

8.200 - Using Force

Effective Date: ~~1202~~20 Draft

1. Use of Force: When Authorized

An officer will use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons.

In other words, officers will only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, and rules for specific weapons and tools. See 8.300 - Use of Force Tools. Once it is safe to do so and the threat has ended, the force must stop.

Use of Force Core Principles

Objectively Reasonable defined

Necessary defined

Proportional defined

2. Use of Force: When Prohibited

- Officers are prohibited from using neck and carotid restraints in all circumstances. Officers are further prohibited from intentionally placing a knee on a prone subject's neck while taking them into custody.
- Officers will not use force to punish or retaliate.
- Officers will not use force against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function (See 5.160 – Observation of Officers).
- Officers will not use force to stop a subject from swallowing a substance that is already in their mouth; however:
 - Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to **prevent** a suspect from putting a substance in their mouth.

- In the event that an officer reasonably believes that a suspect has ingested a harmful substance, officers will summon medical assistance as soon as feasible.
- Officers may not use force to extract a substance or item from inside the body of a suspect.

Exception: This prohibition does not apply when force is necessary to facilitate a forensic blood draw. In that situation, officers will document any use of reportable force.

- Officers may not use any tire deflation device on any moving vehicle.

3. Officers Will Assess and Modulate the Use Of Force as Resistance Changes

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

4. Use of Deadly Force

Deadly force may only be used in circumstances where a threat of death or serious physical injury to the officer or others is imminent. A danger is imminent when an objectively reasonable officer would believe that:

- A suspect is acting or threatening to cause death or serious physical injury to the officer or others; and
- The suspect has the means or instrumentalities to do so; and
- The suspect has the opportunity and ability to use the means or instrumentalities to cause death or serious physical injury.

See also 8.050 – Deadly Force

When Feasible, Officers will Issue a Verbal Warning to the Subject and Fellow Officers Prior to Discharging a Firearm

Officers will issue a verbal warning to the subject, other officers, and other individuals present, that a firearm will be discharged and defer discharging the firearm a reasonable amount of time to allow the subject to comply with the warning.

Verbal warnings may come from any officer involved in the incident when employing a team tactics approach.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, only the deploying officer will document his/her reason for believing his/her safety would have been compromised in his/her use of force statement.

5. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect Only When an Objectively Reasonable Officer Would Believe That it is Necessary and That There is Probable Cause That:

- The suspect has committed or is in the process of committing a felony involving the infliction or threatened infliction of serious physical injury or death; and
- The escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or to another person unless the suspect is apprehended without delay; and
- The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.

6. Officers May Only Use Force on Restrained Subjects When Objectively Reasonable, Necessary, and Proportional

Officers may only use objectively reasonable, necessary and proportional force on restrained subjects (e.g. including handcuffed or contained in a law enforcement vehicle).

Officers may use objectively reasonable, necessary and proportional force to get subjects into or out of a law enforcement vehicle only after reasonable attempts to gain voluntary compliance have failed. When feasible, officers will obtain supervisor approval prior to using force to remove a subject from a Department vehicle.

Officers may only use force on restrained subjects that would foreseeably result in a Type II or Type III investigation under exceptional circumstances when the subject's actions must be immediately stopped to prevent injury, escape, or destruction of property. All such force will be closely and critically reviewed.

The investigating supervisor will consult with FIT regarding the classification of force used on restrained subjects when such force is not easily identifiable as de minimis or Type I.

7. Recognizing the Urgency of Providing Medical Aid and the Importance of Preserving Human Life, Following a Use -of- Force, Officers Will Evaluate the Subject for Injuries, Request Medical Aid if Needed or if Requested By Anyone, and Render Appropriate Medical Aid Within Their Training as Soon as Reasonably Possible

When safe and feasible, officers will request a medical aid response for any apparent injury, complaint of injury, or sign of medical distress for subjects and others even if the aid is declined. Officers will closely monitor subjects taken into custody.

After requesting a medical aid response, officers will render aid within the scope of their training unless aid is declined. Certified EMT officers will be given priority to render care, when feasible. Consent will be assumed for unconscious subjects or subjects incapable of providing consent.

Exception: A call for medical aid is not required for apparent injuries that can be treated by basic first aid (e.g. minor cuts and abrasions).

Absent exigent circumstances, prone subjects will be placed on their side in the recovery position or assisted to an upright position as soon as safe and feasible. Officers will not restrain subjects who are in custody and under control in a manner that restricts the subject's ability to breathe.

In any use of force encounter, upon hearing a subject state that they cannot breathe, officers will summon medical aid and report to SFD that the subject advised an inability to breathe (in addition to any injury).

8. Officers Will Automatically Request Medical Aid in Certain Situations

Every Type III use -of- force.

Every canine bite as a use of force.

Every use of force encounter in which a subject mentions difficulty breathing.

The following less-lethal incidents:

- TASER applications
- 40 mm LL Launcher applications

- OC applications

After any use of force greater than Type I force on subjects who are reasonably believed or known to be:

- Pregnant
- Pre-adolescent children
- Elderly
- Physically frail or disabled

This policy presupposes that the subject on which force was used remains in the officer's control. It does not apply to when the subject has left the scene.

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