

5.140 - Bias-Free Policing

Effective Date: 08/01/2015

5.140-POL

The Seattle Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner.

The Department recognizes that bias can occur at both an individual and an institutional level and is committed to eradicating both.

Our objective is to provide equitable police services based upon the needs of the people we encounter.

The intent of this policy is to increase the Department's effectiveness as a law enforcement agency and to build mutual trust and respect with Seattle's diverse groups and communities.

Bias-based policing is the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual. Such "discernible personal characteristics" include, but are not limited to, the following:

- Age
- Disability status
- Economic status
- Familial status
- Gender
- Gender Identity
- Homelessness
- Mental illness
- National origin
- Political ideology
- Race, ethnicity, or color
- Religion
- Sexual orientation
- Use of a motorcycle or motorcycle-related paraphernalia – RCW 43.101.419
- Veteran status

1. Every Employee is Responsible for Knowing and Complying With This Policy

The Chief of Police will reinforce that bias-based policing is unacceptable through specific yearly training, regular updates, and such other means as may be appropriate.

Supervisors are responsible for ensuring all personnel in their command are operating in compliance with this policy.

EXHIBIT PAGE 2**2. Officers Will Not Engage in Bias-Based Policing**

Employees shall not make decisions or take actions that are influenced by bias, prejudice, or discriminatory intent. Law enforcement and investigative decisions must be based upon observable behavior or specific intelligence.

Officers may not use discernible personal characteristics in determining reasonable suspicion or probable cause, except as part of a suspect description.

Employees shall not express—verbally, in writing, or by other gesture—any prejudice or derogatory comments concerning discernible personal characteristics.

No employee shall retaliate against any person who initiates or provides information or testimony related to an investigation, prosecution, OPA complaint, litigation or hearings related to the Department or Departmental employees, regardless of the context in which the allegation is made, or because of such person's participation in the complaint process as a victim, witness, investigator, decision-maker or reviewer.

Employees who engage in, ignore, or condone bias-based policing will be subject to discipline.

Supervisors and commanders who fail to respond to, document and review allegations of bias-based policing will be subject to discipline.

3. The Characteristics of an Individual May Be Appropriately Considered in Limited Circumstances

Officers may take into account the discernible personal characteristics of an individual in establishing reasonable suspicion or probable cause only when the characteristic is part of a specific suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident.

Officers must articulate specific facts and circumstances that support their use of such characteristics in establishing reasonable suspicion or probable cause.

Officers are expected to consider relevant personal characteristics of an individual when determining whether to provide services designed for individuals with those characteristics (e.g., behavioral crisis, homelessness, addictions, etc.).

Title 8 - Use of Force

8.000 - Use of Force Core Principles

Effective Date: 09/01/2015

This section outlines the Seattle Police Department's core principles relating to the use of force. These general principles provide the foundation for the more specific policies governing the application, reporting, investigation and review of force. The Department recognizes that officers will face unique and challenging circumstances not specifically addressed in this policy. Officers are expected to apply these core principles reasonably in unanticipated situations.

1. Every Member of the Seattle Police Department is Committed to Upholding the Constitution and Laws of the United States and the State of Washington, and Defending the Civil Rights and Dignity of All Individuals, While Protecting Human Life and Property and Maintaining Civil Order.

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

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.

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 may endanger themselves, the community and fellow officers.

EXHIBIT PAGE 4**2. When Safe under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force**

Additional guidance on how to reduce the need to use force may be found in Section 8.100.

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

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

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. 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 objectively reasonable and necessary to counter it.

Guidance on when force is authorized may be found in Section 8.200.

8.050 - Use of Force Definitions

Effective Date: 09/01/2015

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, or 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 Section 8.200 POL 10. See Section 8.200 #4 and #5 for guidance on when deadly force is authorized.

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

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

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

* **Type I** – Force that causes transitory pain, the complaint of transitory pain, disorientation, or intentionally pointing a firearm or bean bag shotgun at a person.

* **Type II** – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm, and/or the use of any of the following weapons or instruments: CEW, OC spray, impact weapon, bean bag shotgun, deployment of K-9 with injury or complaint of injury causing less than Type III injury, vehicle, hobble restraint.

EXHIBIT PAGE 6

* **Type III** – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck and carotid holds, stop sticks for motorcycles, impact weapon strikes to the head.

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.

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 Sections 8.000 and 8.100 for further guidance on objectively reasonable force.

Reportable Force: All uses of force other than de minimis are reportable. Reportable force includes the intentional pointing of a firearm at a subject. (Please see “force” above and 8.500-POL-6.)

Use of Force: See “Force.”

EXHIBIT PAGE 7**Weapons:**

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

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

* **Impact Weapon:** Any authorized intermediate weapon or object used to strike a subject and inflict pain or injury through blunt force.

* **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.

8.100 - De-Escalation

Effective Date: 09/01/2015

1. When Safe under the Totality of the Circumstances and Time and Circumstances Permit, Officers Shall 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, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. (See Section 8.050.)

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

When time and circumstances reasonably permit, officers shall 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
- * Behavioral crisis

An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall 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:

EXHIBIT PAGE 9

- 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

8.200 - Using Force

Effective Date: 09/01/2015

1. Use of Force: When Authorized

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

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, training, and rules for specific instruments and devices. Once it is safe to do so and the threat is contained, 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; and
- * The environmental factors and/or other exigent circumstances.
- * 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 an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

EXHIBIT PAGE 11

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 physical force:

- * To punish or retaliate
- * Against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function
- * On restrained subjects (e.g. including handcuffed or contained in a police vehicle) except in exceptional circumstances when the subject's actions must be immediately stopped to prevent injury, or escape, destruction of property. All such force shall be closely and critically reviewed

Exception: Subjects who are refusing to get out of a Department vehicle may be removed from the vehicle after reasonable attempts to gain voluntary compliance have failed, subject to supervisor approval.

- * 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.

- * To extract a substance or item from inside the body of a suspect without a warrant

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

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

6. 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.

16.110-POL-5 Responding to Subjects in Behavioral Crisis

6. Officers May Facilitate Involuntary Mental Health Evaluations

See 16.110– PRO–2 Referring a Subject for an Involuntary Mental Health Evaluation.

16.110 - Crisis Intervention

Effective Date: 07/01/2017

16.110 – POL

The intent of this policy is to provide all officers with resources to deal with subjects who are in behavioral crisis. This includes people exhibiting signs of mental illness, as well as people suffering from substance abuse and personal crises.

For the purposes of this policy, a behavioral health crisis is defined as an episode of mental and/or emotional distress in a person that is creating significant or repeated disturbances and is considered disruptive by the community, friends, family or the person themselves.

For further guidance, see 16.110-POL-3.2 (for CIT-Certified Officers), POL-5.1 (for non-CIT-Certified Officers), POL-5.2 (for Communications personnel), and POL-5.9 (for documentation).

The Seattle Police Department recognizes the need to bring community resources together for the purpose of safety and to assist and resolve behavioral crisis issues. The Department further recognizes that many people suffer crises, and that only a small percentage has committed crimes or qualifies for an involuntary evaluation. Persons suffering crises will be treated with dignity and will be given access to the same law enforcement, government and community service provided to all members of the public.

Seattle Police officers are instructed to consider the crises that subjects may be experiencing during all encounters. Officers must recognize that subjects may require law enforcement assistance and access to community mental health and substance abuse resources. The ideal resolution for a crisis incident is that the subject is connected with resources that can provide long-term stabilizing support.

Officers are trusted to use their best judgment during behavioral crisis incidents, and the Department recognizes that individual officers will apply their unique set of education, training and experience when handling crisis intervention. The Department acknowledges that officers are not mental health professionals. Officers are not expected to diagnose a subject with a mental illness, nor are they expected to counsel a distraught subject into composure. When officers need to engage with a subject in behavioral crisis, the Department's expectation is that they will attempt to de-escalate the situation, when feasible and reasonable. The purpose of de-escalation is to provide the opportunity to refer the subject to the appropriate services. This expectation does not restrict an officer's discretion to make an arrest when probable cause exists, nor are officers expected to attempt de-escalation when faced with an imminent safety risk that requires immediate response. An officer's use of de-escalation as a reasonable alternative will be judged by the standard of objective reasonableness, from the perspective of a reasonable officer's perceptions at the time of the incident.

16.110–PRO–2 Referring a Subject for an Involuntary Mental Health Evaluation

Officer

1. **Determines** that the subject may be eligible for evaluation
2. **Requests** that Communications call the Crisis Clinic, if time allows, or calls the Crisis Clinic directly at (206) 461-3210
3. **Determines** (with or without the assistance of a DMHP) that the subject meets the involuntary mental health evaluation criteria, per RCW 71.05.153(2): Emergent Detention of Persons with Mental Disorders
4. **Screens** the incident with a sergeant, either at the scene or telephonically

Sergeant

5. **Reviews** the incident and advises the officer whether to order the evaluation

Officer

6. **Takes** the subject into protective custody
7. **Arranges** for the subject to be transported via ambulance or patrol car to the closest appropriate hospital

16.110-TSK-2 Requesting AMR for Transportation to Either a Local Hospital or King County Jail

When requesting AMR for transportation to either a local hospital or the King County Jail, the officer:

1. **Requests** the AMR transport through either the zone dispatcher or the Data Channel
 2. When making the request, **discloses** the nature (Crisis or Behaviorally Out of Control Subject) of the incident as well as the desired transportation destination (i.e. KCJ or Hospital)
 3. If applicable, **reports** if the person to be transported is wheel chair bound.
 - a. If the person to be transported is bound by a wheel chair, **reports** if it is a folding chair or electric.
-

16.130 - Sick and Injured Persons

Effective Date: 10/21/2016

1. Employees Assist Sick & Injured Persons

Employees assisting a sick and/or injured person will attempt to determine the nature and cause of the person's injury or illness, provide first aid, and initiate Emergency Medical Services (EMS) as needed. Once initiated, the Department will not cancel EMS.

Employees will follow their training and this manual section, and standing orders provided by Medic One when applying CPR, the AED, and/or Naloxone.

4. Officers Provide Information to Medical Personnel

Officers will provide SFD personnel, hospital staff or other medical transport personnel the names of all the officers that assisted with the person's care.

Note: This information is used to notify involved officers of possible exposure to pathogens discovered on further medical examination of the treated person.

Medical facilities will notify the Employment Services Lieutenant of any possible infectious exposures to officers. (See 3.040 – Airborne Pathogens Control & 3.045 - Bloodborne Pathogens Exposure Control.)

5. Employees Cooperate with the Seattle Fire Department/Medic One (SFD)

Employees provide care to sick or injured people until transferring care to SFD.

Employees will remain on the scene to assist SFD.