

8.050 - Use of Force Definitions

Effective Date: 1202120 Draft

An Officer Will Use Only Force That Is Objectively Reasonable, Necessary, and Proportional to the Threat or Resistance of a Subject:

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

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

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

Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape and the government interest in preventing the escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The time available to an officer to make a decision;
- The availability of other resources;

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- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;
- The environmental factors and/or other exigent circumstances; and
- Whether the subject has any perceived physical disability;

Necessary: "Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. See [RCW 9A.16.010 – Definitions](#). Necessity is based on the totality of the circumstances known by the officer at the time of the use of force.

Proportional: To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

Types of Force:

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

De Minimis Force: Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury.

For more guidance on what constitutes de minimis force see [8.400](#).

Includes:

- Use of control holds or joint manipulation techniques in a manner that does not cause any pain ~~and are not reasonably likely to cause any pain.~~
- Using hands or equipment to stop, push back, separate, or escort a person without causing any pain, or in a manner that would reasonably cause any pain.
- Deployment of stationary tire deflation device resulting in no vehicle contact.

Handcuff Discomfort: discomfort or minor transient pain caused solely by wearing handcuffs after they have been properly applied.

Type I – Force that causes transitory pain or the complaint of transitory pain

Other examples include:

- ~~Disorientation.~~^[A1]
- Use of a hobble restraint
- Deployment of stationary tire deflation device with confirmed contact and deflation of tires
- Deployment of a blast ball away from people (bang-out), or
- ~~Intentionally~~ Pointing a firearm at a person

Simply displaying a weapon is not reportable force, nor is holding a firearm without aiming at a person, as with the sul and low ready positions, where the muzzle of the firearm is not pointed at any part of a person's body.

For further guidance, see 8.300 and 8.400.

~~Un-holstering or displaying a firearm without intentionally pointing it at a person, including the sul and low ready positions, or simply displaying any weapon, is not a reportable use of force.~~

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.

The use of any of the following weapons or instruments is a Type II:

- TASER
- OC spray
- Impact weapon
- Deployment of a canine or vehicle, and
- ~~- Deployment of stop sticks against a vehicle other than a motorcycle~~

For further guidance, see 8.400.

Type III – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death.

The use of the following is a Type III:

- ~~- Use of stop sticks on motorcycles~~
- Impact weapon strikes to the head

For further guidance, see 8.400.

Deadly Force: The application of force through the use of firearms or any other means reasonably likely to cause death, great bodily harm. For further guidance, see 8.400.

When reasonably likely to cause death or Great Bodily Harm, Deadly Force includes:

- Shooting a firearm at a person
- Hard strike to a person's head, neck, or throat with an impact weapon
- Striking a person's head into a hard, fixed object (examples include but are not limited to concrete objects or surfaces, or solid metal structures such as bars or guardrails).

~~- Using stop sticks on a moving motorcycle.~~

Additional guidance on reporting force may be found in 8.400.

Reportable Force: All uses of force other than de minimis are reportable. Reportable force includes the intentional pointing of

a firearm at a subject, Type I, Type II, Type III, and force used in Crowd Management as described in 14.090.

Use of Force: See "Force."

Medical Procedure: Medical interventions and life-saving techniques. Such efforts are not considered force.

De-Escalation:

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

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

Pattern Interrupt: A de-escalation technique that is used as trained to temporarily disrupt the pattern or process of communication of the person the officer is contacting. The intent of the interruption is to lead a person in a more controlled and focused direction.

Injury Classifications:

Physical or Bodily Injury (also "Injury"): Physical pain or injury, illness, or an impairment of physical condition greater than transitory pain but less than great or substantial bodily harm. (SMC 12A.02.150, RCW 9A.04.110)

Substantial Bodily Harm (RCW 9A.04.110): Bodily injury which involves:

- Temporary but substantial disfigurement
- Temporary but substantial loss or impairment of the function of any bodily part or organ
- Fracture of any bodily part

Great Bodily Harm (RCW 9A.04.110): *Synonymous with Serious Physical Injury*

Bodily injury which either:

- Creates a probability of death
- Causes significant serious permanent disfigurement
- Causes a significant permanent loss or impairment of the function of any bodily part or organ

Force Investigation Terms:

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

Involved Officer: An "Involved Officer" in regard to this policy chapter, is a sworn officer of any rank or assignment who uses reportable force as defined by Department Policy either on-duty or off-duty.

Public Safety Statement (PSS): A "Public Safety Statement" is a compelled statement in which a supervisor (typically a Sergeant or Acting Sergeant) orders an "Involved Officer" to answer standardized questions directly related to an "Involved Officer's" use of force. The cards with the standardized questions that officers use to take the statement are also called a PSS.

The Seattle Police Department utilizes two different Public Safety Statements:

- Public Safety Statement Officer Involved Shooting Card
- Use of Force Public Safety Statement Card

Witness Officer: A "Witness Officer" in regard to this policy chapter, is a sworn officer of any rank or assignment who witnesses an officer's use of force, but who does not use reportable force himself/herself.

Head and Neck:

Head Control: A trained technique utilized to control the movement of a subject's head or neck that does not involve a neck or carotid restraint.

Neck Restraint (Prohibited): Any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal

area of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by blocking the passage of air through the windpipe.

Carotid Restraint (Prohibited): Any technique which is applied in an effort to control or disable a subject by applying pressure to the carotid artery, the jugular vein, or the sides of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by constricting the flow of blood to and from the brain.

Canine Terms:

For terms specifically related to canine operations see 16.300
Patrol Canines

Vehicle Tactics:

PIT (Pursuit Intervention Technique): A controlled and trained forced rotational stop of a non-compliant suspect vehicle used to reduce the risks in bringing a pursuit to a conclusion. PIT is always a use of force.

Ramming: The intentional use of a vehicle to strike another vehicle for the purpose of interrupting or incapacitating that vehicle. Ramming is always a use of force.

Roadblock: The intentional positioning of a police vehicle to obstruct the flow of traffic. A roadblock used on a fleeing or eluding vehicle is considered a use of force – the classification of force depends on the totality of the circumstances. Roadblocks used as force require approval of a lieutenant or above. Approval will be based on the severity of the crime and potential harm to occupants of the vehicle and the public.

Vehicle-to-Vehicle Contact: Contact between vehicles designed to guide or prevent movement of a vehicle, but without significant impact (ramming) and reasonably unlikely to cause injury.

Stationary Tire Deflation Device: A small, tire deflation device designed to be placed under the tire of a stationary vehicle to avoid flight.

Weapons:

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Approved Weapon: A tool used to apply force that is both specified and authorized by the Department.

Approved Use of a Weapon: Use of an approved weapon by an officer who has been properly trained ~~and certified~~ in the use of that weapon.

Impact Weapon: Any object, whether a tool or fixed object (such as a hard surface), that is used to interrupt or incapacitate a subject and is capable of causing serious physical injury.

Improvised Weapon: Any untrained object used in a force application

Less-Lethal Tools: Devices designed and intended to apply force not intended nor likely to cause the death of the subject or Great Bodily Harm. For the intended purpose of Less Lethal Tools see 8.300. Examples include: TASER, impact weapons, OC spray, blast balls.

Spark Display: A non-contact demonstration of a TASER's arcing ability to discharge electricity.

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