

# Use-of-Force Frequently Asked Questions (FAQ)

Updated 2014-5-22

## General Policy Questions

**Q:** When is the [Use of Force Public Safety Statement \(UOF PSS\)](#) card to be used?

**A:** The force-specific public safety statement card is required on all Type III force responses, as it gathers information about any outstanding subjects, witnesses, and evidence, and is to be read to the involved officer(s) by the responding patrol sergeant. This assists the patrol sergeant with getting any public safety information out, as well as with making decisions regarding scene protection and interviews. It also allows the FIT team to determine which officer used what level of force (Type I, II or III), as there are different reporting requirements for the different levels.

The public safety card is not required for Type I or II.

**Q:** Pointing a firearm at a subject is now categorized as Type I force. Section [8.100.8](#) requires officers to automatically request medical aid in certain situations: including any use-of-force greater than De Minimis on subjects who are reasonably believed or known to be pregnant, pre-adolescent children, elderly, or physically frail. Should officers call SFD if a firearm is pointed at one of the listed groups?

**A:** If an officer points their firearm at one of the listed groups and does not use any other force, and the subject does not appear to need medical attention, then it would appear reasonable not to call for SFD.

**Q:** Section [8.100.2](#) prohibits officers from using physical force to stop a subject from swallowing a substance. Can an officer attempt to stop the subject from putting an object into their mouth?

**A:** Officers may use physical force to prevent a subject from putting something in his or her mouth when, based on the totality of the circumstances, it is objectively reasonable to do so.

**Q:** If an officer is involved in a use-of-force reportable as a Type I or II, but his/her actions only constitute De Minimis force, does that officer need to complete a Type I and II Involved Officer's Use-of-Force Report, or only a witness statement?

**A:** An officer who does not use reportable force need only complete a witness officer statement (form 24.5) for a Type II investigation. Witness statements are not completed for Type I investigations.

**Q:** Some of our staff is still confused about when an allegation of force is made by a suspect (like later on in a holding cell to a sergeant) but there was no more than De Minimis force used (like handcuffing not causing transient pain, etc., or holding

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subject by the arm in a seated position) but there was no actual use-of-force. Does the allegation of force require completion of a use-of-force investigation?

**A:** The threshold of reporting is determined by the result. Therefore, if whatever action the officer took resulted in transient pain or disorientation only, then it would be reported as a Type I. If it resulted in a complaint of or actual injury—or could have reasonably been expected to cause injury—then it is a Type II. Any more than that is a Type III requiring a FIT callout. The officer is expected to report the actions and/or allegations to their sergeant, who will then make a determination on how the event should be reported.

**Q:** In looking at the examples given for each level of force, will you still be required to complete a use-of-force report if the example provided DOES NOT meet the threshold required?

An example would be if an officer takes a suspect to the ground (soft takedown) and when done it does not cause disorientation or transient pain.

**A:** Again, the threshold of reporting is determined by the result. Therefore, if whatever action the officer took resulted in transient pain or disorientation only, then it would be reported as a Type I. If it resulted in a complaint of or actual injury—or could have reasonably been expected to cause injury—then it is a Type II. Any more than that is a Type III requiring a FIT callout.

**Q:** What is an example of a use of force under Type I which causes “disorientation”?

**A:** An open-hand check to a subject’s body, which does not result in any pain or injury, would be reportable as a Type I.

**Q:** Section [8.000.2](#) states that “When time, circumstances, and safety permit, officers will take steps to gain compliance and de-escalate conflict without using physical force.”

1. Is there a required amount of time?
2. Is there a required set of circumstances that require de-escalation techniques?

**A1:** There are no bright-line time requirements.

**A2:** No, but when de-escalation is feasible, it should be attempted.

**Q:** Section [8.000.6](#) says that the Department will maintain standards and oversight systems to include force prevention efforts, effective tactics, and objective review

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and analysis of all incidents of reportable force. What does this mean for the review process?

**A:** Review of force incidents must include a critical analysis of de-escalation, the need to use force, and tactics (additional officers, contact and cover, etc.).

**Q:** If I handcuff a compliant subject, and do not otherwise use force, but the person complains of pain from the handcuffs (and is not injured), is that a reportable use-of-force?

**A:** Yes. That is "transient pain" reportable as a Type I.

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## Form Questions

**Q:** The form only provides for three officers, and I did not see a supplemental form for additional officers. How are we to document the involvement of the additional officers?

**A:** APRS created supplemental form 24.28 for sergeants to document additional officers for the Type II investigation, which is now available in the MS Word templates.

**Q:** Several of the forms do not include a place for a signature. Is a signature required?

**A:** APRS added a signature block to all of the forms that were missing one. The forms have been updated in the MS Word templates.

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## Taser-Specific Questions

**Q:** Does a Taser application which does not cause substantial bodily harm as defined by [RCW 9A.04.110](#) require a Type III response?

**A:** A Taser application without substantial disfigurement or substantial loss/impairment of a bodily function, or a fracture, does not require a Type III response.

**Q:** Are officers authorized to turn in their Taser and discontinue participation in the program?

**A:** Participation in the Taser program is voluntary, but [8.200.2](#) requires uniformed officers to carry at least one less-lethal tool.

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**Q:** Section [8.200](#)-POL-3.4 states that “only the minimum number of five second cycles necessary to place the subject in custody shall be used.” Can an officer use more than one five-second cycle if necessary?

**A:** The policy allows officers to use only the minimum number of cycles required to place the subject in custody—which may be more than just one cycle—depending on how long it takes to get the subject into custody. Remember that each CEW application must be individually justified.

**Q:** Section [8.200](#)-POL-3.4 states that “officers should assume that if they have used the CEW three times against a subject but the subject continues to actively resist or aggress, the CEW may not be effective against that person; the officer shall reassess and consider other options.” Does this mean that the officer is then prohibited from using the Taser more than three times?

**A:** The policy requires officers to reassess the use of the Taser after using the device three times without it being effective.

**Q:** Section [8.200](#)-POL-3.10 requires officers to summon medical aid whenever a subject has sustained a CEW application. Does calling for SFD count as “medical aid”?

**A:** Yes, and SFD will determine whether additional medical aid is necessary.

**Q:** Section [8.300](#)-POL-1.5 states that officers are required to report the use of OC spray, beanbag shotgun, Taser, and Patrol CART munitions, regardless of the effect. Is it mandatory to collect the Taser components and place them into Evidence, even if the subject was not struck?

**A:** Yes.

**Q:** Is the deployment of a Taser—even if the subject is not struck by it—reportable as a Type II use of force?

**A:** Yes. Any use of use of OC spray, beanbag shotgun, Taser, and Patrol CART munitions, regardless of the effect, requires Type II use of force reporting, investigation, and review.

**Q:** Section [8.200](#)-POL-3.6 requires officers to issue a verbal warning to the subject, fellow officers, and other individuals present, unless not feasible, before deploying the Taser. Who are “other individuals present”?

**A:** Anyone within earshot.

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**Q:** Section [8.200](#)-POL-3.7 prohibits officers from targeting a subject's head, neck, or genitals with the Taser. Is this a change from previous Taser training?

**A:** No. Taser targeting will continue as currently trained.

**Q:** Is there a difference between the terms "probe" and "barb"?

**A:** No. The terms are interchangeable in the context of this policy.

**Q:** Is aiming the Taser at a person or spark-testing it reportable use-of-force?

**A:** No.

**Q:** Section [8.300](#)-TSK-5.18 requires a sergeant conducting a Type II use-of-force investigation to confirm that Taser data is downloaded. How is this done?

**A:** Until further notice, Taser downloads will be coordinated through the Education & Training Section.

**Q:** Under [8.050](#), the definition of "deadly force" includes "striking a person's head into a hard, fixed object." If I deploy my Taser at a person, and they experience NMI lockup, falls, and strikes their head on the ground, will that result in a Level III response and FIT team callout?

**A:** If the subject strikes their head on a hard surface (examples provided in the policy include concrete objects or surfaces, street surfaces, and solid metal structures such as bars or guardrails), that would likely constitute "force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, [or] loss of consciousness," thereby making it a Type III response and FIT callout.

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## Firearms-Specific Questions

**Q:** Section [8.200](#)-POL-4.4 prohibits officers from using firearms as impact weapons. If officers find themselves in a struggle for their firearm with a subject, can they use their firearm to strike the person?

**A:** In a deadly force scenario, such as described, officers may use any force option available to them.

**Q:** Section [8.200](#)-POL-4.7 requires officers to give a verbal warning to the subject, fellow officers, and other individuals present before shooting a firearm at the subject, if feasible. Is this a change in policy?

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**A:** A: No, it is not a substantial change in policy. The old policy directed, "If a decision has been made to employ deadly force, the officer shall, whenever possible, identify him or herself and demand that the subject stop (example: "stop-police")."

**Q:** Section [8.200](#)-POL-4.8 prohibits officers from firing at or from a moving vehicle. Can an officer shoot at a moving vehicle that is accelerating straight at them?

**A:** That section does not allow an officer standing in front of a moving car to shoot at the driver unless there is absolutely no other option.

**Q:** The policy says that pointing a firearm at a person is reportable as a Type I. Will officers conducting a search warrant with "guns up," who point their guns at subjects, each be required to complete a Type I use-of-force report?

**A:** Yes. Each officer who pointed their gun at a person is required to complete a Type I report.

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## Training

**Q:** What is the Department's plan for training everyone on the new policy?

**A:** The Department is in the process of rolling out training in stages. Here is an outline of those stages:

1. View Chief Pugel's [video message](#) regarding the new policy
2. Read [Directive](#) 13-00054 and [Title 8 – Use-of-Force](#)
3. A series of eLearning modules will be published:
  - a. The first [module](#), available now, explains Type I, II, and III reporting and investigation
  - b. Additional modules dealing with the Force Investigation Team (FIT), authorized uses of force, less-lethal tools, and use-of-force review will be published in the next several weeks
4. Classroom training will begin February 2014; further instructions about scheduling and attendance will be forthcoming

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## Other

**Q:** If I have questions about the policy, training, forms, or the review process, how can I ask?

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## A:

- Routine questions about policy can be directed to the Audit, Policy & Research Section (APRS) at [SPD\\_aprs@seattle.gov](mailto:SPD_aprs@seattle.gov) or via [IdeaScale](http://www.seattlepolice.ideascale.com) ([www.seattlepolice.ideascale.com](http://www.seattlepolice.ideascale.com)).
- Routine questions about training can be directed to the Education & Training Section at [SPD\\_Training@seattle.gov](mailto:SPD_Training@seattle.gov) or the Moodle forums associated with each online training module (look for the link called "Discuss this topic" at the bottom of the module).
- Emergent questions should be directed to your sergeant. If your sergeant needs assistance, they can contact a lieutenant. Lieutenants and captains who need further assistance can call Communications 24/7 to be connected to a use-of-force subject matter expert.