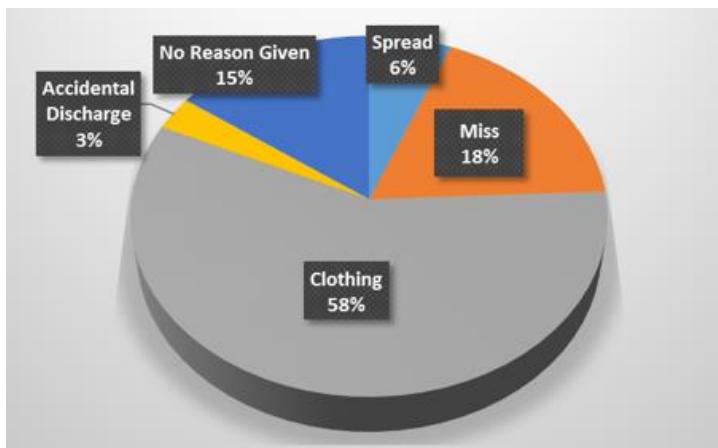
limited effect. At a distance of 6-10 feet, the majority (five) were reported to be not effective; two were reported to be effective, and one was reported to be of limited effect. Of the ten deployments that were reported at a distance of 11-20 feet, the majority (seven) were reported to be effective and three were reported to be not effective.

**Figure 20: Taser Effectiveness by Distance from Subject**

### e. Factors Limiting Taser Effectiveness

Several factors may impact the effectiveness of a Taser, including a missed probe, low spread between probes, heavy or baggy clothing, low or high body mass. The physiological state of a subject may also impact Taser effectiveness. Where a Taser application is not effective, officers are required to identify in their statements the reason so, based on their training and perspective at the time of the deployment. The Taser reporting module provides the following options for recording Taser ineffectiveness:

- Spread (i.e., insufficient to cause NMI);
- Miss (i.e., probes did not strike the subject);
- Clothing (e.g., thick, puffy, and baggy clothing may cause a gap between the subject and the probe, resulting in a disconnect and ultimately failure of the application);
- Cartridge Failed: Didn't activate.

**Figure 21: Factors Limiting Taser Effectiveness**

A breakdown of those factors identified as limiting Taser effectiveness is shown in Figure 21. Of the 33 Taser deployments that were reported to be not effective or of limited effect, clothing was identified as the limiting factor in the majority of instances (n=19). In six instances, one or more Taser probes missed the subject; in two, the officers reported insufficient spread between the probes. No reason was provided in five instances, and an accidental discharge was reported in one instance.

## SECTION II: FORCE INVESTIGATION AND REVIEW

All uses of force are thoroughly and critically reviewed. While the section above provides data and statistics about the frequency and distribution, it is the substantive review of each force case by the chain of command, the Force Review Unit, and the Force Review Board that determines whether force is in or out of SPD policy. If any reviewer in the chain of command or the FRU, or if the FRB by consensus, finds an indication of a policy violation, whether related to the force or otherwise, that case is required to be referred to the Office of Professional Accountability for further review and a determination about whether there is any policy violation, and if so, the level of recommended discipline. In addition, the OPA Director or his designee sits in on all FRB discussions, and has the prerogative to take for further review any case regardless of whether the FRB separately refers.

This Section describes the investigation and review processes for Types II and III uses of force, provides a summary of each Type III force investigation initiated by the Force Investigation Team (FIT) between January 1 – December 31 2016,<sup>12</sup> and discusses assessments by the Force Review Board (FRB) of both Type II and Type III cases reviewed during 2016.

### A. INVESTIGATION OF FORCE

#### 1. Investigation of Type II Use of Force

Investigation and Review of Type II uses of force are governed by SPD Manual Sections 8.400 and 8.500.

Officers who are involved in using Type II force are required to notify an on-duty sergeant of the incident, upload and flag in-car video with the incident number, complete necessary documentation relating to the incident (General Offense report) and submit a detailed use of force statement before leaving their shift. Officers who witness a Type II use of force are likewise required to submit a witness officer use of force statement prior to ending their shift.

The responding Sergeant is responsible for conducting the investigation into the use of force. The Sergeant interviews the subject, the involved officer(s), any witness officers, and any civilian witnesses. The Sergeant reviews the officer's statement to ensure it is thorough and complete

and review, secures relevant in-car video, and provides a summary narrative of the incident and description of the evidence gathered and the investigative process. This summary, and all supporting documents, are then forwarded up the chain of command.

During the first half of the year, the investigating Sergeant was also responsible for conducting the first-level review of a Type II use of force incident, which included the often time-intensive task of viewing all available video evidence (in-car and any other video obtained from a canvas). To enable Sergeants, as first-line supervisors, more time to actively engage with their squads in the field while still ensuring that Type II incidents received thorough, critical review, in July 2016 the Department implemented the new position of Administrative Lieutenant for each precinct. Sergeants retain investigatory responsibility, but Administrative Lieutenants now absorb much of the analytical work of force review for which Sergeants and reviewing Lieutenants had been responsible. The Administrative Lieutenant is responsible for reviewing and bookmarking (identifying in the system) relevant sections of all video evidence, ensuring that the investigations (for both Type I and Type II uses of force) and force reports are thorough and complete, analyzing the force for policy, training, tactical, or equipment issues, and ensuring that the force was properly categorized. This quality assurance measure enables the Department to recognize investigative issues or omissions at an earlier stage of review, more efficiently refer officers for additional training as necessary, and take more timely and proactive action in response to potential policy violations. The Administrative Lieutenant provides the completed investigation and administrative review to both the officer's assigned Lieutenant and the Precinct Captain, who forward Type II cases up to the Force Review Unit.

## **2. Investigation of Type III Use of Force**

Investigation of Type III uses of force, including Officer Involved Shootings, are governed by Manual Sections 8.400 and by the FIT Manual, a comprehensive guide for conducting thorough, complete investigations, interviews, and analysis.

The Force Investigation Team is responsible for investigating all Type III uses of force by Seattle officers. FIT also investigates serious assaults against officers, any discharge of a firearm by an officer, in-custody deaths (both within SPD custody or, by agreement with the King County Jail, any deaths occurring in the jail or within 72 hours of release of the jail), and any use of force incident in which the supervisor believes there was misconduct in the application of the force.

FIT consists of a Captain, a Lieutenant, a Sergeant, and six Detectives. The team is deliberately decentralized from SPD headquarters, and is instead located in the same building as the Crime Scene Investigation Unit and the State Crime Lab at Airport Way Center. This location facilitates ease of access to the Evidence Section, the Crime Lab, the Photo Lab, and allows for privacy of officers from their coworkers at each precinct when needed as witnesses in a FIT case.

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Table 11 shows a breakdown of total FIT responses for each of 2014, 2015, 2016 and 2017. Response total reflects all responses by the FIT team, including non-force-related incidents (e.g., assisting an outside agency, jail death, or assault on officer investigation). The number of officers reflects the total number of officers who used force at any level (Type I, II, or III) across all incidents investigated by FIT; because each force case is investigated according to the highest level used in that incident, one FIT case can include multiple uses of force at lower levels as well.

**Table 11: Total FIT Responses (2014-2017)**

Year	Responses	Number Of Officers	OIS (Fatal)	Returned to Patrol	In-Custody Death	Unintentional Discharge	Potential Misconduct
2017	26	49 <sup>13</sup>	6 (3)	3	5	1	1 <sup>14</sup>
2016	32	49	4 (2)	4	1	2	2
2015	26	50	5 (2)	3	2	3	2
2014	46	70	9 (5)	8	2	3	2

Of the 26 incidents to which FIT responded in 2017,

- Sixteen involved a Type III use of force by one or more Seattle Police Officers, six of which were Officer Involved Shootings (OIS), three of which were fatal.
- One was an unintentional firearm discharge that did not result in any injuries.
- Five concerned an in-custody death, four of which occurred in the King County Jail and did not involve any SPD use of force. The fifth incident, which but for the subject's death would not have called for a FIT investigation, is described below.
- Four were determined not to involve Type III force and were returned to Patrol for investigation as Type II incidents.

### a. FIT Response Process<sup>15</sup>

A typical FIT response is initiated when FIT receives a screening call from an on-scene sergeant or other supervisor. FIT directs the supervisor to sequester the involved officers and have them escorted individually, by an uninvolved officer to the FIT office. The OPA Director, the Crime

<sup>13</sup> In addition to the 49 involved SPD officers, FIT also investigated one officer from another agency involved in an OIS at the request of that agency; see FN 3.

<sup>14</sup> The potential misconduct was identified in connection with an OIS; accordingly, FIT was at the scene regardless.

<sup>15</sup> FIT policy and procedure is set forth in greater detail in SPD Manual Section 8.400.

Scene Investigation Unit (CSI), Training Unit, and executive members of Command Staff are also notified to respond to the scene as appropriate.

FIT detectives are responsible for gathering physical evidence, eyewitness and involved subject statements, and any video evidence, both at the scene and through later canvassing of the neighborhood, news media and internet. At the scene, the lead FIT investigator consults with CSI, Training, and OPA regarding the evidence gathered; if there is any indication of criminal conduct by the officer, the investigation is bifurcated such that the administrative review of the incident is screened from the criminal investigation. No case investigated during either 2015 or 2016 involved a criminal allegation.

Involved and eyewitness officers are interviewed, separately, at the FIT offices, for purposes of capturing as close to the event as possible their perceptions and recollections of the incident. Recognizing that video is only one piece of evidence, can be misleading, and is often incomplete, FIT has moved towards not permitting officers to watch video prior to giving their statements, so as capture as cleanly as possible what the officer perceived leading up to and at the moment the force was used.

When complete, the FIT investigation and CSI investigation, if any, is formally presented to the Force Review Board. A completed FIT investigation is required to cover, where applicable:

- A summary of the incident;
- Scene description, diagram, and/or photographs;
- Witness and video canvass;
- Subject information;
- Witness information;
- Injuries, either to officer or subject;
- All physical evidence;
- Clothing analysis;
- Weapons and weapon testing/analysis;
- Personnel involved;
- Any communications concerning the incident or the investigation;
- FIT callout notifications; and
- Detective's log of investigation steps.

### **b. 2017 FIT Responses**

The descriptions presented in Table 12 are intended to provide neutral but informative statements of each of the 26 incidents to which FIT responded during 2016. They are not intended to provide a detailed analysis, nor are they intended to convey a qualitative determination as to the use of force, which by policy is the purview of the FRB in each of these

## USE OF FORCE ANNUAL REPORT

cases. Further, while an overview of the FRB's case dispositions in 2017 in the aggregate is presented later in this section, not all of the cases here have yet undergone FRB review.

**Table 12: Total FIT Responses (2014-2017)**

Incident No.	Precinct	Event Summary
<b>2017-109481</b>  <b>In-custody Death</b>	KCJ	A King County Jail inmate who had been booked one month prior for outstanding warrants was transferred to Harborview Medical Center for breathing problems. He passed away under medical care. Per agreement with KCJ that FIT will investigate all in-custody deaths, FIT responded. The Medical Examiner determined that the subject died from complications of an enlarged heart resulting from chronic methamphetamine use.
<b>2017-111319</b>  <b>Type II</b>  <b>1 Involved Officer</b>	North	North Precinct Bike Officers contacted a male subject and a juvenile female in the area of N. 107 & Aurora Ave N. after observing what appeared to be car prowling. Moments after contact, the male subject fled on foot across Aurora Ave N and was struck by two vehicles traveling southbound, launching him in the air before he landed on the roadway. The subject was able to get up and continued to flee into the parking lot of a business. He was observed throwing a container that was later recovered and found to contain heroin. Employees of a neighboring business observed the subject fleeing, took him to the ground, and held him until officers arrived. One officer used Type II force (knee strikes) in taking the subject into custody. Due to the possible extent of injuries resulting from the vehicle collision, FIT opened an investigation. Ultimately, despite the nature of the collision, the subject was found only to have sustained minor injuries.
<b>2017-092155</b>  <b>Type III</b>  <b>1 involved Officer</b>  <b>Subject Native American male, age 46</b>	North	While on patrol, the involved officer and his partner observed a vehicle driving erratically. The vehicle began to pull to the side of the road, then pulled into the planting strip. The vehicle, now fully in the planting strip, continued driving. Officers followed the vehicle as it made a turn onto another roadway. The vehicle then drove into another vehicle that was traveling in the opposite direction. The subject exited the vehicle and ran from the scene. The involved officer gave chase on foot and caught up to the subject as the subject was attempting to scale a fence. The officer reported that during the struggle he inadvertently placed his arm around the subject's neck but quickly repositioned his arm. The subject broke free and continued to flee on foot. The

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Incident No.	Precinct	Event Summary
		officer pursued and ultimately used a Taser in probe launch to take the subject into custody. FIT responded to investigate the possibility of a neck hold.
<b>2017-124534</b>  <b>Type III</b>  <b>3 involved Officers</b>  <b>Subject Black male, age 22</b>	South	The subject was arrested for his involvement in a shooting that had occurred several hours prior to his arrest. During a search incident to arrest, the subject was assaultive to officers. Officers located a bullet casing and a large amount of narcotics on the subject's person. Following the search, the subject was transported to the South Precinct. At the precinct, the subject made several requests to use the restroom. Based on his prior behavior and concerns that the subject may be in possession of additional narcotics that would attempt to destroy prior to booking, three officers escorted him to the restroom and removed his handcuffs. When officers prevented him from closing the door to the restroom, the subject became combative. The subject attempted to leave the bathroom, approaching one officer. The officer blocked him from exiting the restroom, the subject retreated back into the restroom. When officers approached to place him back into handcuffs, the subject became physically and verbally aggressive towards officers, clenching his fists and displaying a "fighting stance." The officers decided to take him to the ground for better control as they reapplied handcuffs. During the sergeant's screening of the Type I use of force (takedown), the subject stated that during the struggle he had been choked and punched in the face by a "Mexican" officer. Based on this allegation, the screening sergeant contacted FIT, which responded to investigate those allegations.
<b>2017-136455</b>  <b>In-custody Death</b>	Outside Agency	Per agreement with the King County Jail that FIT will investigate all in-custody deaths, FIT was called to respond to a King County Jail In-Custody Death at Harborview Medical Center. This death did not involve an SPD arrest or SPD incident. It was determined that the inmate died of lung cancer under a "Do Not Resuscitate" order.
<b>2017-138013</b>  <b>Type III – OIS (Fatal)</b>	West & Canine	Officers responded to a report of a robbery at a 7-eleven in which one subject brandished a handgun at the clerk. Officers located the reported suspects walking past the old Federal Office Building on First Ave. One subject assaulted an officer while

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Incident No.	Precinct	Event Summary
<b>4 involved Officers</b>  <i>Subject Black male, age 20</i>  <b>Type II</b> <b>2 involved Officers</b>  <b>Type I</b> <b>2 involved Officers</b>		being detained, allowing the potentially armed subject to flee. Officers gave chase on foot. When officers followed the subject into the loading dock of the federal building, the subject fired on the officers, who returned fire. One SPD Officer sustained a serious gunshot injury, one officer was struck in the ballistic vest and sustained minor injuries, and a third officer sustained a minor grazing injury. The subject was pronounced deceased at the scene.
<b>2017-144994</b>  <b>Type II</b>  <b>4 involved Officers</b>	South	Officers reported knee strikes, some possibly to the head. The subject was transported to HMC for evaluation, where medical evaluation showed no significant injury. Video review of the incident showed that the officers did not use Type III force. The incident was referred back to Patrol for a Type II investigation.
<b>2017-176692</b>  <b>Type II</b>  <b>2 involved Officers</b>	North	Anti-Crime Team Officers arrested the subject on felony warrants. The subject claimed to have sustained a broken arm and other injuries during the takedown. Upon medical examination, it was determined that the subject had not sustained any injuries and identified no medical issues arising from the use of force. The incident was referred back to Patrol for Type II review.
<b>2017-189519</b>  <b>Type III</b>  <b>2 involved Officers</b>  <i>Subject White male, age 70</i>	West	A citizen attempting to return a lost wallet and cell phone went to the address found in the wallet and was met by the subject, who was not the owner of the wallet. When the citizen declined to turn the wallet and phone over to the subject, the subject assaulted him with a punch to throat and demanded the items under threat of pepper spray, which he retrieved from a drawer immediately next to the front door. When Officers called to investigate the assault contacted the subject, the subject reached into the drawer where the pepper spray was located. Officers grabbed the subject, who actively resisted handcuffing. The subject sustained a dislocated shoulder during the incident; he was treated at Harborview Medical Center and booked into King County Jail on Robbery charges.

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Incident No.	Precinct	Event Summary
<p>2017-193874 <b>Type III OIS (Non-Fatal)</b> <b>1 involved SPD Officer</b> <b>1 involved DOC officer</b> <b>Subject White male, age 38</b></p>	Gangs/ATF Task Force	<p>ATF Puget Sound Violent Crime Task Force Officers, including an SPD detective, were attempting to arrest a subject who was wanted on Department of Corrections Escape warrants for Burglary and Robbery. The officers waited until the subject was isolated in the driveway at his residence, then approached. Upon seeing the officers, the subject began running toward the entrance to the house, raised a pistol, and fired multiple shots at the SPD Detective. The SPD Detective and a DOC Officer returned fire, striking the subject multiple times. The subject was treated at the scene and transported to Harborview Medical Center.</p>
<p>2017-219301 <b>Type III – OIS (Fatal)</b> <b>2 involved Officers</b> <b>Subject Black female, age 30</b></p>	North	<p>Officers responded to investigate a reported burglary that was called in by the subject. Aware of one prior threat against law enforcement officers, two officers responded. Several minutes into the call, the subject suddenly armed herself with two knives and advanced on the officers. When the subject continued to advance despite orders to “get back,” both officers fired on the subject. The subject was pronounced deceased by Seattle Fire personnel. <i>Note: a more detailed discussion of this incident, and the Force Review Board determinations, can be accessed at <a href="http://spdblotter.seattle.gov/wp-content/uploads/2017/12/SPD-Force-Review-Board-Officer-Involved-Shooting.pdf">http://spdblotter.seattle.gov/wp-content/uploads/2017/12/SPD-Force-Review-Board-Officer-Involved-Shooting.pdf</a>.</i></p>
<p>2017-231132 <b>Type III</b> <b>1 involved Officer</b> <b>Subject White male, age 24</b></p>	West	<p>Officers who had arrested an individual at the Union Gospel Mission the prior day returned to the UGM to update staff on that subject. As officers were exiting their patrol car, an individual ran towards them, followed by the subject. One officer witnessed the subject throw the individual to the ground. That officer ran around the patrol car and grabbed the subject from behind, by the shoulders, to arrest him for the assault. As the officer attempted to turn the subject towards the west wall of the UGM, the subject stumbled forward, striking his head on a metal pole of scaffolding set up in front of the UGM. The subject reported that he lost consciousness; witnesses to the incident reported that he did not. Regardless, due to the injury sustained, FIT responded.</p>
2017-240752	KCJ	<p>Per agreement with the King County Jail that FIT will investigate all in-custody deaths, FIT responded, along with Homicide, to investigate an apparent suicide at the jail. It was determined that</p>

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Incident No.	Precinct	Event Summary
<b>In-custody Death</b>		the inmate had improvised a ligature in order to hang himself from plumbing in the cell.
<b>2017-303566</b>  <b>Type III</b>  <b>2 involved Officers</b>  <i>Subject Black male, age 21</i>	West	Officers responded to a disturbance call in a Belltown parking lot amidst a crowd of approximately 20 youths. As two officers were speaking with the individual who admitted causing the disturbance, other officers pointed out a "Conditions of Entry" sign on the wall of the parking lot to the other individuals and advised them that they needed to leave the private property. One congregant, the subject, was arrested for trespassing. The subject resisted officers, requiring one officer to place him in a "bear-hug" as part of a soft take-down. The subject continued to struggle while on the ground, requiring other officers to assist. FIT was called to investigate the force after the subject claimed that he was choked. The subject sustained an abrasion on his wrist; officers sustained knee and hand abrasions.
<b>2017-319167</b>  <b>Type III</b>  <b>2 involved Officers</b>  <i>Subject Black male, age 39</i>	West	Officers responded to a series of calls reporting an individual in walking the wrong way down Fourth Avenue, just north of Westlake Park, in the middle of heavy rush hour traffic. Callers reported that the subject was assaulting bicyclists, pushing them down. The subject was described as a large male, approximately 6' 4", 250 lbs. Two bike officers who were in Westlake Park responded; two other officers responded as well. The bike officers encountered the subject, walking When the bike officers arrived, they observed the subject walking southbound, against on-coming traffic. The officers stopped their bikes approximately 15 feet away from the subject. The subject walked directly to one of the officers, yelling "Who want it? Who want it?" One officer placed his bike as a barrier between himself and the subject. The subject walked into the officer and struck him with his hands. The subject was ordered to get on the ground and advised him that he would be tased if he did not. The subject instead appeared to "square off" with the officers. An officer deployed his Taser, striking the subject in the right hand and right abdomen area. The Taser application was initially effective; the subject went to the ground on his stomach then rolled onto his back. As officers attempted to place him into custody, he recovered and tried to get up, swinging and kicking at the officers. The officer attempted a second Taser deployment, but the cartridge did not fire; the officer turned the Taser off, then on again, and was able to deploy the second cartridge, striking the subject in the abdomen and upper thigh

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Incident No.	Precinct	Event Summary
		<p>area. However, the subject continued to fight them. Another officer used his baton to attempt to control the subject; that, too, was ineffective. Eventually, four other officers arrived at the scene and were able to control the subject, who was taken to Virginia Mason to remove a Taser dart from his hand. It appeared as well that the subject chipped a tooth during this incident. The subject reported that he had smoked PCP prior to the incident, was irritated with his friend and the weather, and did not recall the use of force incident.</p>
<b>2017-327540</b>  <b>Type III</b>  <b>1 involved Officer</b>  <i>Subject Black female, age 26</i>	North	<p>Officers on patrol in an unmarked vehicle observed the female subject bicycling with a male companion. One of the officers recognized the subject as having an outstanding King County felony warrant for Identify Theft. After the officers verified that the warrant was still active, they positioned the vehicle in preparation to take her into custody and activated their emergency lights. The subject fled, eluding them. The officers relocated her on NE 66<sup>th</sup> Street, traveling westbound on the north sidewalk, toward them, downhill at an estimated 10-15 mph. Her front tire was wobbling and appeared badly damaged (it was later determined that she had struck a nearby vehicle while fleeing). One officer stood in front of her to block her path and ordered her to stop. Instead, she continued towards him and attempted to go around him. The officer contacted her left shoulder with a firm push, intending to stop her flight. She fell from her bicycle, sustaining a dislocated shoulder. A search of her backpack incident to arrest revealed ten fixed-blade knives.</p>
<b>2017-330684</b>  <b>Type II</b>  <b>2 Officers</b>	West	<p>During an arrest for shoplifting, the subject fought with responding officers. FIT responded after the supervisor reported that the subject lost consciousness. FIT determined that the subject had not lost consciousness and the case was returned to Patrol for a Type II investigation.</p>
<b>2017-359763</b>  <b>In-custody Death</b>	KCJ	<p>A jail inmate hung himself in jail custody. Per agreement with the King County Jail that FIT will investigate all in-custody deaths, FIT responded.</p>
<b>2017-363232</b>  <b>OIS (Non-Fatal)</b>	SWAT	<p>Officers responded to a report of a disturbance in which the subject barricaded himself in his home after threatening neighbors with a long gun and firing a shot. After arriving, officers were informed by a witness that the subject was intoxicated and</p>

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Incident No.	Precinct	Event Summary
<b>1 involved Officer</b>  <i>Subject White male, age 66</i>		kept numerous loaded guns in his house. SWAT was called, along with a Hostage Negotiating Team negotiator. After several unsuccessful hours of attempting to resolve this incident, SWAT used “flash bangs” (which create a bright light and a loud noise) to encourage the subject to come out of the house. The subject responded with repeated threats to shoot officers. Approximately seven hours after officers first responded, after multiple tactics to encourage the subject’s surrender had been unsuccessful, SWAT officers attempted to reposition themselves in front of the subject’s house using the armored vehicle. As they moved past the subject’s front door, an officer noticed the subject standing in his doorway with a shotgun pointed at the vehicle. The subject fired five 12-gauge rounds, all of which struck the vehicle. One officer fired two shots at the subject, hitting the subject in the hip/buttock area. The subject retreated into the house. As officers prepared additional tactics to remove the subject from the home, the subject engaged in what the officers perceived as “baiting” behavior to encourage the officers to come closer, such that he could open fire. Eventually, the subject put both hands in view and an arrest team was deployed to take him into custody. The subject had a loaded revolver with the hammer cocked back, under his body, at the time of his arrest. The subject was transported to Harborview for medical attention.
<b>2017-374877</b>  <b>OIS (Non-Fatal)</b>  <b>2 involved Officers</b>  <i>Subject: White male, age 21; White female, age 46; Unknown female, unknown age</i>	West	Officers responded to a report of a suspicious vehicle occupied by multiple people who were seen loading a handgun inside. Officers were attempting to contact the subjects in the vehicle when the driver of the vehicle drove towards and then past one of the officers, backed up, and then drove off. Officers fired on the vehicle, which fled. The vehicle was later abandoned; the subjects were arrested several days later.
<b>2017-378676</b>  <b>Type III</b>	South	The involved officer observed a known warrant suspect with a male companion. When the officer ordered her to stay where she was, she initially began walking away, but then returned when he ordered her to stop. The officer told her several times

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Incident No.	Precinct	Event Summary
<b>1 involved Officer</b>  <i>Subject Native American female, age 42</i>		<p>to sit on his vehicle. She did so. The officer was talking with her and her companion while waiting for backup to arrive. The subject suddenly stood up and ran westbound across Rainier Avenue South. The officer pursued her on foot. Concerned based on prior encounters that the subject would be carrying needles, the officer used a push, rather than a takedown, to disrupt her running. The subject, who was extremely intoxicated, was admitted to Harboview for detox. A medical examination also showed a broken middle finger on her left hand and a hairline fracture of the elbow, although medical staff was unable to determine whether the latter was related to the use of force.</p>
<b>2017-400445</b>  <b>Type III</b>  <b>1 involved Officer</b>  <i>Subject White male, age 35</i>	South	<p>Officers were dispatched to a fight disturbance in the Goodwill parking lot. Before officers arrived, they received an update that a male had been stabbed. As the officers drove through the parking lot, they observed the subject, the victim of the assault, walking north. The officers called to the subject to stop; he did not acknowledge them and continued walking. He walked up to a parked vehicle and began reaching for the wheel well of a parking vehicle. One officer caught up to him, was able to get his attention, and asked him what had happened. The subject's face was covered with blood, and blood was coming out of his nose and mouth. Officers were in the process of trying to get him to their patrol car to wait for SFD to provide medical attention, when the subject's demeanor suddenly changed and he lunged at an officer, with his arms (covered in blood) open, trying to wrap his arms around the officer. The officers and a King County Sheriff's Deputy took the subject to ground, repeatedly informing him they were trying to get Fire there to help him. The subject then reached out and grabbed an officer's leg, biting his left ankle just above his boot. The officer was able to pull his foot away, but the subject grabbed it again and brought it back towards his mouth. The officer struck the subject twice in the left cheek with a closed fist in order to free his leg from the subject's grip. The strikes were effective and the subject released the officer's leg. The victim had a broken nose and possible concussion from being kicked in the head repeatedly during his attack. In order to release the bite to the officer, the involved officer punched the subject's head repeatedly to gain a release. Due to the injuries sustained during the initial assault, including puncture wounds and a head injury, FIT responded out of an abundance of caution in light of the potential that the use of force had exacerbated pre-existing injuries.</p>

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Incident No.	Precinct	Event Summary
<b>2017-414417</b>  <b>Unintentional Discharge</b>  <b>1 involved Officer</b>	SPD Range	While inspecting officer firearms, an officer unintentionally discharged a single shot from a firearm. No injuries resulted.
<b>2017-427069</b>  <b>In-Custody Death</b>  <b>5 involved Officers</b>  <b>Subject Native American male, age 53</b>	North	Officers contacted a subject in crisis in the roadway at N. 105 <sup>th</sup> and Aurora Ave. N. As he posed an immediate danger to himself and others by virtue of his erratic movements in the middle of a busy intersection, officers escorted him to the sidewalk and had to restrain him, as he struggled, while waiting for an ambulance to arrive to take him for a medical evaluation. When the ambulance arrived, the subject was placed in the back of the ambulance; several minutes later, he was observed to be non-responsive, and pronounced deceased. Pursuant to policy, which requires that any in-custody death be investigated and reviewed as a Type III use of force, FIT responded. The preliminary cause of death stated by the Medical Examiner, pending toxicology reports, is excited delirium.
<b>2017-456717</b>  <b>OIS (Fatal)</b>  <b>7 involved Officers</b>  <b>Subject White male, age 24</b>	North	On 12/11/2017 at about 2210 hours, the subject committed an armed robbery at Northgate Mall. A short while later, the subject and his female accomplice were confronted by an apartment complex employee for parking illegally in their lot. The subject fired a gun at the apartment manager's feet. The subject and his accomplice fled that scene and the accomplice called 911 from another location to report that the apartment manager had threatened her with a gun. Officers located the subject's vehicle on Holman Ave. N, were able to identify the accomplice from the robbery and harassment incidents, and arrested her, but the subject drove away, leading officers on a pursuit. During the course of that pursuit, the subject fired several rounds at the pursuing patrol vehicle. The subject vehicle eventually crashed in Magnuson Park. Officers located the subject hiding in brush and ordered him to show his hands. The subject refused officers' commands and appeared to reach for his waistband. Believing that the subject was drawing a firearm, officers fired their weapons, striking the subject. The officers provided aid to the subject until SFD arrived to transport the subject to Harborview,

Incident No.	Precinct	Event Summary
		where he was pronounced deceased. A firearm was recovered from the brush near the subject's body.
<b>2017-470636</b>  <b>Type III 1 involved Officer</b>  <b>Subject White male, age 31</b>  <b>Type II 2 Officers</b>	North	During a DUI arrest, officers had to physically extract the subject from the vehicle, which resulted in a broke window. During the removal of the subject, the subject sustained a laceration of his ear. Due to the nature of the injury, FIT responded.

### 3. FORCE REVIEW UNIT/FORCE REVIEW BOARD

The Force Review Board is a select group of Seattle Police Department personnel which meets regularly to make determinations as to (1) whether a Use of Force investigation is thorough and complete; (2) whether the force was consistent with SPD policy, training, and core principles; and (3) with the goal of continual improvement and ensuring the Department remains abreast of evolving best practices, whether any recommendations are made or other issues need to be addressed with respect to policies, tactics, training, equipment, or otherwise.

The FRB is composed of standing members selected by the Assistant Chief of the Professional Standards Bureau. Only standing members of the FRB may participate in the deliberations and vote during board sessions. These standing members include one representative from the Training Section, three representatives from the Patrol Operations Bureau, one representative from the Audit, Policy & Research Section, and one representative from the Investigations Bureau. The Captain of the Force Review Unit (or Assistant Chief of Professional Standards in the case of an officer involved shooting review) is the standing Chair and casts the final vote if the Board's vote is evenly split. A quorum of four voting members must be present for the Board to review completed cases.<sup>16</sup>

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<sup>16</sup> Other observers to the Force Review Board may include Captains and higher, the Department's Chief Legal Officer, representatives from the City Attorney's Office, the DOJ, the Monitoring Team, and a representative from OPA. In

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The FRB includes a non-voting participant from the Crisis Intervention Team to answer issues related to a subject's mental health status, services they might be receiving, as well as assisting the FRB in determining if an officer used "best practices" in de-escalation. Where appropriate, subject matter experts from specialty units (e.g. Canine, SWAT, Communications, or the Range) are asked to attend an FRB to answer any unit-specific questions that may arise.

Case selection for the FRB is determined by policy and handled by the Force Review Unit. All completed Use of Force investigations are forwarded to the FRU using IAPro and Blue Team, a paperless computer system. These cases include Type I, Type II, Type III uses of force, and Firearm Discharges (both intentional and unintentional discharges).

By policy, the FRB reviews all Type III cases. The FRU, comprising a captain, a lieutenant, a sergeant, and two detectives, reviews all Type II use of force reports. FRU staff and FRB members undertake the same inquiry, and apply the same standard of review, as the FRB when reviewing cases. FRU staff and FRB members attend the same annual training involving the objective analysis of force, which ensures that the FRU is conducting a thorough review of their cases consistent with the reviews conducted by the Board.

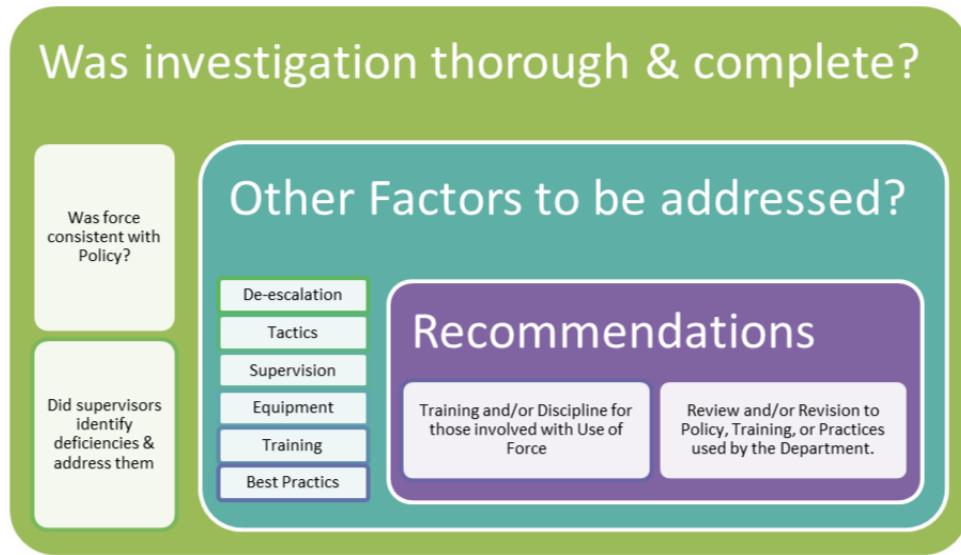
Type II cases are sent to the FRB by the FRU when any of the following factors are involved:

- Possibility of misconduct;
- Significant 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.

All cases not selected for FRB review are reviewed by the FRU detectives and their chain of command. The FRU captain makes the final determination based on the FRU's reviews and recommendations. Bifurcating Type II use of force cases allows the FRB to focus its efforts on the more significant cases, such as Officer Involved Shootings, Type III investigations, and serious Type II cases. Additionally, a random 10% of cases reviewed each month by FRU are presented to the FRB for a second independent review – a mechanism to ensure quality control.

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cases involving an officer involved shooting, a citizen observer appointed by the Mayor's Office also attend. These observers may attend FRB meetings, but they are not permitted to vote.

**Figure 22: Force Review Protocol**

affirmative obligation to de-escalate when safe and feasible to do so, and if there were issues with the force, whether supervisors appropriately identified those issues. The FRU considers – and the FRB discusses – all pertinent factors surrounding the force, including the tactics used and supervision at the scene. FRB determinations are documented and any issues identified are referred to the appropriate commander for follow-up. If policy violations are suspected, the incident is immediately referred to OPA, or to the chain of command if appropriate under Manual Section 5.002, by the FRB Chair or designee, if not already referred by the reviewing chain of command.

***It is important to understand what an FRB finding means relative to the question as to whether the force was constitutional.*** As the United States Supreme Court has long held, whether any use of force is lawful under the Constitution is a case-specific determination, based on the perception of a reasonable officer under the totality of the circumstances present at the time the force is applied, and often a point on which reasonable minds can differ. While the courtroom is generally the forum for determining the *legality* of a use of force, the Force Review Board is a mechanism by which members analyze the broader question of whether the force meets the requirements of policy and training that hold officers to a higher standard of conduct – and care should be taken not to conflate the two. Importantly, SPD policy incorporates both federal and state constitutional thresholds, but holds officers to a substantially higher level of performance and scrutiny consistent with community expectations. Simply put, a finding that force is out of policy does *not* equate to a finding that the force violated the Constitution, but a finding that the force was in policy *does* mean that, in the view of the reviewers, it was also likely lawful.

Figure 22 describes the review process for both FRU and FRB. Both look to ensure that the investigation was thorough, timely, and complete, providing all material evidence. Both answer the core inquiries of (1) whether the force was consistent with policy – including an

## 4. OVERVIEW

In 2017, the Force Review Unit reviewed a total of 52 cases; the Force Review Board reviewed a total of 133 cases. (Note: “Cases” are based on a single General Offense number, or CAD event; cases may thus involve more than one officer, or more than one use of force, each of which is separately considered.) As ten percent of cases reviewed by the FRU are randomly selected for further review by the FRB, those cases are essentially double-counted in the numbers here. In total, of the 133 cases reviewed by the FRB, ten cases had also been reviewed by the FRU.

Table 13 shows the 171 cases reviewed by the FRB broken down by the highest force level in each case.<sup>17</sup>

**Table 13: Breakdown of Cases Reviewed by FRB by Type**

Type II	118
Type III	11
OIS	4
Total	133

## 5. FORCE REVIEW UNIT/FORCE REVIEW BOARD DETERMINATIONS

In 2017, a total of 487 officers were involved in the 185 cases reviewed by FRU and FRB. The numbers below represent the number of officers involved across the cases, aggregated, and the determination as by FRB and FRU as to whether each officer’s actions were either approved as consistent with policy or pended while under review by another unit.

Note: Under policy, the FRU/FRB do not make a determination as to any matter that is under investigation by the Office of Professional Accountability. It is thus important to emphasize that the approval/disapproval rate indicated below does not indicate an ultimate determination as to whether the issue under consideration is in or out of policy – a determination that is recommended by OPA following its independent review but ultimately rests with the Chief, informed by OPA review.

### a. Use of Force

A breakdown of FRU/FRB determinations with respect to officers’ use of force is presented in Table 14.

<sup>17</sup> Again, completed cases are investigated and reviewed at the highest level of force used. A Type III case, accordingly, may also involve Type II or Type I force; a Type II case may also include Type I force.

**Table 14: Force Review Findings by Officer**

	<b>FRB</b>	<b>FRU</b>	<b>Total</b>
Approved	288	101	389
Disapproved	3	0	3
Deferred	95	0	95
Total	386	101	487

Across 133 cases reviewed by the FRB, the involved officers' use of force was found to be reasonable, necessary, proportional, and in conformance with the Department's Use of Force Policy in 288, (98.9%) of the 291 instances a determination was reached. In three instances, the FRB disapproved of the use of force; in 95 instances, where a matter had been referred to OPA prior to FRB review, the FRB determination was deferred, per policy, to OPA. Across the 52 cases reviewed by the FRU, the involved officers' use of force was approved in 101 of 101 instances.

### **b. Tactics and Decision Making**

Officers' tactics and decision making through an incident are reviewed for determination as to whether they are consistent with policy (including in-car video and body-worn camera requirements) and training. Included in this review as a separate analysis is a determination as to whether officers complied with the Department's de-escalation policies that require reasonable efforts to de-escalate a situation, where safe and feasible to do so, prior to using force. A breakdown of FRU/FRB determinations with respect to officers' tactics and decision making is presented in Table 15.

**Table 15: Tactics and Decision by Officer or Supervisor**

	<b>FRB</b>	<b>FRU</b>	<b>Total</b>
Approved	361	101	462
Disapproved	11	0	11
Deferred	19	0	19
Total	391	101	492

Across 133 cases reviewed by the FRB, the involved officers'/supervisors' tactics and decision making were found to be consistent with policy, training, and de-escalation requirements in 361 (97%) of the 372 instances a determination was reached; in 11 instances, the FRB disapproved the tactics and decision making. In 19 instances, the determination was deferred pending review by another unit or OPA. Of the 52 cases reviewed by the FRU, the involved officers' tactics and decision making were approved in 101 of the 101 instances considered. In considering FRU findings, however, it should be remembered that FRU has an obligation to refer to the FRB any Type II case that may involve misconduct or significant policy or tactical issue; as it is the FRB findings that are recorded as the determination of the case, these numbers should not be surprising.

## c. OPA Referrals

The FRU and FRB have an obligation to refer to OPA any serious policy violation, including any violation around use of force, unless already referred by the chain of command. In addition, the OPA Director sits on the FRB, and can independently take any case for further investigation. While OPA will separately report out on its intakes, investigations, and determinations for 2017, a breakdown of FRU/FRB OPA referrals is presented in Table 16. It should be noted that the numbers reported below refer only to referrals made by the FRB or FRU – they do not include OPA referrals from the reviewing chain of command, subjects, or by third-party complainants.

**Table 16: OPA Referrals**

	FRB	FRU	Total
ICV	1	0	1
Use of Force	8	0	8
Other	9	0	9
Total	18	0	18

As shown, the FRB recommended a total of 18 OPA referrals, eight of which were related to potential violations of the use of force policy (which includes de-escalation). One related to a violation of the ICV policy; an additional nine related to other, non-force-related policies. Again, because FRU is required to refer to the FRB any Type II cases that involve a potential policy issue or misconduct, the absence of any referrals from FRU to OPA is to be expected.

## d. On-Scene Supervision

FRU and FRB consider as part of their reviews whether an SPD supervisor (Sergeant or above) was on-scene prior to the use of force, and if so, whether the supervisor provided appropriate tactical guidance and support during the incident. If a supervisor was not on-scene during the incident but responded thereafter, the FRU and FRB consider whether there were any issues with the on-scene portion of the use of force investigation. A breakdown of FRU/FRB findings relating to on-scene supervision is presented in Table 17.

**Table 17: On-Scene Supervision**

	FRB	FRU	Total
Approved	108	8	116
Not Approved	7	0	7
Deferred	4	0	4
Total	119	8	127

Of the 119 instances in which a case reviewed by the FRB involved an on-scene supervisor present and able to offer tactical guidance and support, the FRB approved the supervision in 108 instances; the FRU approved the on-scene supervision in all 8 of the applicable cases it reviewed.

### e. Use of Force Investigations and Chain of Command Reviews

In addition to considering matters relating to the use of force incident itself, the FRB and FRU consider the timeliness and thoroughness of FIT and chain of command investigations and reviews, including whether FIT or the chain of command appropriately identified and addressed any deficiencies in training, performance, equipment, or policy issues. A breakdown of FRU/FRB findings relating to FIT and chain of command investigations and reviews is presented in Table 18.

**Table 18: FIT/Chain of Command Reviews**

	<b>FRB</b>	<b>FRU</b>	<b>Total</b>
Approved	383	165	548
Not Approved	95	8	103
Total	488	173	651

Of the 133 cases considered by the FRB, the FRB approved the FIT chain of command investigation and review in 383 instances, and disapproved the investigation or review in 95 instances. Of the 52 cases reviewed by the FRU, the FRU approved the chain of command investigation and review in all but 8 of the 173 instances considered.

### f. Type 1 Case Reviews

The FRU is also responsible for conducting quality assurance of each Type I use of force report to determine completeness, timeliness, and accuracy of data entered in the field. The FRU also reviews the chain of command's review of the incident; if any deficiencies are noted, the reviews are returned to the chain of command for additional work.

In 2017, the FRU processed 787 Type I cases involving a total of 1215 officers. Of these:

- 44% involved the reporting of Handcuffing Pain Only (536)
- 28% involved the reporting of Pointing a Firearm at a Person: (344)
- 38% involved complaints of Pain only, NFDD or multiple types of Type I force used (335)

### ADDITIONAL LINKS

As the Department continues to build on its technical capacity to provide more rigorous analysis around its operations, the Department remains committed to providing the public with as much transparency and accessibility into its data as it can within the bounds of the privacy interests of the community we serve. In last year's use of force report, the Department noted the release of its public facing use of force dashboard, through which the public can explore for itself officers use of force across type, geographical area, subject demographics, and time, as shown in the below screenshot (see <https://www.seattle.gov/police/information-and-data/use-of-force-data/use-of-force-dashboard>). To supplement this dashboard, recognizing that the Department's response to persons in crisis – a subject to which the Department separately dedicates detailed annual reports<sup>18</sup> – remains among the Department's highest demands, in 2017 the Department implemented its Crisis Contact Dashboard, through which rates of force involving persons in crisis can likewise be parsed across various metrics. See <https://www.seattle.gov/police/information-and-data/crisis-contacts/crisis-contact-dashboard>. The Department encourages public exploration of these dashboards, its public data sets, and looks forward to continued collaboration with community, city, and academic partners nationwide to continue to reform and refine the practices that have solidly positioned Seattle at the leading edge of 21<sup>st</sup> century progressive policing.

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<sup>18</sup> See, e.g., [https://www.seattle.gov/Documents/Departments/Police/Publications/Crisis\\_Intervention\\_Report-2016.pdf](https://www.seattle.gov/Documents/Departments/Police/Publications/Crisis_Intervention_Report-2016.pdf).