

# Seattle Police Manual

## 8.000 – Use-of-Force Core Principles

### **1. The Seattle Police Department and Its Officers Are Committed to Upholding the Constitution and Laws of the United States and the State of Washington, Including Civil Rights, the Dignity of Every Individual, Public Safety, and the Protection of Human Life**

The community expects and the Seattle Police Department requires that officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

It is the policy of the Seattle Police Department to accomplish the police mission as effectively as possible, and with minimal reliance upon the use of physical force.

An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use timely and adequate force when it is necessary fail in their duty to act as public guardians and may endanger themselves, the community and fellow officers.

### **2. When Time, Circumstances, and Safety Permit, There may be Opportunities for De-Escalation or Alternatives to Using Force**

When safe under the totality of circumstances, officers should use advisements, warnings, verbal persuasion, and other tactics in order to reduce the need to use force.

Officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Emotional crisis

### **3. Sometimes the Use-of-Force Is Unavoidable, and an Officer Must Exercise Physical Control of a Violent, Assaultive, or Resisting Individual to Make an Arrest, or to Protect Members of the Public and Officers From Risk of Harm**

In doing so:

- Officers should recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.
- Officers should take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy, or by not following policy or training.
- Officers should continually assess the situation and changing circumstances, and modulate the use-of-force appropriately.

### **4. An Officer Shall Use Only the Degree of Force That Is Objectively Reasonable, Necessary Under the Circumstances, 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 embody allowance for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, 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: the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Necessary: Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose.

Proportional: The level of force applied must reflect the totality of circumstances surrounding the situation, including the

presence of imminent danger to officers or others. 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 objectively reasonable and necessary to counter it.

Guidance on when force is authorized may be found here.

[[hyperlink to 8.100.1](#)]

## **5. Each Officer Is Responsible for Explaining and Articulating the Specific Facts, and Reasonable Inferences From Those Facts, Which Justify the Officer's Use Of Force**

The officer's justification will be reviewed to determine whether or not the force used was in or out of policy. Failure to adequately document and explain the facts, circumstances, and inferences when reporting force may lead to the conclusion that the force used was out of policy.

## **6. The Department Is Committed to Upholding Lawful, Professional, and Ethical Standards Through Assertive Leadership and Supervision Before, During, and After Every Force Incident**

This includes:

- Force prevention efforts,
- Effective tactics, and
- Objective review and analysis of all incidents of reportable force

## **7. A Strong Partnership Between the Department and the Community Is Essential for Effective Law Enforcement and Public Safety**

Uses of force, even if lawful and proper, can have a damaging effect on the public's perception of the Department and the Department's relationship with the community.

Both the Department and individual officers need to be aware of the negative effects of use-of-force incidents and be empowered to take appropriate action to mitigate these effects, such as:

- Explaining actions to subjects or members of the public
- Offering reasonable aid to those affected by a use-of-force
- Treating subjects, witnesses, and bystanders with professionalism and courtesy
- Department follow-up with neighbors or family to explain police actions and hear concerns and feedback

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## 8.50 – Use-of-Force Definitions

### Approved Weapon:

A tool used to apply force that is both:

- Specified and authorized by the Department
- Used by an officer who has been properly trained and certified

See also Improvised Weapon

### Deadly Force:

The application of force through the use of firearms or any other means reasonably likely to cause death, Great Bodily Harm, or serious physical injury.

When reasonably likely to cause death or serious physical injury, Deadly Force includes:

- Shooting a firearm at a person
- A 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
    - Street surfaces
    - Solid metal structures, such as bars or guardrails
- Shooting a person in the head or neck with a beanbag shotgun round
- Using stop-sticks on a moving motorcycle

Neck and carotid restraints may only be used when deadly force is authorized. See 8.200 POL 10. See 8.1000.5 and .6 for guidance on when deadly force is authorized

### De-escalation:

Taking action to stabilize situations so that more time, options, and resources are available for incident resolution, in order to reduce the immediacy of the threat; gain the voluntary compliance of subjects, when feasible; and to lower the likelihood of use of force.

See 8.100.2 for further guidance

### De-escalation Techniques:

Actions used by officers, when safe and 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 8.100.2 for examples of de-escalation tactics and techniques.

### **De Minimus Force:**

Lawful force 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.

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.

### **Force:**

Force is defined as any physical coercion by an officer in performance of official duties, including de minimus, Type I, II, and III uses of force.

### **FIT (Force Investigation Team):**

The Department personnel tasked with conducting Type III use-of-force investigations.

### **Great Bodily Harm (RCW 9A.04.110): [hyperlink so readers can do more in-depth research](#)**

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

**Impact Weapon:**

Any authorized intermediate weapon or object used to strike a subject.

**Improvised Weapon:**

An object used to apply force other than those approved and authorized by the Department.

Also, any Department-approved weapon used by an officer who has not received required training or certification to use the weapon.

See also Approved Weapon

**Less-Lethal Devices:**

Devices to apply force such that the outcome is not intended nor likely to cause the death of the subject or Great Bodily Harm. For the intended purpose of Less Lethal Tools see: [Hyperlink to 8.200.2]

Includes:

- TASER
- Impact weapons
- Beanbag shotgun
- OC Spray

**Necessary Force:**

"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) [hyperlink](#) so readers can do more in-depth research

**Objectively Reasonable Force:**

Objectively reasonable 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 at the scene, rather than with the 20/20 vision of hindsight.

See 8.000 and 8.100 for further guidance on objectively reasonable force. [[hyperlink to 8.100.1](#)]

**Physical or Bodily Injury (also “Injury”):**

Physical pain or injury, illness, or an impairment of physical condition (SMC 12A.02.150, RCW 9A.04.110) [hyperlink so readers can do more in-depth research](#)

**Reportable Force:**

All uses of force other than de minimus are reportable. Reportable force includes the intentional pointing of a firearm at a subject.

(Hyperlinks to “de minimus”, Type I, Type II, and Type III definitions)

**Serious Physical Injury:**

Physical injury which creates a substantial risk of death or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ or structure or involves serious concussive impact to the head.

**Substantial Bodily Harm (RCW 9A.04.110):**

[\(hyperlink so readers can do more in- depth research\)](#)

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

**Use of Force:**

See Force

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## 8.100 - Using Force

Department policies concerning the use of force and firearms are intended to offer general guidelines so that officers can be confident in their lawful exercise of such force, and are subject to reasonable exceptions. This Department policy may be viewed as an administrative guide to decision-making and review.

### 1. Use of Force: When Authorized

An officer shall use only the force necessary, reasonable, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others.

Officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective.

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. 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;
- 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;
- 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; and
- The environmental factors and/or other exigent circumstances.

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second



decisions—in circumstances that are tense, uncertain, 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: the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Necessary: Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose.

To be proportional, the level of force applied must reflect the totality of circumstances surrounding the immediate situation, including the presence of an imminent danger to officers or 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. 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.

## **2. Officers Should Use De-Escalation Tactics in Order to Reduce the Need for Force**

De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, which seek to minimize the likelihood of the need to use force during an incident.

When safe under the totality of circumstances, officers should attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

Officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Emotional crisis

An officer's awareness of these possibilities, when time and

circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Mitigating the immediacy of threat gives officers time to utilize extra resources, and increases time available to call more officers or specialty units.

The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.

Other examples include:

- Placing barriers between an uncooperative subject and an officer
- Containing a threat
- Moving from a position that exposes officers to potential threats to a safer position
- Decreasing the exposure to potential threat by using
  - Distance
  - Cover
  - Concealment
- Communication from a safe position intended to gain the subject's compliance, using:
  - Verbal persuasion
  - Advisements
  - Warnings
- Avoidance of physical confrontation, unless immediately necessary (for example to protect someone, or stop dangerous behavior)
- Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) Training, to calm an agitated subject and promote rational decision making
- Calling extra resources to assist or officers to assist:
  - More officers
  - CIT officers
  - Officers equipped with less-lethal tools
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject

### **3. Officers Should Assess and Modulate the Use-Of-Force as Resistance Decreases**

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

### **4. Officers Shall Not Use Force to Punish or Retaliate**

## 5. Use of Deadly Force

Deadly force may only be used in circumstances where threat of death or serious physical injury to the officer or others is imminent. A danger is imminent when an objectively reasonable officer would conclude 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 8.050 – Deadly Force

## 6. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect Only When an Objectively Reasonable Officer Would Conclude That it Is Necessary and the Officer Has Probable Cause to Believe That:

- The suspect has committed 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.

## 7. Use of Reportable Force on Handcuffed or Otherwise Restrained Subjects is Prohibited Except in Exceptional Circumstances

Exceptional circumstances exist when:

- No reasonably effective alternative to the use-of-force appears to exist in order to gain physical control of the subject, and
- A situation exists in which the subject's behavior or actions must be immediately controlled or stopped
  - Examples may include, but are not limited to:
    - Assaultive or destructive behavior
    - Self-injury
    - Escape
    - Injury to any person

Use-of-force on restrained subjects shall be closely and critically reviewed. Officers must articulate both:

- The exceptional circumstances, and
- Why no reasonably effective alternative to the use-of-force appeared to exist.

## **8. Officers Should Not Use Force Against Individuals Who Only Verbally Confront Them and do Not Impede a Legitimate Law Enforcement Function**

## **9. The Intended Purpose of Less-Lethal Devices**

Less-lethal devices are used to interrupt a subject's threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications.

- Less-lethal devices alone cannot be expected to render a suspect harmless

Support officers should be prepared to take immediate action to exploit the brief opportunity created by the Less-lethal device and take control of the subject if safe to do so.

## **10. Following a Use-of-Force, Officers Shall Render or Request Medical Aid, if Needed or if Requested By Anyone, as Soon as Reasonably Possible**

Following a use-of-force, officers will request a medical aid response, if necessary, for suspects and others and will closely monitor subjects taken into custody.

Absent exigent circumstances, prone subjects will be placed on their side in a recovery position.

Officers shall not restrain subjects who are in custody and under control in a manner that compromises the subject's ability to breathe.

## **11. Officers Shall Automatically Request Medical Aid in Certain Situations**

Any use-of-force, greater than De Minimus force on subjects who are reasonably believed or known to be:

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

Any subjects or officers who:

- Sustain a CEW application
- Are struck by a beanbag shotgun round
- Sustain a impact weapon strike to the head

- Sustain a strike of their head against a hard, fixed object

**12. Consistent With the Timelines in 8.300, Officers and Supervisors Should Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated**

See 8.300 – Reporting and Investigating Use-of-Force *hyperlink*  
*so readers can do more in-depth research*

# Seattle Police Manual

## 8.200 – Use-of-Force Tools

Effective Date:

This policy addresses the use and deployment of all force tools that are available to sworn Department employees.

The following force options are governed by this policy:

- Beanbag shotgun
- Canine deployment
- CEW/Conducted Electrical Weapons (TASER)
- Firearms
- Impact weapons
- Oleoresin Capsicum (OC) spray
- Vehicle-related force tactics
- Specialty unit weaponry
- Hobble restraint
- Neck and carotid restraint

### **1. Officers Will Only Carry and Use Weapons That Have Been Approved by the Department and That the Officer has Been Properly Trained and Certified to Use, Except Under Exigent Circumstances**

Intentional or reckless violations of policy or training standards will result in discipline. Negligent violations of policy or training standards may result in discipline.

### **2. Uniformed Officers Are Required to Carry at Least One Less-Lethal Tool**

Uniformed officers who have been issued a CEW shall carry it.

### **3. Sergeants and Lieutenants Will Ensure That Each Officer in Their Command is Trained and Certified on the Tools They Carry, as Required**

### **4. Officers Are Prohibited From Using Less-Lethal Tools as a Form of Punishment or for Retaliation**

### **5. Officers Are Prohibited from Using Less-Lethal Tools in the Following Circumstances, Absent Active Aggression by the Suspect That Cannot be Reasonably Dealt With in Any Other Fashion**

- When the suspect is visibly pregnant, elderly, pre-adolescent, visibly frail, or known or suspected to be disabled unless deadly force is the only other option

- When the suspect is in an elevated position where a fall is likely to cause substantial injury or death
- When the suspect is in a location where the suspect could drown
- When the suspect is operating a motor vehicle or motorcycle and the engine is running or is on a bicycle or scooter in motion
- When an individual is handcuffed or otherwise restrained
- To escort, prod, or jab individuals
- To awaken unconscious or intoxicated individuals
- To prevent the destruction of evidence
- Against passive or low-level resisting subjects
- When the suspect is detained in the police vehicle

## **8.200–POL–1 Beanbag Shotgun**

A beanbag shotgun is designed to temporarily interrupt the behavior of a suspect or dangerous individual, so that law enforcement officers can subdue and arrest that person with less danger of injury or death to themselves and others.

### **1. Firearms Training Squad (FTS) Manages the Beanbag Shotgun Program**

FTS will maintain the beanbag shotgun operator's manual, develop curriculum, and conduct training and qualifications.

### **2. FTS Will Train and Certify Operators Annually**

Only officers who have been trained and certified are allowed to use beanbag shotguns. Beanbag rounds may only be used in a manner consistent with training provided by this Department.

### **3. Officers Who Have Been Trained and Certified to Use a Beanbag Shotgun and Have Been Issued One Must Deploy With It During Their Shift**

### **4. Officers Shall Only Use the Beanbag Shotgun When Objectively Reasonable (hyperlink to definition and explanation of "objectively reasonable" in 8.100)**

### **5. Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Deploying the Beanbag Shotgun**

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a beanbag shotgun will be used and defer using the beanbag shotgun a reasonable amount of time to allow the subject to comply with the warning.

**Exception:** A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

### **6. Officers Shall Consider the Risk of the Beanbag Shotgun Round Causing Serious Harm When Determining Whether to Deploy**

### **7. Officers Shall not Target a Subject's Head, Neck or Genital Area**

Officers shall not target the head or neck unless deadly force is justified.

In circumstances where deadly force is not justified, officers should direct the beanbag round toward the following areas:

- Lower abdomen, at belt level



- Buttocks
- Arms below the elbow
- Thigh area
- Legs below the knee

## **8. Authorized Use, Prohibitions, and Cautions**

- Beanbag rounds may only be used on an individual engaged in active aggression, or to prevent imminent physical harm to the officer or another person.
- Beanbag rounds should not be shot through glass or a chain link fence due to the likelihood of rupturing the beanbags and having the contents injure others.
- All less lethal shotguns must be stored in the trunk or rear storage area of patrol vehicles.
- Officers are cautioned that the target area for a beanbag round substantially differs from a deadly force target area. Instead of aiming for the center mass of the body, beanbag shotguns are aimed at the lower abdomen, thighs or forearms.
- Officers should be aware that targeting the chest has on occasion proven lethal when beanbag round is fired at a close range of less than 21-30 feet.
- Officers are further cautioned that the accuracy of the rounds decreases significantly after approximately 45 feet and their flight becomes erratic, striking objects to the right, left, or below the target, increasing the risk to innocent bystanders.

## **9. Tactical Considerations**

- The optimal distance for a beanbag is between 21-45 feet. The beanbag rounds present a risk of death or serious physical injury when fired at the chest, head, neck, and groin.
- Officers should also be prepared to employ other means to control the individual — including, if necessary, other force options consistent with Department policy—if the individual does not respond sufficiently to the beanbag and cannot otherwise be subdued.

## **10. Officers Are Prohibited From Using Beanbag Rounds on an Individual in a Crowd Without the Approval of a Supervisor**

Officers are prohibited from using beanbag rounds against an individual in a crowd unless the officer has the approval of a supervisor and can:

- Target a specific individual who poses an immediate threat of causing imminent physical harm; and

- Reasonably assure that other individuals in the crowd who pose no threat of violence will not be struck by the weapon.

**11. Officers Must Justify Each Separate Beanbag Shotgun Use in Their Use-of-Force Statement**

**a. Officers are Required to Report Each Use of the Beanbag Shotgun, (e.g. Each Time the Beanbag Shotgun is Aimed at a Subject and Each Round Fired) Regardless of Whether a Subject is Struck. See 8.300-POL-1.4.**

**12. All Shotguns Firing Beanbag Rounds Must be Painted in a Bright Color or Otherwise Marked Clearly so as to Make Them Instantly Distinguishable From a Shotgun Firing Live Rounds**

**13. Officers Shall Summon Medical Aid for all Subjects Who Have Been Struck by a Beanbag Round**

**14. Beanbag Shotguns Inspections Will Be Conducted on a Semiannual Basis to Ensure That all Are Operable and Perform any Necessary Maintenance or Repairs**

## 8.200–POL–2 Canine Deployment

**The prompt and proper utilization of a trained canine team has proven to be a valuable resource in law enforcement.**

- When properly used with strict handler control, a canine team increases the degree of safety to persons within a contained search area, enhances individual officer safety, increases the likelihood of suspect apprehension, and may reduce the amount of time necessary to conduct a search.
- At the same time, handlers must make all reasonable efforts to avoid unnecessary and unnecessarily injurious bites.

### 1. Canine Unit has Operational Control

Canine Unit will maintain a unit manual. [\(hyperlink\)](#)

### 2. Canine Unit Will Train and Certify its Officers Annually, at a Minimum

- No handler is permitted to train the police dog in methods, techniques, or activities contrary to the accepted methods used by the Canine Unit.
- Strict handler control is the overriding goal of canine training such that a handler must be able to cause the dog to follow the handler's orders
  - When the dog is on leash and off leash;
  - When the dog is ordered to release a bite;
  - When the dog is ordered to bite; and
  - To stay and guard without biting.

#### a. Canine Handlers Must Have the Ability to Control and Will Be Tested Quarterly in Real-Life Scenarios on Their Ability to Control

- The dog on leash and off leash;
- When the dog is ordered to release a bite;
- When the dog is ordered to bite; and
- Whether the dog can stay and hold without biting.
- Handlers who are not capable of demonstrating such control shall not be active in the field until the situation is rectified.

### 3. Police Canines Shall be Deployed as a Force Tactic Only

## When Objectively Reasonable

- Canine handlers will only allow their canines to physically engage or bite a suspect if there is a reasonable belief or if it is known that the suspect is armed with a weapon or other instrumentality capable of producing death or significant physical injury or otherwise poses an imminent threat of death or serious physical injury to the handler or others or is engaged in active aggression or escaping. In the case of a subject who has been located hiding, handlers will not allow their canine to seize and extract the suspect if a lower level of force could reasonably be expected to control the suspect or allow for the apprehension.
- Releasing the Bite
  - Should a bite occur, the handler will as rapidly as possible determine if the suspect is armed and call off the dog at the first possible moment the canine can be safely released.
  - If the suspect is not armed, the handler shall order the canine immediately to release the bite.
  - When deciding to call off the dog, particular attention must be given to the perceived threat or actual resistance presented by the suspect. Handlers will continue to factor into their call-off decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, will not be cause for not calling off the canine.
  - Without exception, a reference to the duration of the canine's contact with a suspect shall be included in the handler's supplemental report.

## 4. Canine Deployment Announcements

- **Officers Shall Issue a Verbal Warning to the Suspect Prior to Deploying a Police Canine as a Force Tactic and, if Feasible, Wait a Reasonable Time to Allow Subjects to Comply. The Announcement Shall Advise That Failure to Comply With the Officers' Commands Will Result in the Release of a Trained Police Canine and They May Be Bitten if They Do Not Comply.**
- Prior to deploying a canine, in any structure or enclosed contained area an amplified announcement shall be made and repeated. This announcement is intended to notify persons within the containment area of the intent to utilize a canine team and to afford suspects the opportunity to surrender to the police. The announcement shall say that there are police officers on the premises and that a trained police canine will be released and may bite you if you do not surrender.

- The announcement shall be clear, loud and audible to all personnel at the operation. Where there is a reasonable belief that the suspect speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and the exigency of the situation permits.
  - The utilization of radio car address systems will increase the likelihood that the canine announcement is heard.
  - An amplified warning shall be repeated as the search proceeds and the canine team reaches a different floor, or parts of the building or other area where the initial announcement may not have been heard.
  - A reasonable amount of time shall be allowed between announcement and deployment for the suspect to respond and others to seek safety.
  - Containment personnel shall confirm hearing the canine announcements prior to initiating a search.
- A decision not to make a deployment announcement shall be made by a lieutenant or higher. The circumstances under which an announcement may be dispensed with are:
    - The foreknowledge that there is likely to be one or more suspects armed with guns or another instrumentality likely to result in death or serious physical injury
    - In a contained location where an officer ambush is possible, combined with
    - A tactical demand for stealth or surprise based upon strong considerations of officer safety, and
    - No reasonable alternative will suffice to extract the suspects.

## **5. Officers Must Justify Police Canine Deployment as a Force Tactic if it Results in Reportable Force**

No handler shall use their police dog solely to intimidate, coerce, or frighten any person.

## **6. Canine Deployments**

**a. Off-Leash Canine Deployments, Searches, and Other Instances Presenting a Significant Risk of a Canine Bite to a Suspect or Others Shall Be Limited to Searches for Armed Felony or Armed Misdemeanor Suspects, Wanted for a Serious Crime, Particularly One of Violence, Where There is a Clear Danger of Death or Serious Physical Injury to the Officer or Others. In all Other Instances, Searches Must Be On-Leash.**

- In the case of known or suspected juvenile suspects, special consideration should be given to the suspect's age and propensity for violence, and officers shall explore alternatives to the deployment of a canine.
- Canine teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol if no other serious crime is involved, nor the mentally disturbed or disabled if no other serious crime is involved.
- It is prohibited to use canines for crowd control situations at peaceful demonstrations. During a riot or other major unlawful assembly, after an order to disperse has been made, and only with a specific approval of the Chief of Police or his or her designee, canines may be used. In these situations, canines shall be short-leashed at all times to protect the public from serious injury, and the handler shall not be permitted to initiate any offensive action, unless to prevent imminent death or serious physical injury.

**b. Subject to the Limitations of the Section Above, the Following Locations are Suitable for Off-Leash Canine Deployments:**

- Commercial building searches where there is the possibility of suspects hidden inside, including attics, basements, and crawl spaces.
- If there is breaking and entering at a school, officers will investigate the nature and extent of the offense before requesting a canine unit. Many break-ins at schools involve juveniles engaged in petty theft or vandalism. Canines shall not be used in such cases. Conversely, some break-ins occurring at schools are committed by adults and involve significant theft, such as computers and other valuable equipment. Upon authorization as set forth in the section about "authorization for off-leash canine deployment," the canine unit may be used.
- Canine searches of residences are discouraged whenever there is risk of a bite to innocent persons. Before conducting a search of a residence, the handler shall make every effort ensure the safety of any residents that might be present.
- Residential searches should be conducted on short leash unless the handler can determine that there are no residents at home. This can be done through contacts with victims, witnesses, neighbors, responsible parties, and officers on the scene.
- The presence of uncontained animals in a residence to be searched will normally preclude the use of canines unless the animals can be lured out or contained. In cases where it can be done safely, an on-leash search can be done in the presence of uncontained animals.
- Prior to beginning an open area search with a police service dog, a perimeter shall be established. A police officer should precede the canine team to clear the area and contact residents to request their cooperation during the search by staying inside and bringing their animals inside unless there is

- The foreknowledge that there is likely to be one or more suspects armed with guns or another instrumentality likely to result in death or serious physical injury
- In a contained location where an officer ambush is possible, combined with a tactical demand for stealth or surprise based upon strong considerations of officer safety, and
- No reasonable alternative will suffice to extract the suspects or warn residents.
- During the search the handler makes every reasonable effort to keep the police canine in sight.
- Because of the potential danger to bystanders and other officers in open area pursuits, handlers should terminate the pursuit and recall their canine if reasonable alternatives exist.

### **c. Authorization for Off-Leash Canine Deployment**

- In all instances, a canine supervisor and a field supervisor from the concerned station shall respond to the scene of the incident. In those instances where a canine supervisor is not present, field supervisors shall monitor the operation and ensure Department policy is adhered to.
- This policy requires canine officers to have approval from an immediate supervisor before the canine can be deployed off-leash. The supervisor shall make certain that the requirements above have been met prior to giving authorization. If the handler is unable to contact a canine unit supervisor, approval must be sought from a supervisor in charge at the scene before the canine can be deployed. The approving supervisor will not serve as a canine handler in the deployment.

## **7. Post-Deployment Procedures**

- Immediately upon securing an individual who has been bitten, an on-scene supervisor shall summon paramedics to examine and treat the individual or transport the person to a hospital for emergency or other care. The individual will not be moved or transported by police officers without medical clearance.
- The reporting and investigation requirements are covered in 8.300.

## **8.200–POL–3 CEW / Conducted Electrical Weapons (TASER)**

This policy applies to the use of conducted electrical weapons (CEW) by all sworn Department employees.

A CEW in cartridge mode (also known as probe mode) is designed to disrupt a subject's central nervous system with sufficient electrical energy to bring about uncontrolled muscle contractions which override an individual's motor responses. Drive stun mode (also known as touch stun mode) occurs when the CEW makes direct contact with the subject's body and does not override an individual's motor responses. It is intended to cause significant pain. Use of the CEW in probe or cartridge mode is preferred in some circumstances over use in drive stun mode, which can only be used at close range and may cause burns and scarring.

### **1. Education & Training Section (ETS) Manages the CEW Program**

ETS will maintain the CEW operator's manual. ([hyperlink](#))

### **2. ETS Will Train and Certify Operators Annually ,**

Only officers who have been trained and certified are allowed to use CEW.

### **3. Officers Who Have Been Trained and Certified to Carry a CEW and Have Been Issued One Must Carry It During Their Shift**

Officers must carry their CEW in a holster on their support side.

### **4. Officers Shall Only Deploy CEW When Objectively Reasonable ([hyperlink to definition and explanation of "objectively reasonable" in 8.100](#))**

Officers may use CEWs to overcome active resistance or aggression that causes an immediate threat of harm to the officer or others.

When a CEW is used against a subject, either in probe or drive stun mode, it shall be for one standard discharge cycle of five seconds and the officer using the CEW must reassess the situation. Only the minimum number of five second cycles necessary to place the subject in custody shall be used.

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.



The area of the chest and heart should not be targeted, if at all possible.

The CEW may be used to stop a dangerous animal.

When using CEW in the drive stun mode, officers shall wait a reasonable amount of time between applications to discern if compliance has been gained.

## **5. Officers Shall Consider Secondary Risks to the Subject and Third Parties When Determining Whether to Deploy CEW**

Secondary risks include the dangers presented by an uncontrolled fall, an elevated position, and the potential to cause a fire. Additional guidance on secondary risks may be found here: [\[Link to 8.200.5\]](#)

## **6. Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Deploying the CEW**

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a CEW will be used and defer using the CEW a reasonable amount of time to allow the subject to comply with the warning.

**Exception:** A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

## **7. Officers Shall not Target a Subject's Head, Neck or Genital Area**

CEW users will not target a subject's head, neck, or genital area except to protect officer or public safety. The center mass of the back is the preferred target. The lower center mass of the body should otherwise be targeted. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as targets.

## **8. CEWs Shall Not Be Used In any Environment Where an Officer Knows That a Potentially Flammable, Volatile, or Explosive Material is Present**

Officers aware of environmental hazards shall alert fellow officers as soon as possible.

## **9. As With the Initial CEW Application, Each Subsequent Application Is a Separate Application of Force That Must Be Individually Justified As Reasonable**

**a. Officers are Required to Report the Use of a CEW, Regardless of Whether a Subject is Struck. See 8.300-POL-1.5.**

**10. Officers Shall Summon Medical Aid Whenever a Subject Has Sustained a CEW Application**

**a. Officers Shall Not Remove CEW Barbs That are Embedded in Flesh**

CEW barbs shall only be removed by fire department personnel or healthcare professionals. Officers shall collect CEW barbs and submit them into evidence.

**11. Officers Shall Monitor All Subjects Who Have Sustained a CEW Application While They Are in Police Custody**

**12. When Restraining a Subject That Has Been Struck With a CEW, Officers Shall Use a Technique That Does Not Impair Respiration**

Once a subject is under control, officers shall place him or her in a recovery position until such time as medical aid arrives.

**13. ETS Shall Conduct CEW Inspections on a Biannual Basis to Ensure That All CEWs are Operable, to Conduct Information Downloads, and Perform Any Necessary Maintenance or Repairs**

## **8.200–POL–4 Firearms**

**1. Officers Shall Only Shoot Firearms in Situations Where Deadly Force is Justified ([hyperlink to 8.000](#))**

**2. Officers Shall Only Carry and Use Department-Approved Firearms, Except in Exigent Circumstances**

See Seattle Police Manual Section 9.120. ([hyperlink](#))

**3. Officers Must Pass an Annual Firearms Qualification**

All officers are required to qualify with their on-duty, back-up/off-duty firearms as directed by the Education & Training Section Captain. See 9.120. ([hyperlink](#))

**4. Officers Shall Not Use Firearms as Impact Weapons**

**5. An Officer May Draw or Exhibit a Firearm in the Line of Duty When the Officer has Reasonable Cause to Believe It May Be Necessary for His or Her Own Safety or for the Safety of Others**

When an officer determines that the threat is over, the officer shall holster his or her firearm.

Unnecessarily or prematurely drawing or exhibiting a firearm may limit an officer's alternatives in controlling a situation, may create unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.

Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.

**6. Officers Shall Not Fire Warning Shots**

## **7. Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Shooting a Firearm**

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

**Exception:** A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

## **8. Officers Shall Not Fire at or From a Moving Vehicle**

Firing at a moving vehicle is generally prohibited because doing so is often ineffective and may cause significant safety risks to the driver, passengers, and bystanders. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force.

An officer threatened by an oncoming vehicle shall, if feasible, move out of its path instead of discharging a firearm at it or any of its occupants.

Officers shall not discharge a firearm from a moving vehicle unless a person is immediately threatening the officer or another person with deadly force.

**Note:** It is understood that the policy in regards to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case-by-case basis. The involved officers must be able to articulate clearly the reasons for the use of deadly force.

Factors that may be considered include:

- Whether the officer's life or the lives of others were in immediate peril
- And if there was no reasonable or apparent mean of escape

## **9. Pointing a Firearm at a Person is Reportable Force.**

Officers shall document all incidents where they point a firearm at a person. See 8.300. [\(hyperlink\)](#)

- Unholstering or displaying a firearm – including in a sul or low-ready position - without pointing it at a person is not reportable force.

## **8.200–POL–5 Impact Weapons**

This policy applies to the use of Department-approved and exigent (improvised) impact weapons , by all sworn Department employees. An impact weapon is any object that is used to forcefully strike a subject in a manner that is reasonably likely to cause injury.

The baton is capable of delivering powerful blows to interrupt or incapacitate an aggressive subject. It is also capable of delivering lethal or permanently disabling blows.

See Manual Section 9.200 ([hyperlink](#)) for information on approved impact weapons.

### **1. Education & Training Section (ETS) Will Train and Certify Officers on Department-Approved Impact Weapons Every Two Years**

Officers will be trained and certified to use Department-approved impact weapons before being authorized to carry these weapons.

### **2. Officers Shall Only Use Impact Weapons When Objectively Reasonable**

([hyperlink to definition and explanation of “objectively reasonable” in 8.100](#))

### **3. Officers Will Not Use Impact Weapons on Subjects Who Are Restrained and Under Control, or Complying With Police Direction**

### **4. A Hard Strike to the Head With Any Impact Weapon, Including a Baton, Is Prohibited Unless Deadly Force is Justified**

The head, throat, neck, spine, groin, or kidneys shall not be targeted unless deadly force is justified.

Unintentional or mistaken blows to these areas must be reported to ensure that all reasonable care was taken to avoid them.

Preferred target areas include arms, legs and torso.

### **5. Officers Shall Not Use Flashlights as Impact Weapons, Except in Exigent Circumstances**

The improvised use of weapons, such as flashlights, may present a greater risk of injury than batons. Use of another object in place of the baton, including flashlights, is prohibited

unless there is an immediate need to strike and an officer is precluded from using or cannot feasibly use the CEW, baton, or OC spray.

The failure to carry a baton, in and of itself, does not justify the regular use of a flashlight as an impact weapon. Routine reliance on flashlights as an impact weapon is prohibited.

## **6. Officers Must Justify Each Separate Impact Weapon Application in Their Use-of-Force Report**

**a. Officers are Required to Report the Use of an Impact Weapon to their Sergeant, Regardless of Whether a Subject is Struck. See 8.300-POL-1.4.**

## **8.200–POL–6 Oleoresin Capsicum (OC) Spray**

This policy applies to the use of OC spray by all sworn Department employees.

Oleoresin Capsicum spray (OC spray) is an inflammatory agent that causes an intense burning sensation of the skin, eyes, and mucous membranes.

A one second burst applied directly to the face (direct exposure), even with glasses, will usually result in the immediate closing of the eyes. The individual's eyes will close, tear, and swell as a result.

When inhaled (secondary exposure), the respiratory tract will become inflamed and temporarily restrict breathing to short, shallow breaths. The individual may experience choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. The individual may experience nausea, lung pain, or temporarily impaired thought processes. The individual may become disoriented or lose his or her balance.

OC spray may reduce or eliminate the need for substantial physical force to make an arrest or gain custody. It may reduce the potential for injuries to officers and suspects.

### **1. Education & Training Section (ETS) Will Train and Certify Officers in the Use of OC Spray Every Two Years**

The OC spray policy and training will incorporate the evolving guidance contained within the SPD Post-Basic Law Enforcement Academy course on less-lethal force as well as guidance from the medical community.

### **2. Officers Shall Only Use Department-Issued or Approved OC Spray**

### **3. Officers Will Use OC Spray Only When Such Force is Objectively Reasonable, Including When Used for Crowd Dispersal or Protection**

([Hyperlink to definition and explanation of “objectively reasonable” in 8.100](#))

For use of OC spray in the context of demonstration management, see Manual Section 14.090.10. ([hyperlink](#))

#### **a. OC Spray May Be Used Against a Dangerous Animal to Deter an Attack or to Prevent Injury to Persons Present**

#### **b. OC Spray Shall Not Be Used Unless the Use of Physical Force Is Necessary**



## **5. Officers Shall Issue a Verbal Warning to the Subject, Fellow Officers and Other Individuals Present Prior to Using OC Spray**

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that OC spray will be used and defer using OC spray a reasonable amount of time to allow the subject to comply with the warning.

**Exception:** A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

## **6. Officers Must Justify Each Separate Application of OC Spray**

After the initial application of OC spray, each subsequent spray must also be reasonable and the employee should reevaluate the situation accordingly.

## **7. Officers are Required to Report the Use of OC Spray, Regardless of the Effect, as Well as the Decontamination Procedures That Followed.**

See 8.300-POL-1.5

## **8. The Application of OC Spray on Persons in Restraints Such As Handcuffs Must Be to Protect an Officer or member of the public from physical injury.**

## **9. Officers Shall Direct OC Spray at the Specific Subject(s) Who are Posing a Threat**

Officers deploying OC will attempt to minimize exposure to non-targeted parties.

## **10. Officers Shall Assist Exposed Subjects with Decontamination and Water-Flushing of Exposed Areas as Soon as Feasible**

If the subject was exposed inside or in a confined space, officers will remove the subject as soon as possible from the contaminated area and expose the individual to fresh air.

Officers shall request medical response or assistance for subjects exposed to chemical spray when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing condition (such as asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by chemical spray.

- Officers shall monitor exposed subjects for changes in their condition while in police custody and request medical evaluation as needed.

**11. The Department Shall Maintain Written Documentation of the Number of OC Spray Canisters Annually Distributed to, and Utilized by, Each Employee**

## **8.200–POL–7 Vehicle-Related Force Tactics**

Authorized vehicle-related force tactics include the PIT (Pursuit Intervention Technique) and stop sticks. In certain circumstances, vehicle-related force tactics may be considered deadly force. (Link to deadly force policy.)

**1. Only Officers Who are Trained and Certified in the Use of These Tactics are Permitted to Use Them**

**2. SWAT Will Administer Annual PIT Training and the Education & Training Section Will Administer Annual Stop Stick Training**

**3. The Use of Stop Sticks Against a Motorcycle is Considered Deadly Force**

**4. Officers Will Use Vehicle-Related Force Tactics Only When Objectively Reasonable**

([Hyperlink to definition and explanation of “objectively reasonable” in 8.100](#))

**5. Officers Shall Consider Secondary Risks to the Subject and Third Parties When Determining Whether to Deploy Vehicle-Related Force Tactics**

Secondary risks to pedestrians and other vehicles include, but are not limited to, the dangers presented by a spun-out vehicle and loose tires on the road.

**6. Officers Will Report the Use of PIT, and Stop Sticks as a Use-of-Force**

**7. See 8.200-POL-4 for Guidance on Shooting at or From a Moving Vehicle**

([Hyperlink](#))

## **8.200–POL–8 Specialty Unit Weaponry**

**1. The Assistant Chief for Special Operations Oversees all Specialty Unit Weaponry**

**2. Specialty Units That Utilize Unique Weaponry Will Maintain Unit Manuals and Training Records Which Contain an Inventory and Specific Guidance for Each Weapon**

Per Seattle Police Manual Section 12.070, unit manuals have the force of Department policy. ([hyperlink](#))

**3. Officers in Specialty Units Shall Use Their Weaponry in a Manner That is Objectively Reasonable ([hyperlink to definition and explanation of “objectively reasonable” in 8.100](#)) Per the Given Circumstance**

The fact that a weapon is part of the specialty unit weaponry does not exempt it from the policy requirements of this Manual. The same principles stated in 8.000 and 8.100 apply fully.

## **8.200–POL–9 Hobble Restraint**

### **1. Officers May Use the Hobble Restraint to Temporarily Control Violently Combative Subjects**

Officers may use the hobble restraint when objectively reasonable. ([hyperlink to definition and explanation of "objectively reasonable" in 8.100](#))

### **2. Officers Must Place Subjects in the Hobble Restraint Either in an Upright, Seated Position or on Their Side and Not Face Down, Including During Transport**

### **3. Officers Must Closely Monitor Subjects Who Have Been Placed in the Hobble Restraint**

Officers shall monitor for signs, such as labored breathing or sweating, of serious medical conditions and provide for immediate medical treatment as necessary.

### **4. Officers Shall Report any Use of the Hobble Restraint as a Use-of-Force**

## **8.200-POL-10 Neck and Carotid Restraints**

- 1. Officers May Only Use Neck and Carotid Restraints When Deadly Force is Justified**
- 2. Officers Must Summon First Aid Immediately Following the Application of Neck and Carotid Restraints, if at all possible.**
- 3. Officers Shall Monitor All Subjects Who Have Been Subjected to Neck and Carotid Restraints While They Are in Police Custody**

# Seattle Police Manual

## 8.300 – Use-of-Force Reporting and Investigation

Effective Date: DRAFT

### **8.300-POL-1 Use-of-Force Reporting**

All uses of force are reportable except de minimus force.

The requirements for reporting, investigating, and reviewing use-of-force incidents (other than incidents resulting in death or discharge of a firearm by an officer) are separated into three types, based on the nature of the incident. For officer-involved shootings, see 8.500, and for deaths see 15.055. The goal is to focus police resources on the most serious cases, while also requiring that all reportable uses of force are reported and not under-classified.<sup>1</sup> The categorization of the uses of force is based on the following factors: degree of injury caused, potential of the technique or weapon to cause injury, degree of pain experienced, degree of disability experienced by the subject, complaint by the subject, degree of restraint of the subject, impairment of the functioning of any organ, duration of the force, and physical vulnerability of the subject.<sup>2</sup>

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<sup>1</sup> Per Settlement Agreement, Master Tracking List 42, Para. 91, Page 18, Line 15

<sup>2</sup> Per Settlement Agreement, Para. 92, Page 18, Line 19

<b>Force</b>	<b>Threshold</b>	<b>Examples</b>	<b>Components of Investigation</b>
De Minimus	Physical interaction meant to separate, guide, and/or control that does not cause pain or injury	Using hands or equipment to stop, push back, separate or escort, the use of compliance holds without the use of sufficient force to cause pain, and unresisted handcuffing without transient pain <sup>3</sup>	No investigation or reporting required
Type I	Transient Pain  Disorientation  Aiming of Firearm or Beanbag Shotgun at a Subject	"Soft" takedowns (controlled placement)  Open or empty hand strike or other disorientation techniques  Wrist lock with sufficient force to cause pain or complaint of pain	Sergeant Screening In-person, Unless Impractical Use-of-Force Report
Type II	Physical Injury (Greater than temporary pain/redness) Reasonably expected to cause physical injury Complaint of injury Use of CEW (TASER) Use of OC Spray Use of Impact Weapon causing less than a Type III injury Use of Beanbag Shotgun causing less than a Type III injury K9 Deployment with Injury or Complaint of Injury causing less than a Type III injury	Abrasion  Bruising  "Hard strike"  Hard takedown  Kick	Sergeant Screening at the Scene Use-of-Force Statement Witness Statements Collection of Evidence Review of Video UOFRB Review



	Vehicle PIT Hobble Restraint		
Type III	Great Bodily Harm Substantial Bodily Harm Deadly Force Loss of Consciousness Neck and Carotid holds Criminal Conduct by Officer(s) Serious Misconduct by Officer(s) Use of Stop Sticks Against a Motorcycle Impact Weapon Strike to the Head	Broken arm Closed head injury	Sergeant Screening at the Scene FIT Response and Investigation UOFRB Review

## **1. Officers Shall Report all Uses of Force Except De Minimus Force**

Officers shall thoroughly document all reportable uses of force to the best of their ability,<sup>4</sup> including a description of each force application.

The Department recognizes the inherent limitations on perception and recall following tense and rapidly evolving circumstances.

## **2. Officers, Including Witness Officers, Will Verbally Notify a Supervisor Immediately, Unless Not Practical, Following any Use of Reportable Force<sup>5</sup>**

**2a. Officers Who Use Reportable Force While On-Duty or Working for a Secondary Employer Shall Call for an On-Duty Sergeant Via Radio**

**2b. Officers Who Use Reportable Force While Not Working Shall Call Communications and Request to Be Contacted by an On-Duty Lieutenant**

The sergeant will review the incident and do one of the following:

- Classify the investigation as **Type I**<sup>6</sup>  
Use of low-level **physical force** that:

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<sup>4</sup> Per Settlement Agreement, Master Tracking List 48, Para. 94, Page 19, Line 20

<sup>5</sup> Per Settlement Agreement, Master Tracking List 42, Para. 91, Page 18, Line 14

- Causes transient pain or disorientation, but does not cause, and would not reasonably cause, injury or otherwise require a Type II investigation
- Intentionally pointing a firearm or beanbag shotgun at a person
  - 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.
- Classify the investigation as **Type II**<sup>7</sup>

Use of physical force that:

- Causes physical injury greater than temporary pain or redness, or
  - Could reasonably be expected to cause such an injury, or
  - Results in a complaint of such an injury, and does not rise to the level of a **Type III** investigation
  - Use of intentional ramming or PIT (Pursuit Intervention Technique)
- Call the lieutenant of the Homicide Unit and screen a Type III response by the FIT<sup>8</sup>
    - Use-of-force that results in, or could reasonably be expected to result in, great bodily harm [RCW 9A.04.110(4)(c)] or substantial bodily harm [RCW 9A.04.110(4)(b)], to include broken bones and an admission to the hospital for treatment, or
    - Use of deadly force, except those incidents involving the discharge of a firearm, or
    - Use-of-force that results in a subject's loss of consciousness as the result of the force, or
    - Use-of-force that potentially involves criminal conduct or serious misconduct on the part of the officer, or
    - Application of a neck hold<sup>9</sup>

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<sup>7</sup> Per Settlement Agreement, Master Tracking List 42, Para. 91, Page 18, Line 14

<sup>8</sup> Per Settlement Agreement, Master Tracking List 42, Para. 91, Page 18, Line 14

<sup>9</sup> Per Settlement Agreement, Master Tracking List 100, Para. 112, Page 28, Line 12

- Hard strike to the head or neck with an impact weapon (flashlight, baton or other object)
- Use of stop-sticks against an occupant of a moving motorcycle
- Classify the investigation as a firearms discharge (See 8.500-Firearms Discharge Investigations)

**2c. The Homicide Unit Lieutenant or FIT Sergeant, When Contacted by a Sergeant, Will Either Initiate a Type III Investigation or Suggest another Type of Investigation**

**2d. When Multiple Officers are Involved in a Use-of-Force Incident, the Entire Incident Will be Reported and Reviewed at the Highest Level Reached by any Single Officer During the Incident<sup>10</sup>**

If one officer uses Type I force while another officer uses Type II force, in the same incident, both involved officers will be required to report in accordance with Type II investigation requirements.<sup>11</sup>

**3. Sergeants May Request a Higher Level of Investigation for a Given Force Incident<sup>12</sup>**

Factors to consider when determining whether a higher level of investigation is appropriate include, but are not limited to, the following:

- The nature of the resistance encountered
- Force used against a handcuffed, or otherwise restrained, under-control, or in-custody subject
- Force used against a pregnant or vulnerable subject (e.g., age or infirmity)
- Incidents resulting from faulty information or unintentional error
- Whether it is unclear whether the officers actions were consistent with policy or law<sup>13</sup>

**4. No Supervisor Who Used, Participated In, or Ordered the Force, Will Conduct the Investigation of the Incident, Unless it is Impractical Under the Circumstances**

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<sup>10</sup> Per Settlement Agreement, Master Tracking List 50, Para. 96, Page 20, Line 6

<sup>11</sup> Per Settlement Agreement, Master Tracking List 51, Para. 96, Page 20, Line 8

<sup>12</sup> Per Settlement Agreement, Master Tracking List 49, Para. 95, Page 19, Line 22

<sup>13</sup> Per Settlement Agreement, Master Tracking List 49, Para. 95, Page 19, Line 22

**5. Officers are Required to Report the Use of OC Spray, Beanbag Shotgun, TASER and Patrol CART Munitions, Regardless of the Effect**

Reporting is required whether or not the subject is struck, affected, or taken into custody.

**6. Once a Subject is Free to Leave, Officers Will Not Detain for Screening Purposes****7. The Incident Commander Will Make Appropriate Notifications of Serious Officer Misconduct or Criminal Liability**

The incident commander/watch commander will notify the command staff and OPA if information is obtained at any step in the investigation that suggests either serious officer misconduct or criminal liability.<sup>14</sup> See 8.300-PRO-1 When a Type III Investigation Reveals Reasonable Belief of Serious Officer Misconduct or Criminal Liability.

- If the situation warrants, the incident commander may relieve the officer from duty for up to 24 hours pursuant to Manual Section 5.002.4.c.

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<sup>14</sup> Per Settlement Agreement, Master Tracking List 124, Para. 118, Page 32, Line 1  
August 5, 2013

## 8.300-POL-2 Type I Investigations

### **1. Sergeants Must Screen Uses of Reportable Force In-Person With the Involved Officer and the Subject, Unless Impractical, Prior to the Subject Being Booked or Released<sup>15, 16</sup>**

If the subject is free to leave, the detention will not be extended to facilitate the screening process; however, the subject may choose to remain at the scene to speak with the sergeant.<sup>17</sup>

See 8.300-TSK-1 Involved Officers' Responsibilities During a Type I Investigation.

- If there is any uncertainty or concern about the reason or nature of the force used, or the existence of any injury, the sergeant will immediately roll out to the scene, unless impractical in the circumstances.<sup>18</sup>

### **2. Officers Shall Document All Uses of Reportable Force**

The applicable reporting system is here. (hyperlink)

### **3. The Officer's Immediate Supervisor Will Review the Documentation as Soon as Practicable and Will Direct the Officer to Provide More Information, if Needed<sup>19</sup>**

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<sup>15</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>16</sup> Per Settlement Agreement, Master Tracking List 62, Para. 104, Page 22, Line 11

<sup>17</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>18</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>19</sup> Per Settlement Agreement, Master Tracking List 56, Para. 100, Page 21, Line 6

## 8.300-POL-3 Type II Investigations

### **1. In Conducting a Type II Investigation, a Sergeant Will Respond to the Scene and Thoroughly Investigate the Event, Unless Officer or Public Safety Will be Compromised as a Result <sup>20</sup>**

See 8.300-TSK-5 Responsibilities of the Sergeant During a Type II Investigation.

- The sergeant retains the discretion to refer any use of force to FIT for their determination of whether to take investigatory responsibility over the matter.<sup>21</sup>

### **2. The Sergeant Will Conduct the Investigation as an Impartial Fact-Finder and Shall Not Draw Conclusions About Whether the Force was Within Policy or Law<sup>22</sup>**

### **3. The Sergeant Will Make Appropriate Notifications When He or She Believes that Criminal Conduct or Serious Misconduct May Have Occurred**

When a sergeant believes that there may have been criminal conduct or serious officer misconduct, the sergeant will consult with an on-duty captain or lieutenant and confirm that either OPA or FIT is notified.<sup>23, 24</sup>

See 8.300-PRO 1.

### **4. Sergeants Will Complete a *Sergeant's Force Investigation Report* Within 3 Days of Learning of the Use-of-Force<sup>25</sup>**

**Exception:** The lieutenant may approve an extension.<sup>26</sup>

**a. Each Higher Level Supervisor in the Chain Will Review the Report Packet Within a Reasonable Period of Time to Ensure it is Complete and That the Sergeant's Investigation was Thorough and Reach Findings as to Whether the Use-of-Force was Lawful and Consistent with Policy<sup>27</sup>**

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<sup>20</sup> Per Settlement Agreement, Master Tracking List 64, Para. 104, Page 22, Line 14

<sup>21</sup> Per Settlement Agreement, Master Tracking List 65, Para. 104, Page 22, Line 22

<sup>22</sup> Per Settlement Agreement, Master Tracking List 67, Para. 104, Page 23, Line 5

<sup>23</sup> Per Settlement Agreement, Master Tracking List 60, Para. 102, Page 21, Line 19

<sup>24</sup> Per Settlement Agreement, Master Tracking List 81, Para. 104, Page 25, Line 10

<sup>25</sup> Per Settlement Agreement, Master Tracking List 83, Para. 106, Page 25, Line 18

<sup>26</sup> Per Settlement Agreement, Master Tracking List 83, Para. 106, Page 25, Line 18

<sup>27</sup> Per Settlement Agreement, Master Tracking List 91, Para. 108, Page 27, Line 3

Every supervisor in the chain of command is responsible to ensure the accuracy and completeness of the Use-of-Force Reports completed by sergeants.<sup>28</sup>

- If any investigative deficiencies exist, the reviewer will initiate corrective action where appropriate.<sup>29</sup>
  - When it appears to a supervisor that there is additional relevant and material evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, that supervisor should ensure that additional investigation is completed.<sup>30</sup>
  - When it appears to a supervisor that the findings are not supported by a preponderance of the evidence, that supervisor will modify the findings after consultation with the investigating supervisor and previous reviewers, and document the reasons for this modification, including the specifics evidence or analysis supporting the modification.<sup>31</sup>

## **5. An Investigation May Be Re-Assigned**

At the discretion of the officer's chain of command, or OPA in the case of potential misconduct, a use-of-force investigation may be assigned or re-assigned to FIT or to another supervisor, whether within or outside of the precinct in which the incident occurred, or may be returned to the unit for further investigation or analysis.<sup>32</sup>

## **6. Where, After Investigation, a Use-of-Force is Found to be Out of Policy, or the Investigation of the Incident is Lacking, the Chief or Designee Will Direct and Ensure Appropriate Corrective Action, if Warranted, Including Referral to OPA in the Case of Misconduct<sup>33</sup>**

## **7. When the Use-of-Force Indicates Policy, Training, Tactical or Equipment Concerns, the Chief or Designee Will Ensure That Necessary Training is Delivered and That Policy, Tactical or Equipment Concerns are Resolved<sup>34</sup>**

## **8. After the Precinct Captain has Reviewed the Use-of-Force Packet, Finds the Investigation Complete and Supported by the Evidence, He or She Shall Forward the Investigation File to the Use of Force Review Board**

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<sup>28</sup> Per Settlement Agreement, Master Tracking List 95, Para. 109, Page 27, Line 18

<sup>29</sup> Per Settlement Agreement, Master Tracking List 94, Para. 109, Page 27, Line 17

<sup>30</sup> Per Settlement Agreement, Master Tracking List 92, Para. 109, Page 27, Line 10

<sup>31</sup> Per Settlement Agreement, Master Tracking List 93, Para. 109, Page 27, Line 12

<sup>32</sup> Per Settlement Agreement, Master Tracking List 97, Para. 111, Page 28, Line 11

<sup>33</sup> Per Settlement Agreement, Master Tracking List 98, Para. 111, Page 28, Line 5

<sup>34</sup> Per Settlement Agreement, Master Tracking List 99, Para. 111, Page 28, Line 7



## **8.300-POL-4 Type III Investigations**

- 1. The Force Investigations Team (FIT) Will Conduct All Type III Investigations, With Assistance from the On-Scene Sergeant<sup>35</sup>**
- 2. FIT Responses Will Be Tailored to the Circumstances, But Will Normally Include One to Three FIT Detectives, the FIT Sergeant, a Homicide Unit Command-Level Officer, and a Training Section Representative<sup>36</sup>**
- 3. At Least One Member of the FIT Will be Available at All Times to Evaluate Potential Referrals from SPD Sergeants<sup>37</sup>**
- 4. The Homicide Lieutenant Shall Staff the FIT with Employees Who Have the Appropriate Expertise and Investigative Skills**

FIT should be staffed with individuals with appropriate expertise and investigative skills to ensure that uses of force that are contrary to law or policy are identified and appropriately resolved; and that its investigations allow the Use-of-Force Review Board to identify trends or patterns of policy, training, equipment, or tactical deficiencies, or positive lessons related to the use-of-force.<sup>38</sup>

### **5. A Training Section Representative Will Have Certain Responsibilities During a Type III Investigation**

The Training representative will not have investigative roles at the scene of a use-of-force, but will attempt to identify any policy or training issues.<sup>39</sup>

See 8.300-TSK-11 Responsibilities of the Training Representative During a Type III Investigation.

### **6. FIT Personnel Will Take Control of the Use-of-Force Investigation Upon Their Arrival<sup>40</sup>**

See 8.300-TSK-9 Responsibilities of the Homicide Lieutenant During a Type III Investigation, and

8.300-TSK-10 Responsibilities of the Homicide Unit Sergeant During a Type III Investigation.

<sup>35</sup> Per Settlement Agreement, Master Tracking List 101, Para. 113, Page 28, Line 21

<sup>36</sup> Per Settlement Agreement, Master Tracking List 102, Para. 113, Page 28, Line 22

<sup>37</sup> Per Settlement Agreement, Master Tracking List 104, Para. 113, Page 29, Line 2

<sup>38</sup> Per Settlement Agreement, Master Tracking List 107, Para. 116, Page 29, Line 7

<sup>39</sup> Per Settlement Agreement, Master Tracking List 103, Para. 113, Page 28, Line 24

<sup>40</sup> Per Settlement Agreement, Master Tracking List 113, Para. 118, Page 30, Line 9

**a. Once FIT has Assumed Control of the Scene, the Patrol Sergeant Will Work at the Direction of the Homicide Lieutenant**

See 8.300-TSK-7 Responsibilities of the Patrol Sergeant During a Type III Investigation.

**7. For Type III Investigations, All Involved Officers Will Provide an Officer Statement as Directed by the Homicide Lieutenant**

**8. Within 30 days, the Homicide Lieutenant Will Present the Completed Investigation to the Chief of the Investigations Bureau for Review as to Completeness of Investigation<sup>41</sup>**

This review will normally be completed within three business days. The investigation will then be forwarded to the involved officer's chain of command. After this review has been completed, the Homicide lieutenant will be responsible for presenting the investigation to the Use-of-Force Review Board.<sup>42</sup>

See 8.300-TSK-9 Responsibilities of the Homicide Lieutenant During a Type III Investigation.

**9. The Homicide Lieutenant Will Notify the Command Staff if Information is Obtained at any Stage of the Investigation That Suggests Either Serious Officer Misconduct or Criminal Liability<sup>43</sup>**

The assigned FIT investigator will continue to complete the use-of-force investigation.

**a. The Homicide Lieutenant Will Take the Following Actions When Possible Criminal Conduct is Revealed:**

- Refer the investigation to OPA
  - If OPA agrees that a criminal investigation is appropriate, they will refer the investigation back to the Homicide Unit or another investigative body for assignment to an uninvolved sergeant for bifurcated criminal and administrative investigations using a "clean team" and "exposed team" approach.<sup>44</sup>
- Screen all information through a case master, who will see to it that no information that would compromise the criminal investigation is passed

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<sup>41</sup> Per Settlement Agreement, Master Tracking List 122, Para. 118, Page 31, Line 14

<sup>42</sup> Per Settlement Agreement, Master Tracking List 123, Para. 118, Page 31, Line 16

<sup>43</sup> Per Settlement Agreement, Master Tracking List 124, Para. 118, Page 32, Line 1

<sup>44</sup> Per Settlement Agreement, Master Tracking List 125, Para. 118, Page 32, Line 6

on to the sergeant who is supervising the criminal investigation.

- Additionally, any compelled interview of the subject officer(s) will be delayed until the end of the investigation.<sup>45</sup>
- Consult with a representative of the King County Prosecutor's Office or the City Attorney's Office when necessary.
  - The criminal investigation will have priority access to witnesses and evidence.<sup>46</sup>

**b. The Homicide Lieutenant Will Take the Following Actions When Possible Serious Officer Misconduct is Revealed:**

- Advise the OPA director and refer the investigation to the OPA<sup>47</sup>

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<sup>45</sup> Per Settlement Agreement, Master Tracking List 126, Para. 118, Page 32, Line 14

<sup>46</sup> Per Settlement Agreement, Master Tracking List 127, Para. 118, Page 32, Line 20

<sup>47</sup> Per Settlement Agreement, Master Tracking List 128, Para. 118, Page 33, Line 3

### **8.300–TSK–1 Involved Officers’ Responsibilities During a Type I Investigation**

Upon being involved in a use-of-force that will be investigated at Type I, the **involved officer** (any officer who used the reportable force):

1. **Notifies** an on-duty sergeant
2. **Uploads** and **flags** in-car video (ICV) before going off shift
3. **Documents** the incident, as appropriate
4. **Submits** a Type I Use-of-Force Report to the sergeant by the conclusion of the current shift, unless the sergeant approves an extension

The report will include the following elements:

- The name and serial number of the officer who used force<sup>48</sup>
- The names of other officers or identified witnesses present<sup>49</sup>
- An account of the officer’s actions in using force<sup>50</sup>
- The suspect’s actions that led to the application of force<sup>51</sup>
- A detailed description of any force and non-force actions used to achieve the law enforcement objective, and the observed results<sup>52</sup>
- The name of the supervisor screening the incident<sup>53</sup>

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<sup>48</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>49</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>50</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>51</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>52</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>53</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

### 8.300-TSK-2 Responsibilities of the Sergeant During a Type I Investigation

When conducting a Type I investigation, the **sergeant**:

1. **Screens** the incident in-person with the involved officer<sup>54</sup>
  - a. If there is any uncertainty or concern about the reason or nature of the force used, or the existence of any injury, the sergeant will immediately roll out to the scene, unless impractical in the circumstances.<sup>55</sup>
2. **Determines** if the use-of-force is appropriately classified as a Type I incident<sup>56</sup>
  - a. If the sergeant is unable to make that determination, he will consult with the lieutenant or FIT to assist in the determination.
3. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)<sup>57</sup>
  - a. If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted and consult the FIT team regarding reclassification of the incident as Type II or Type III.<sup>58</sup>
4. **Addresses** any concerns with the involved officer and initiates corrective action, as necessary<sup>59</sup>
5. **Directs** the involved officer to submit a Type I Use-of-Force Report
6. **Reviews** the Type I Use-of-Force Report, and any related documentation, including GO and supplemental reports and directs the officer to supply more

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<sup>54</sup> Per Settlement Agreement, Master Tracking List 58, Para. 102, Page 21, Line 16

<sup>55</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>56</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>57</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>58</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>59</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

information, if needed

7. **Orders** the officer to provide additional information or clarification if the Type I Use-of-Force Report is unclear

8. **Forwards** the report to the lieutenant

### 8.300–TSK–3 Involved Officers' Responsibilities During a Type II Investigation

Upon being involved in a use-of-force that will be investigated at Type II (physical injury [greater than temporary pain/redness], reasonably expected to cause physical injury, complaint of injury, use of CEW, use of OC spray, use of impact weapon, use of beanbag shotgun, K9 deployment, vehicle-to-vehicle contact to end a pursuit, full-restraint position), the **involved officer** (any officer who used the reportable force):

1. **Requests** medical attention for any injured persons
2. **Notifies** an on-duty sergeant
3. **Uploads** and **flags** in-car video (ICV) before going off shift
4. **Completes** a General Offense Report, if appropriate
5. **Submits** a written Type II Use-of-Force Statement to the sergeant by the conclusion of the current shift, unless exigent circumstances require an extension

The statement will include the following elements:

- The name and serial number of the officer who used force<sup>60</sup>
- The names of other officers, whether or not they used force, and identified witnesses present<sup>61</sup>
- A detailed description of the circumstances, and the valid law enforcement objective, that led up to the contact with the subject<sup>62</sup>

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<sup>60</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>61</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

- A detailed description of the words, actions or behaviors of the subject that precipitated the need for force<sup>63, 64</sup>
- A detailed description of any force and non-force actions used, how those actions furthered the intended law enforcement objective, and the observed results<sup>65, 66</sup>
- A detailed description of any force clearly observed being used by other officers during this incident<sup>67</sup>
- A detailed description of any apparent injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided<sup>68</sup>
- The name and serial number of the sergeant who screened the incident

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<sup>62</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

<sup>63</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>64</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

<sup>65</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>66</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

<sup>67</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

<sup>68</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2



### **8.300–TSK–4 Responsibilities of Witness Officers During a Type II or Type III Investigation**

A **witness officer** (any officer who was on-scene and did not use reportable force):

1. **Protects** the scene and related evidence
2. **Stands by** at the scene until released by the sergeant (for a Type II investigation) or the Homicide supervisor (for a Type III investigation)
3. **Uploads** and **flags** in-car video (ICV) before going off shift
4. **Provides** a witness statement, as directed by the sergeant (for a Type II investigation) or the Homicide supervisor (for a Type III investigation). If a witness officer is aware that reportable force was used but not reported, the witness officer shall provide the witness statement to his or her supervisor.

## 8.300–TSK–5 Responsibilities of the Sergeant During a Type II Investigation

When conducting a Type II investigation, the **sergeant**:

1. **Responds** to the scene<sup>69</sup>
2. **Examines** the subject of the force for injury<sup>70</sup>
  - When feasible, the sergeant will **assess** the subject's injuries and **determine** whether the subject's injuries are consistent with the force reported by the officer(s).<sup>71</sup>
3. **Interviews** the subject for complaints of injury<sup>72</sup>
4. **Confirms** that appropriate medical aid is rendered to any injured party<sup>73</sup>
5. **Obtains** basic information and determines if the incident requires screening with the Homicide supervisor<sup>74</sup>
6. **Identifies** and **secures** evidence to enable him or her to summarize the use of force and the facts and circumstances surrounding it<sup>75</sup>, including:
  - Physical evidence
  - Audio and video recordings
  - Photographs
  - Documentation of the presence or absence of injuries<sup>76</sup>

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<sup>69</sup> Per Settlement Agreement, Master Tracking List 64, Para. 104, Page 22, Line 14

<sup>70</sup> Per Settlement Agreement, Master Tracking List 64, Para. 104, Page 22, Line 14

<sup>71</sup> Per Settlement Agreement, Master Tracking List 80, Para. 104, Page 25, Line 6

<sup>72</sup> Per Settlement Agreement, Master Tracking List 64, Para. 104, Page 22, Line 14

<sup>73</sup> Per Settlement Agreement, Master Tracking List 64, Para. 104, Page 22, Line 14

<sup>74</sup> Per Settlement Agreement, Master Tracking List 65, Para. 104, Page 22, Line 22

<sup>75</sup> Per Settlement Agreement, Master Tracking List 68, Para. 104, Page 23, Line 7

7. **Attempts** to locate relevant civilian witnesses and **arranges** for witnesses to be interviewed<sup>77</sup>

- If witnesses do not want to be interviewed, the sergeant shall record their contact information.
- Where practicable and warranted in the circumstances, the sergeant will arrange for all interviews with civilian witnesses to be audio recorded.<sup>78</sup> Civilian witnesses shall be interviewed separately, unless unreasonable under the circumstances.<sup>79</sup>
  - Interviews of the subject, or the subject's refusal to be interviewed, will be audio or ICV recorded, if feasible.<sup>80</sup>

8. **Reviews** CAD to make sure that all officers at the scene are contacted to determine if they used or observed force

9. **Conducts** separate interviews of officers involved in a use of force incident, unless unreasonable under the circumstances<sup>81</sup>

**Exception:** Whenever there is an indication of possible criminal conduct by an officer, the officer will not be compelled to provide a statement.<sup>82</sup>

10. **Directs** the involved officer(s) to complete a use-of-force statement and the witness officer(s) to complete a witness statement<sup>83</sup>

**Exception:** Whenever there is an indication of possible criminal conduct by an officer, the officer will not be compelled to provide a statement.<sup>84</sup>

11. **Canvasses** the area for privately-owned video that may have captured the incident, and attempts to obtain copies voluntarily<sup>85</sup>

- If the owner of the video refuses or the video is unavailable, **documents** the location and/or owner<sup>86</sup>

<sup>76</sup> Per Settlement Agreement, Master Tracking List 69, Para. 104, Page 23, Line 11

<sup>77</sup> Per Settlement Agreement, Master Tracking List 70, Para. 104, Page 23, Line 15

<sup>78</sup> Per Settlement Agreement, Master Tracking List 71, Para. 104, Page 23, Line 20

<sup>79</sup> Per Settlement Agreement, Master Tracking List 72, Para. 104, Page 24, Line 1

<sup>80</sup> Per Settlement Agreement, Master Tracking List 71, Para. 104, Page 23, Line 20

<sup>81</sup> Per Settlement Agreement, Master Tracking List 72, Para. 104, Page 24, Line 1

<sup>82</sup> Per Settlement Agreement, Master Tracking List 67, Para. 104, Page 23, Line 3

<sup>83</sup> Per Settlement Agreement, Master Tracking List 73, Para. 104, Page 24, Line 4

<sup>84</sup> Per Settlement Agreement, Master Tracking List 67, Para. 104, Page 23, Line 3

<sup>85</sup> Per Settlement Agreement, Master Tracking List 75, Para. 104, Page 24, Line 14

<sup>86</sup> Per Settlement Agreement, Master Tracking List 75, Para. 104, Page 24, Line 14

- If no privately-owned video is discovered, **documents** that none was found<sup>87</sup>
- **Documents** all efforts to obtain private video

12. **Photographs** the following:

- The location where the incident occurred, to document damage and to make sure that relevant evidence is collected<sup>88</sup>
- Any officer injuries or areas of complained injury, and any damaged government or private property<sup>89</sup>
- When a subject is not in custody, **asks** for permission to photograph injuries
- When a subject is in custody, **photographs** the subject unless the subject refuses and safety dictates, after voluntary and non-coercive attempts fail
  - **Takes** a minimum of three photos, per subject:
    - Overall photo of the subject
    - Photo of the general area of the injury (arm, neck, etc.)
    - Close-up photo of the injury
  - **Uploads** photos to DEMS
  - **Documents** refusal, as appropriate

13. **Reviews** the officer's Use-of-Force Report to make sure the account is full and accurate<sup>90</sup>

- **Verifies** that the officer has thoroughly documented all reportable uses of force to the best of their abilities,<sup>91</sup> including a description of each force application

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<sup>87</sup> Per Settlement Agreement, Master Tracking List 75, Para. 104, Page 24, Line 14

<sup>88</sup> Per Settlement Agreement, Master Tracking List 76, Para. 104, Page 24, Line 19

<sup>89</sup> Per Settlement Agreement, Master Tracking List 77, Para. 104, Page 24, Line 21

<sup>90</sup> Per Settlement Agreement, Par. 92

14. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)<sup>92</sup>

a. If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted and consult the FIT team regarding reclassification of the incident as Type III.<sup>93</sup>

15. **Advises** his or her lieutenant of the incident by the end of the shift during which the incident occurred<sup>94</sup>

16. **Confirms** that all officers who responded to the incident upload their ICV by the conclusion of their shift

17. **Reviews** any ICV or holding cell video related to the incident and **flags** for retention ICV that includes contact with the subject<sup>95</sup>

18. If a CEW was deployed, **confirms** that the CEW data is downloaded and that data analysis is included in the Use-of-Force Report<sup>96</sup>

19. **Completes** the supervisor's Use-of-Force Report

- The Use-of-Force Report will include a narrative description of the incident. The narrative will summarize the force used by the officers and the subject, injuries sustained by the subject and the officer, and will describe the sequence of events. Additionally, it will document the supervisor's actions in reviewing or screening the incident.<sup>97</sup>
- The Use-of-Force Report will include documentation of all evidence that was gathered, including physical evidence; photographs; and names, phone numbers, addresses and summaries of statements by all civilian witnesses to the incident.<sup>98</sup>

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<sup>91</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>92</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

<sup>94</sup> Per Settlement Agreement, Master Tracking List 82, Para. 105, Page 25, Line 15

<sup>95</sup> Per Settlement Agreement, Master Tracking List 74, Para. 104, Page 24, Line 12

<sup>96</sup> Per Settlement Agreement, Master Tracking List 24, Para. 82, Page 16, Line 8

<sup>97</sup> Per Settlement Agreement, Master Tracking List 84, Para. 106, Page 25, Line 22

<sup>98</sup> Per Settlement Agreement, Master Tracking List 85, Para. 106, Page 26, Line 8

- In situations where there are no known witnesses, the Use-of-Force Report will specifically state this fact.<sup>99</sup>
- In situations in which witnesses were present but the author of the report did not determine the identification, phone number or address of those witnesses, the Use-of-Force Report will state the reasons why.<sup>100</sup>
- The Use-of-Force Report shall include the names of all other SPD employees witnessing the use-of-force and summaries of their statements.<sup>101</sup>
- The Use-of-Force Report shall include the sergeant's evaluation of the evidence, including any material inconsistencies in the evidence or statements.<sup>102</sup>

20. **Forwards** a completed Use-of-Force Report along the chain of command within three days,<sup>103</sup> unless an extension is approved by the supervisor's commanding officer

21. **Reviews** and **approves** all associated General Offense reports

**Exception:** Another sergeant may review the documentation if it is impractical for the initial sergeant to do so. The screening sergeant will locate an alternate to perform the review and will inform the reporting officer of the change.

22. **Sends** VMail with the GO number to HALERT requesting immediate transcription

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<sup>99</sup> Per Settlement Agreement, Master Tracking List 86, Para. 106, Page 26, Line 11

<sup>100</sup> Per Settlement Agreement, Master Tracking List 87, Para. 106, Page 26, Line 13

<sup>101</sup> Per Settlement Agreement, Master Tracking List 88, Para. 106, Page 26, Line 17

<sup>102</sup> Per Settlement Agreement, Master Tracking List 89, Para. 106, Page 26, Line 19

<sup>103</sup> Per Settlement Agreement, Master Tracking List 91, Para. 108, Page 27, Line 3

## 8.300–TSK-6 Involved Officer’s Responsibilities During a Type III Investigation

Upon being involved in a use-of-force that will be investigated at Type III (great bodily harm, substantial bodily harm, deadly force, loss of consciousness, neck holds, criminal conduct by officers, serious misconduct by officers, use of stop sticks against a motorcycle), the **involved officer** (any officer who used the reportable force):

1. **Requests** medical attention for any injured persons
2. **Notifies** an on-duty sergeant for a response
3. **Stands by** at the scene until the arrival of the FIT Unit sergeant or the Homicide captain or lieutenant
  - **Exception:** When the officer has sustained an injury that requires treatment, biohazard exposure or when there are hazardous conditions at the scene
4. **Completes** a General Offense Report, if appropriate
5. **Submits** a written Type III Use-of-Force Statement to the sergeant by the conclusion of the current shift, unless exigent circumstances require an extension

The statement will include the following elements:

- The name and serial number of the officer who used force<sup>104</sup>
- The names of other officers or identified witnesses present<sup>105</sup>
- A detailed description of the circumstances that led up to the contact with the subject<sup>106</sup>

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<sup>104</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>105</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>106</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

- A detailed description of the words, actions or behaviors of the subject that precipitated the need for force<sup>107</sup>,<sup>108</sup>
- A detailed description of any force and non-force actions used to achieve the law enforcement objective, and the observed results<sup>109</sup>,<sup>110</sup>
- A detailed description of any force clearly observed being used by other officers during this incident<sup>111</sup>
- A detailed description of any apparent injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided<sup>112</sup>
- The name and serial number of the sergeant who screened the incident

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<sup>107</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>108</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

<sup>109</sup> Per Settlement Agreement, Master Tracking List 55, Para. 100, Page 21, Line 2

<sup>110</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

<sup>111</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

<sup>112</sup> Per Settlement Agreement, Master Tracking List 61, Para. 103, Page 22, Line 2

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## 8.300–TSK–7 Responsibilities of the Sergeant During a Type III Investigation

The **sergeant**:

1. **Responds** to the scene<sup>113</sup>
2. **Confirms** that appropriate medical aid is rendered to any injured party<sup>114</sup>
  - a. If the subject is transported to a hospital, **verifies** that the subject has been identified and **arranges** for hospital guard, if necessary
3. **Notifies** an on-duty watch lieutenant of the incident
  - a. **Maintains** control of the scene until the lieutenant arrives
  - b. **Briefs** the lieutenant
4. **Obtains** basic information and determines if the incident requires screening with the FIT sergeant<sup>115</sup>
  - This may include completing a *Use-of-Force Public Safety Card*.
5. **Ensures** the scene is contained<sup>116</sup>
6. **Supports** the involved officer
  - a. **Does not isolate** the involved officer

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<sup>113</sup> Per Settlement Agreement, Master Tracking List 108, Para. 117, Page 29, Line 12

<sup>114</sup> Per Settlement Agreement, Master Tracking List 108, Para. 117, Page 29, Line 12

<sup>115</sup> Per Settlement Agreement, Master Tracking List 109, Para. 117, Page 29, Line 18

<sup>116</sup> Per Settlement Agreement, Master Tracking List 111, Para. 117, Page 30, Line 1

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b. **Does not allow** the involved officer to talk to other personnel about the incident

c. **Confirms** that the involved officer has access to the following:

- Food and drink
- Restroom facilities
- Telephone
- Representative from his or her collective bargaining unit

d. **Does not allow** the involved officer to sit in the back seat of a police vehicle

e. **Avoids** making the involved officer feel like a suspect

f. **Assigns** an officer to standby with the involved officer, if appropriate

7. **Attempts** to locate and identify civilian witnesses and request that they stand by to be interviewed by FIT personnel<sup>117</sup>

- If witnesses do not want to be interviewed, the sergeant shall record their contact information.

8. **Turns** the scene over to the arriving FIT personnel<sup>118</sup>

9. **Gives** any *Use-of-Force Public Safety Cards* to the Homicide Unit sergeant or lieutenant upon their arrival

10. **Complies** with directions from the Homicide lieutenant

11. **Confirms** that all officers who responded to the incident upload the ICV by the conclusion of their shift

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<sup>117</sup> Per Settlement Agreement, Master Tracking List 112, Para. 117, Page 30, Line 4

<sup>118</sup> Per Settlement Agreement, Master Tracking List 111, Para. 117, Page 30, Line 1

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12. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)<sup>119</sup>

a. If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted.

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<sup>119</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

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### **8.300–TSK–8 Responsibilities of the Watch Lieutenant During a Type III Investigation**

Upon notification of a Type III investigation the **watch lieutenant**:

1. **Responds** to the scene
2. **Advises** dispatch that he or she has assumed command
3. **Confirms** that the involved officer's bargaining unit is made aware of the incident
4. **Notifies** a CISM representative of the incident, if appropriate
5. **Relinquishes** control of the inner perimeter of the scene to the FIT sergeant or Homicide lieutenant upon their arrival
6. **Maintains** control of the outer perimeter until the scene is cleared by the FIT
7. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)<sup>120</sup>
  - a. If it appears that serious misconduct may have been involved with the use-of-force, the lieutenant will ensure that OPA is contacted.

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<sup>120</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

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### 8.300–TSK–9 Responsibilities of the Homicide Lieutenant During a Type III Investigation

Upon notification of a Type III investigation, the **Homicide lieutenant**:

1. **Assumes** control of the inner perimeter of the scene
2. **Provides** *Garrity* warnings to all officers who used force prior to any compelled in-person interview, if appropriate
3. **Arranges** for a Training Section representative to respond to the investigation
4. **Completes** a *Use-of-Force Major Incident Summary* and routes it to the involved officers' chain of command and the command staff, as well as the Homicide Unit chain of command
5. **Monitors** the investigation
6. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)<sup>121</sup>
  - a. If it appears that serious misconduct may have been involved with the use-of-force, the lieutenant will ensure that OPA is contacted.
7. **Presents** the complete investigation to the Use-of-Force Review Board

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<sup>121</sup> Per Settlement Agreement, Master Tracking List 57, Para. 101, Page 21, Line 9

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### 8.300–TSK–10 Responsibilities of the Homicide Unit Sergeant During a Type III Investigation

During a Type III investigation, the **Homicide Unit sergeant**:

1. **Confirms** that the scene is photographed and processed either by FIT detectives or CSI detectives<sup>122</sup>
2. **Confirms** that ICV from involved officers is uploaded prior to them going off shift<sup>123</sup>
3. **Reviews** CAD to make sure that all officers at the scene are contacted to determine if they used or observed force
4. **Arranges** for all involved officers to provide a use-of-force statement<sup>124</sup>
  - **Verifies** that the officers have thoroughly documented all reportable uses of force to the best of their abilities,<sup>125</sup> including a description of each force application
5. **Arranges** for all witness officers to provide a statement<sup>126</sup>
6. **Oversees** the FIT investigation, per the FIT manual  
If a FIT investigation, at any point, reveals officer misconduct, the FIT supervisor will contact OPA.<sup>127</sup>

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<sup>122</sup> Per Settlement Agreement, Master Tracking List 116, Para. 118, Page 30, Line 18

<sup>123</sup> Per Settlement Agreement, Master Tracking List 118, Para. 118, Page 31, Line 1

<sup>124</sup> Per Settlement Agreement, Master Tracking List 120, Para. 118, Page 31, Line 6

<sup>125</sup> Per Settlement Agreement, Master Tracking List 118, Para. 118, Page 31, Line 1

<sup>126</sup> Per Settlement Agreement, Master Tracking List 105, Para. 114, Page 29, Line 4

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### **8.300–TSK–11 Responsibilities of the Training Unit Representative During a Type III Investigation**

The **Training Unit** representative:

1. **Responds** to the scene
2. **Consults** with the Homicide sergeant overseeing the investigation in order to **identify** any Department-wide policy or training issues<sup>128</sup>
3. **Functions** as a liaison and fulfills all requests from the Homicide Unit

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<sup>127</sup> Per Settlement Agreement, Master Tracking List 103, Para. 113, Page 28, Line 24

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