

Seattle Police Department Manual

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8.500 - REVIEWING USE OF FORCE

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Timely and thorough review of all uses of force a critical priority of the Department. By dynamically analyzing tactics, training, policies, processes and procedures, the Department learns important lessons from every significant use-of-force incident.

- * 8.500-POL-1 addresses general principles of force review.
- * 8.500-POL-2 addresses command review of use-of-force.
- * 8.500-POL-3 addresses the Force Review Unit.
- * 8.500-POL-4 addresses the Force Review Board.
- * 8.500-POL-5 addresses expedited summary review for specific firearms discharges.
- * 8.500-POL- 6 addresses investigation and review of force used during crowd management events.

8.500-POL-1 Use of Force – GENERAL PRINCIPLES

1. All Reviews Must Be Completed in a Timely Manner

For all reviews, furloughs, vacations, extended sick leave or any other absence from work are not considered valid reasons for delaying the review process. Each level of review is expected to have a sufficient number of personnel trained in the review process to sustain the review process in a timely manner. In the case of absences from work, the reviewer or his or her designee will assign another supervisor to complete the review of the use-of-force report.

2. All Reviewers Shall Evaluate Use-of-Force With Regard to With Regard to Department Policy

3. Each Reviewer Shall Ensure That the Use-of-Force Report is Thorough and Complete and Contains All Necessary Documentation and Evidence

The reviewer shall return the use-of-force report to the investigator if it is determined that an investigation is not thorough or complete.

4. Each Reviewer Shall Address Any Discrepancy, Confusion or Lack of Relevant Information Prior to Completing the Applicable Blue Team Entry

Any noted discrepancies will be returned to the investigating sergeant or the FIT detective.

Means of addressing these issues include:

- * Supplementary statements from officers
- * Supplementary statements from subjects or witnesses
- * Requiring additional investigation

If such issues cannot be resolved, the issue will be noted in Blue Team, as applicable.

5. Reviewers Will Immediately Address Concerns That Arise During Use-of-Force Investigations or Review and/or Recommend Additional Action

If a reviewer identifies concerns that have not been sufficiently addressed, the reviewer will address those concerns.

The reviewer will take appropriate action and/or recommend a course of action, such as:

- * Referral to OPA*
- * Referral to Training
- * Supervisory counseling

Identified concerns and supervisory actions will be documented in Blue Team, as applicable.

Note: A referral to OPA does not bar other referrals/actions. Reviewers can and should make additional recommendations for addressing a particular concern other than any discipline that may be recommended by OPA. Any questions regarding what constitutes discipline for this purpose should be referred to SPD Human Resources.

6. Reviewers Shall Refer Misconduct, Other Than Minor Misconduct (see POL 5.002.5), as well as Potential Criminal Conduct to the OPA

If it appears that misconduct may have been involved in the use of force, the supervisor shall ensure that the Office of Professional Accountability is contacted and consult the FIT commander regarding reclassification of the incident as a Type II or Type III investigation, if appropriate.

The supervisor will note the OPA referral in Blue Team, as applicable, but shall not take disciplinary action.

Exception: When possible misconduct comes to the attention of the FRB members only through their participation on the Board and reviewing cases in connection with the Board, the member is not required to notify OPA. If the FRB determines that there is possible misconduct the referral to OPA shall be made by the FRB chair. This provision does not prohibit any individual member of the board making a personal referral to OPA.

Exception: Minor misconduct (see POL 5.002.5) may be handled directly by the chain of command.

7. Only the Chief of the Seattle Police Department Has the Authority to Make Policy for the Department

No other Department employee has the authority to ratify the actions of any Department employee.

8. The Office of the Chief Shall Conduct a Documented Annual Analysis of All Reported Uses of Force by the Seattle Police Department

8.500-POL-2 Use of Force – COMMAND REVIEW OF USE-OF-FORCE

1. The Reporting Officer's Chain of Command, to the Rank of Captain, Will Review all Type I and Type II Use-of-Force Reports

Type I use-of-force reports will be routed for review in the following order:

1. Sergeant
2. Lieutenant
3. Captain
4. Force Review Captain
5. Education & Training Section, the Department of Justice and the Monitoring Team
6. Involved Officer's Bureau Chief

Type II use-of-force reports will be routed for review in the following order:

1. Sergeant
2. Lieutenant
3. Captain
4. Force Review Captain
5. Force Review Unit, and as necessary, the Force Review Board
6. Involved Officer's Bureau Chief

2. For a Type II Investigation, the Precinct Chain of Command Must Review Video

The reviewing sergeant must review and bookmark all video necessary for a decision-maker to make an informed decision about the force and the surrounding circumstances. The lieutenant must review video pertinent to the use of force as bookmarked by the reviewing sergeant.

The captain is ultimately responsible for ensuring that all video has been sufficiently reviewed.

3. Any Supervisor May Re-Classify a Use-of-Force Investigation to the Appropriate Level

If an investigation is re-classified, it will be returned to the appropriate investigator (supervisor or FIT) for necessary action.

The FIT Commander will determine whether a FIT Investigation will be conducted for any use-of-force incident referred to FIT.

A bureau chief may order a FIT response and investigation.

4. The Precinct or Section Captain Shall Designate the Timeframes for Sergeant and Lieutenant Review

The precinct captain shall determine a reasonable time limit based upon the totality of the circumstances for the lieutenant and sergeant review. The precinct captain is responsible to ensure that all use-of-force reports are forwarded to the FRU within 14 calendar days of the date the force was used.

In exceptional cases, when workload issues will preclude timely review, the captain may request assistance from other trained personnel, and/or an extension of time from the appropriate bureau chief.

If a report is delayed beyond this time limit, the reason for the delay will be documented in Blue Team.

5. The Sergeant Shall Complete Review and Forward Reports to the Appropriate Lieutenant

6. For Type I and Type II Investigations, The Reviewing Lieutenant Will Make Determinations

Regarding the Use-of- Force

The lieutenant will address the following elements, and document them in Blue Team:

- * Whether the Use-of-Force report is thorough and complete
- * Whether the force used was necessary and objectively reasonable
- * Whether the force used was consistent with Department policy
- * Whether any concerns have been sufficiently addressed

Identification of any additional concerns and the action taken to address them.

Exception: For review of force used by a lieutenant or above, the designated primary reviewer will be a supervisor of higher rank in the employee's chain of command.

7. For Type I and Type II Investigations, the Lieutenant Shall Complete Review and Forward Reports to the Precinct or Section Captain

8. The Precinct or Section Captain Will Review the Lieutenant's Determinations on Use-of-Force

The captain's review will include the following aspects, documented in Blue Team:

- * Whether the investigation and documentation are thorough and complete
- * Whether the findings of the reviewing lieutenant are supported by a preponderance of evidence
- * Whether concerns identified by the sergeant and/or lieutenant have been sufficiently addressed
- * Identification of any additional concerns and the action taken to address them

9. For Type I and Type II Investigations, the Precinct or Section Captain Shall Forward Completed Use-of-Force Reports to the Force Review Captain Within 14 Calendar Days of the Use-of-Force Incident

In exceptional cases, when workload issues preclude timely review, the captain may request assistance from other trained personnel, and/or an extension of time from the appropriate bureau chief.

If a report is delayed beyond this time limit, the captain will document the reason for the delay in Blue Team.

After completing the review of a Type I Use-of-Force Report, the captain will forward the report to the Force Review Captain if there are no issues.

If there are issues, the captain will send the report back to the officer, via the chain of command, or appropriate supervisor in the chain of command to correct the issues.

10. Precinct Captains and Watch Lieutenants Will Closely and Effectively Supervise Those Sergeants and Officers Under Their Command to Ensure They Identify and Effectively Respond to Uses of Force

The FRB will provide monthly reports to precincts on use-of-force. Precinct captains and watch lieutenants will review these reports. The reports will contain:

- * Case statistics

- Number of use-of-force cases that occurred, by type (i.e., Type I, Type II, Type III)
- Number of Type I and Type II use-of-force cases for which review was completed, by type

* Number of cases referred to:

- Office of Professional Accountability
- Education & Training and Section
- Supervisory counseling/guidance

* Themes, trends, and learning opportunities identified

Precinct captains will ensure the monthly precinct report is distributed as roll call training and as a group e-mail throughout the precinct. Precinct captains will respond to FRB reports that identify themes, trends, or learning opportunities with specific actions taken.

11. The Force Review Unit Will Review All Type II Use-of-Force Reports

The function of the FRU is to conduct an administrative review of Use-of-Force incidents.

See 8.500-POL-3 Force Review Unit.

12. The Force Review Board Will Review All Type III Uses-of-Force, and all Type II Uses-of-Force Referred to it by the Force Review Unit

See 8.500-POL-4 Force Review Board.

The Chair of the FRB Shall Forward Use-of-Force Reports to the Appropriate Bureau Chief(s) Within 72 Business Hours of the FRB Meeting

If the report is delayed beyond this time limit, the Chair will document the reason for the delay in Blue Team.

13. The Bureau Chief Will Make Final Determinations on Use-of-Force Incidents

The Bureau Chief of the involved personnel will review the FRU and/or FRB findings. The Bureau Chief will make the determination whether they concur with the findings and document that in Blue Team.

8.500-POL-3 Use of Force – FORCE REVIEW UNIT

1. The Force Review Unit Shall Review all Type II Use-of-Force Reports

2. The Force Review Unit Detectives Shall Review all Type II Uses of Force.

The detectives shall return any incomplete report to the appropriate supervisor for additional investigation

The detectives shall identify any areas of concern and immediately inform the Force Review Sergeant.

3. The Force Review Unit Sergeant Shall Immediately Inform the Force Review Lieutenant of Any Actions That Appear to Involve Misconduct by Any of the Officers

a. The Force Review Unit Lieutenant Shall Review the Case Then Forward the Case with Comment to the Force Review Captain for Immediate Review

b. The Force Review Unit Captain Shall Forward Cases Involving Potential Misconduct Other Than Minor Misconduct (see: POL 5.002.5) to OPA for Investigation

4. The Training Unit is a Resource for the Force Review Unit and Provides Subject Matter Expertise on Questions of Training. The Training Unit Shall Have Direct Access to all Type II Uses of Force for Review.

5. Once the Detective's Review of the Use-of-Force is Complete, the Force Review Unit Sergeant Shall Forward the Report to the Force Review Lieutenant for Review

6. The Force Review Unit Lieutenant Shall Review all Type II Reports and Detectives' Review, Make Finding Recommendations, and Forward to the Force Review Captain

7. The Force Review Unit Captain Shall Review the Force Review Lieutenant's Recommendations and Either Document Their Concurrence or Make Additional Recommendations

8. Unless the Force Review Unit Captain Determines that an FRB Referral is Warranted, They Will Forward the Case to the Appropriate Bureau Commander for Final Determination

9. The Force Review Unit Lieutenant, Captain and Bureau Chief May Refer Cases for Full Board Review

Cases involving the following shall be referred to the FRB:

- * Possibility of misconduct
- * Potential 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

The lieutenant, captain and bureau chief will consider the following when determining whether to refer a case for full board review:

- * Severity of injury to the suspect
- * Severity of the crime at issue
 - (e.g. Whether a obstructing a public officer was the only crime or whether the initial contact was for a civil infraction)
- * Whether the suspect posed an immediate threat to the safety of officers or others
- * Whether the suspect actively resisted or attempted to evade arrest by flight
- * Whether there is a special departmental interest in a particular case (e.g., media inquiries)

10. The Force Review Unit Captain Will Refer an Additional Ten Percent of the Cases Received Each Month for Review by the Full Board

These cases will be selected through random, blind sampling by the FRU after the review. This is to ensure that the FRU is conducting a thorough review of the cases. See 8.500-TSK-1 Selecting Cases for Full Board Review.

8.500-POL-4 Use of Force – FORCE REVIEW BOARD

1. The FRB Will Review All Type III Use-of-Force Investigations and Type II Use-of-Force Reports as Referred by the Force Review Unit

The FRB will conduct timely, comprehensive, and reliable reviews of Type II cases referred by the FRU, and all Type III cases, and will determine:

- * Whether the investigation is thorough and complete
- * Whether the force was consistent or inconsistent with SPD policy, training, and core principles
- * Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding, among other concerns:
 - De-escalation
 - Supervision
 - Equipment
 - Tactics
 - Training
 - Policy
 - Department best practices
- * Review each use-of-force packet to determine whether the chain of command has appropriately identified and taken actions to correct any deficiencies in the way the incident was handled
- * Confirm that uniform standards are applied in Use-of- Force practices
- * Identify instances, trends, or patterns of deficiencies regarding policy, training, equipment, or tactics
- * Monitor all aspects of the Department's Use-of-Force practices with the goal of continual improvement

2. The Assistant Chief of the Compliance & Professional Standards Bureau Shall Select the Standing Members of the FRB

The FRB shall be comprised of the following:

- * One supervisor from the Training Section
- * Three representatives from the Patrol Operations Bureau
- * One representative from the Audit, Policy & Research Section
- * One representative from the Investigations Bureau

3. Each Standing Member Shall Serve a Minimum Term of 18 Months

Attendance at board meetings is mandatory. Any board member who is unable to attend a meeting shall notify the Force Review Board Chair and find a suitable replacement. Replacements must meet all the requirements of permanent FRB members and be approved by the Assistant Chief of the Compliance & Professional Standards Bureau.

4. Each Standing FRB Member is Required to Attend a Minimum of 8 Hours of Annual FRB Training

Basic annual training for FRB standing members will focus on use-of-force practices, including but not limited to:

- * Legal updates regarding use-of-force
- * Use-of-force investigation
- * Curriculum utilized by the Education & Training Section regarding use-of-force

Standing members must also, at a minimum:

- * Attend all required Department training
- * Receive training in Department Crisis Intervention techniques
 - 8 hour initial course
- * Additional refresher training as required by the Crisis Intervention Team program, in consultation with the Captain of the Education & Training Section

5. The Force Review Captain is the Standing Chair of the FRB

The Deputy Chief or any Assistant Chief (or designee) may chair the FRB as required by Departmental needs.

The Chair has operational control of the FRB.

6. All Board Determinations will be Made by Majority Vote

Quorum is four. The Force Review Board Chair shall vote in cases where the vote is evenly split.

7. Observers and Consultants are Not Permitted to Vote

Only members of the FRB may participate in the deliberations during the Force Review Board.

Only Standing Members of the FRB Are Permitted to Vote

Consultants include any subject matter experts, beyond Standing Members, whom the Chair feels would be helpful in reviewing particular incidents.

The FRB may consult with other advisors as necessary.

Attendance at the board is limited as follows:

- * A Civilian Observer, Appointed by the Mayor in Accordance with Ordinance #118482, Shall Attend all FRB Meetings That Involve the Review of an Officer-Involved Shooting
- * A Representative from the Involved Officer's Union May Attend all FRB Meetings That Involve the Review of an Officer-Involved Shooting

- * Captains and higher, as well as representatives from the Legal Unit and OPA, may attend FRB meetings and ask questions, but they are not permitted to vote.

- * All other observers need written permission from the Assistant Chief of the Compliance & Professional Standards Bureau to attend FRB meetings.

8. The Chair Shall Record All Findings of the Board

The Chair will be responsible for the following determinations, and will document them in IAPro:

- * Whether the investigation is thorough and complete
- * Whether the force was consistent or inconsistent with SPD policy, training, and core principles
- * Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding:
 - * De-escalation
 - Supervision
 - Equipment
 - Tactics
 - Training
 - Policy
 - Department best practices

9. FRB Chair Shall Refer Misconduct to OPA

The FRB shall refer all misconduct, other than minor misconduct (as defined at POL 5.002.5) to OPA. The determination of whether the act at issue warrants such referral shall be determined by majority vote of the FRB or at the discretion of the Chair.

When possible misconduct comes to the attention of a FRB member only through their participation on the FRB, the member is not required to make an FRB referral that might otherwise be required under 5.002. This provision does not prohibit any individual member of the board making a personal referral to OPA.

The FRB will not make recommendations concerning discipline.

10. The FRB Will Continue Review and Recommendations Relating to Matters Referred to OPA, But Shall Not Make Final Determinations on Topics Referred to OPA

11. Type III Use-of-Force Investigations Will Be Presented to the FRB by the Captain of the Force Investigation Team

12. The FRB Chair Will Refer Policy, Equipment, and Training Issues to the Appropriate Commanders

The FRB Chair shall assign for follow-up any policy, equipment or training recommendations from the board.

- * Individual training recommendations will be referred to the chain of command of the involved officer for follow-up.

The assigned unit will be given a response date that will be tracked by the Force Review Section.

The captain of the assigned unit shall report to the FRB chair the status of any recommendations assigned to their unit. If the board recommendation is not going to be implemented the captain shall submit in writing the reasons why it will not be implemented.

The Force Review Section will maintain a record of all recommendations and the status. Quarterly, the Section shall provide to the Assistant Chief of the Compliance & Professional Standards Bureau a report of the status of the Board recommendations and captains' responses.

The Assistant Chief of the Compliance & Professional Standards Bureau shall forward the report to the Deputy Chief.

8.500-POL-5 Use of Force – EXPEDITED SUMMARY REVIEW

1. At the Discretion of the Chair of the FRB, a Summary Review of the Firearms Discharge is Allowed Under Certain Circumstances

A summary review is limited to a review of the completed investigation by FIT and the Chair of the FRB without presenting the case to the FRB. Incidents qualifying for summary review are forwarded to the Chair of the FRB by the FIT Captain.

a. Summary Review is Only Allowed Under the Following Circumstances:

- * No death or injury to a person is involved; and
- * The incident involves an unintentional discharge that occurred in a police facility under circumstances that the Chair of the FRB does not believe requires review by an FRB.

b. If New Information Arises at Any Time During the Summary Review Process That the Chair of the FRB concludes Justifies Review by the FRB, the Incident Will be Presented to the FRB

2. A Summary Review Will Normally be Completed Within 60 Days of the Incident

8.500-POL-6 Use of Force – REVIEWING USE-OF-FORCE – CROWD MANAGEMENT

This policy applies to the review of the investigation of uses of force that occur during the course of crowd management. For more information about crowd management, see 14.090 – Crowd Management (hyperlink).

1. Incident Commander is Responsible for Reporting Type I Uses of Force Ordered During Crowd Management

For reporting purposes, use of a police line to move crowds where contact occurs will be assumed to involve at least Type I force.

Involved officers do not submit statements for Type I force used during crowd management.

2. Command Review of Use-of-Force – Crowd Management

- * Any commander who directs or authorizes the use of force in a crowd-management setting shall complete a Blue Team entry. The Blue Team entry will correspond with the highest level of force used by any individual officer during the directed use-of-force.

- * The Crowd Management Force Investigation Team will be comprised of a group of detectives, sergeants and lieutenants selected by the Assistant Chief of the Compliance & Professional Standards Bureau. The CM FIT will be responsible for investigating all Type II uses of force that occur during crowd management.
- * Review of Type II Use-of-Force reports shall be completed by the incident commander that oversaw the crowd management.
- * The incident commander shall submit approved Type II Use-of-Force reports to the Force Review Unit.
- * Type III uses of force shall be investigated and reviewed by FIT.

3. The Force Review Unit Reviews all Type II Uses of Force That Occur During Crowd Management, as Set Forth in 8.500-POL-3

4. The Force Review Board Shall Also Review all Crowd Management Events and Major Incidents

For the review of crowd management, the board shall include two additional voting members. Both of these members shall be either a lieutenant or a captain, and shall be chosen by the Assistant Chief of the Compliance & Professional Standards Bureau based on their experience with crowd management

Board review of crowd management will focus on command of the incident rather than the individual officer's application of force. The FRB will conduct timely, comprehensive, and reliable reviews of all facets of crowd management and will determine:

- * Whether decisions made concerning crowd management were consistent with policy and Department core principles.
- * Whether the incident commander or scene commanders adequately documented their reasons for directing the use of force.
- * Whether there were any tactical, training, equipment or staffing deficiencies.
- * Whether any use of less lethal force during a crowd management event was properly authorized and executed.

The Board shall follow its normal procedures for voting, recording, and referral of findings as set forth in 8.500-POL-4.

8.500-TSK-1 Use of Force – SELECTING RANDOM CASES FOR FULL BOARD REVIEW

When selecting random cases for full board review, the FRU Captain (or designee):

1. Produces a list of all of the Type II cases that the FRU reviewed during the previous month
 - * This list shall be numbered and ordered by event number, in descending order.
2. Calculates the number of cases that equal ten percent (x)
3. Uses the research randomizer (<http://www.randomizer.org>) to produce a set of numbers
4. Takes the first x numbers out of the set and assigns the corresponding cases for full board review

* If any of the numbers in the set corresponds to a case that has already been referred to the full board, proceeds to the next number in the set until the x cases that have not already been referred are selected.

5. Retains a copy of the list of cases and the randomizer results

Example: If the FRU reviews 50 cases in a month, the captain shall prepare a list of all 50 cases. The list shall be ordered by event number, and numbered 1 – 50. X will be 5, as 5 is ten percent of 50. If the first 5 numbers in the set provided by the research randomizer are 24, 2, 19, 15 and 31, then the corresponding cases from the original list shall be referred to the full board. If 19 corresponds to a case that has already been referred to the full board, the captain shall select the next number in the set to get the necessary 5 cases.

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