

Seattle Police Department Manual

Carmen Best, Chief of Police

8.200 - Using Force

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1. Use of Force: When Authorized

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

In other words, 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 force used must comply with federal and state law and Seattle Police Department policies, and rules for specific instruments and devices. Once it is safe to do so and the threat has ended, the force must stop.

When determining if the force was objectively reasonable, necessary and proportionate, and therefore authorized, the following guidelines will be applied:

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. 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;
- The environmental factors and/or other exigent circumstances;
and
- Whether the subject has any physical disability.

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

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: To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

2. Use of Force: When Prohibited

- An officer may not use force to punish or retaliate.

- An officer may not use force against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function (See **5.160 – Observation of Officers**).

- An officer may not use force to stop a subject from swallowing a substance that is already in their mouth:
 - Officers may use reasonable force, not including hands to the neck or insertion of any objects or hands into a subject's mouth, to prevent a suspect from putting a substance in their mouth;

 - In the event that a suspect swallows a harmful substance, officers shall summon medical assistance.

- An officer may not use force to extract a substance or item from inside the body of a suspect.

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

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

4. Use of Deadly Force

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

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

See also 8.050 – Deadly Force

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

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

6. Officers May Only Use Force on Restrained Subjects When Objectively Reasonable

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

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

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

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

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

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

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

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

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

8. Officers Shall Automatically Request Medical Aid in Certain Situations

Every Type III use-of-force.

The following less-lethal incidents:

- CEW applications
- 40 mm LL Launcher applications
- OC spray applications, when a subject is in custody *See 8.300-POL-5 (7)*

After any use-of-force, greater than de minimis force on subjects who are reasonably believed or known to be:

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

9. Consistent With the Timelines in 8.400, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated

See 8.400 -Use-of-Force-Reporting and Investigating