

Seattle Police Department

DIRECTIVE

October 24, 2014

Directive Number 14-00046

Interim Policy: Changes in Blue Team for Reporting and Review of Type II Use-of-Force Incidents

Assistant Chief Gleason from the Compliance & Professional Standards Bureau has authorized **the elimination of all Type II use-of-force forms** for involved officers, sergeants, lieutenants and captains.

This is effective immediately for all Type II use-of-force reports and includes all entries currently in the system that require review. **This directive shall serve as interim policy until Manual Section 8.300 is revised.**

Change #1: Supervisors / Chain of Command no longer fill out and attach a Supervisor's Review form to the Blue Team entry. The supervisor's review of the use-of-force, will now be placed in the "comments" section in a "free text format." This is located in the approval section of the Blue Team Entry.

(Directive continues on the next page.)

Please read the attached policy.

Questions may be directed to the Audit, Policy & Research Section:

- IdeaScale (<https://seattlepolice.ideascale.com/>)
- email (SPD_aprs@seattle.gov)
- Phone (206-684-4116)

Comments/Response

After reviewing the incident, please take an action below.

Approved

Not approved

Comments: REC

(by forwarding this incident, you are digitally signing your review decision)

*The required information for a supervisor's use-of-force review is attached at the end of this email. Sergeants, lieutenants, and captains should answer the questions posed to them as a narrative, not in a question and answer format.

Change #2: Involved officers will no longer complete the Use-of-Force Officer Statement form 2.6.1. Instead, the involved officer will document their use-of-force statement in the Incident Summary section of their Blue Team entry. Officers are no longer required to attach their statement to the Blue Team entry. Officers should keep in mind the maximum character limitations in this field.

Note: *Involved officers should modify their statements to make them more concise, and should focus on the use-of-force incident.* The broader information about the incident can be contained in the GO. The use-of-force statement should simply reference the GO by number in the narrative.

Change #3: When multiple officers are involved in a use-of-force resulting from one incident, the screening sergeant will select one of the Blue Team entries to be the primary Blue Team entry. The reviewing sergeant will only attach the supporting documents (SFD Report, Witness Statements, etc) to the primary Blue Team entry.

Sergeants should continue to include the GO number, the involved officer's name, and Type II in the **Instructions Section** of the Blue Team routing.

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Forward the incident for review	
* - required field	
*To:	Lt. Michael Blumberg <...Change Recipient...>
Cc:	<...Add Cc...>
From:	Sergeant William Sears
*Instructions:	
	2014-111999 Ofc Webster Level 2, 06/19/14

Reminder: Only one officer per Blue Team entry. This has not changed.

Witness officers (not involved officers) only have to be listed on the primary Blue Team entry. Their statements should be attached to that primary Blue Team entry.

Sergeants, Lieutenants and Captains still need to review all associated in-car video.

A/Lt. Randy Woolery or Sgt. Gabe Shank are available to assist with Blue Team related questions and any changes related to this review policy. They can be reached via Department e-mail. They are available to come out to the precincts for refresher or follow-up training.

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*Incident Review Guide

Seizure

- **Legal Authority:** What was the officer's legal authority to be in the location where the seizure and use of force took place?
- Was the place open to the public?
- If not, did the officer have a warrant?
- If not, was there an exception to the warrant requirement?
- Exceptions: Consent, exigent circumstances, community caretaking
- If it is not clear from the documentation provided that the officer had clear legal authority to be where the seizure and use of force took place then the investigation is not thorough and complete unless the chain of command has already dealt with this lack of clarity.

- **Lawful Purpose:** What was the officer's lawful purpose in making the seizure and in using force?
- Was the force used to make a Terry stop? If so, was the reasonable suspicion adequately explained to believe that the subject stopped was committing a crime, had committed a crime or was about to commit a crime?
- Was the force used to conduct a frisk for weapons? If so, was the reasonable suspicion adequately explained to believe that the subject to be frisked was armed and dangerous?
- Was the force used to make an arrest? If so, was the probable cause clearly articulated so that a reasonable person would believe that there was a substantial possibility that the subject arrested had committed a crime for which the officer could arrest them.
- If the force was used for some other reason, is it clearly explained so that a reasonable person could believe that the force was necessary and is it lawful?
- If it is not clear from the documentation provided that the officer had a clear lawful purpose to make the seizure and to use force then the investigation is not thorough and complete unless the chain of command has already dealt with this lack of clarity. Pre Class Assignment-2014
- Did the officer's seizure exceed the scope of the intended contact?
- Did the officer's actions convert a social contact to a Terry Stop without reasonable suspicion?
- Did the officer convert a Terry Stop to an arrest without probable cause?
- If so, and the chain of command has not dealt with the seizure exceeding the scope of permissible conduct then the investigation is not thorough and complete.

Pre-Force Actions

- **Tactical Considerations:** What effect did tactics have on the force used?

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- Were the tactics used consistent with training?
- If the tactics, were not consistent with training, were they reasonable departures from training based on the circumstances?
- Did the subject take actions to lessen the effectiveness of the police officers tactics?
- Did the tactical situation change? If so, how did this affect the use of force?
- If you identified any tactical issues, did the officer adequately explain the effect of tactics on their use of force? Did the chain of command address the tactical issues you identified? If the chain of command identified tactical issues, do you agree with their analysis and resolution?
- **De-Escalation:** Was de-escalation feasible?
- If de-escalation was feasible, what steps were taken and were they clearly explained?
- If de-escalation was not feasible, why not and were those reasons clearly explained?
- If de-escalation was not attempted and the reasons for not attempting de-escalation are not clearly explained and the chain of command has not addressed de-escalation then the investigation is not thorough and complete. Pre Class Assignment-2014

Force

- For the force options used, identify the following in light of the totality of the circumstances:
- What was the level of resistance or threat posed by the subjects' actions at the time that the force option used?
- What force options were used by the officer?
- Were there any escalating or mitigating factors present during the application of that force option?
- **Necessary:** Why was the force option necessary?
- Was there a reasonably effective alternative to the force option used at the time it was used?
- Was the force option reasonable to effect the intended purpose?
- Was the intended purpose for using the force lawful?
- **Objectively Reasonable:** Was the force option objectively reasonable?
- What were the totality of the circumstances and how did that effect the reasonableness of force?
- What was the severity of the crime or situation?
- Did the subject pose an immediate threat of harm to the officer or another?
- Was the subject attempting to resist or escape?
- Was this a time pressured situation, in other words was the situation tense, uncertain, and rapidly evolving?
- Was there time to plan and evaluate various force options under different contingencies, if so, does the investigation address those options?
- How did the officers assess and modulate their force?

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- **Proportional:** Was the force option balanced against the subject's actions and the totality of the circumstances? Pre Class Assignment-2014

Post Use of Force

- **Did the officer offer aid or summon aid?**
- **Was the force reported properly?**
- Did the officer report the force to a supervisor according to policy?
- Did the supervisor respond to the scene?
- Did the supervisor take appropriate action at the scene?
- Did the supervisor follow the use of force reporting policy?
- Was the investigation thorough and complete?
- Was the investigation fair and impartial?
- Did everyone in the investigation complete their duties according to the timelines and procedures established by policy and training?
- Do you agree with the classification of force in this investigation?

Any other issues (Policy, Equipment, Training, Practices) identified by this investigation?

Does the preponderance of the evidence support the decisions of the chain of command?

Did the chain of command adequately address any identified issues?

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