

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.

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.).

4. All Employees Share Responsibility for Preventing Bias-Based Policing

Employees who have observed or are aware of others who have engaged in bias-based policing shall specifically report such incidents to a supervisor, providing all information known to them, before the end of the shift during which they make the observation or become aware of the incident.

Supervisors, commanders and civilian managers have an individual obligation to ensure the timely and complete review and documentation of all allegations of violation of this policy that are referred to them or of which they should reasonably be aware.

5. Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing

If a person alleges bias-based policing, the employee shall call a supervisor to the scene to review the circumstances and determine an appropriate course of action. *For purposes of this policy, an allegation of bias-based policing occurs whenever, from the perspective of a reasonable officer, a subject complains that he or she has received different treatment from an officer because of any discernible personal characteristic listed above.*

If the person declines to speak with a supervisor or wishes to leave before the supervisor arrives, the employee will attempt to offer the person the supervisor's contact information and information on how to file a complaint with the Office of Professional Accountability.

Officers may not extend a detention solely to await the arrival of a supervisor.

If officers have completed their business with the person making the allegation, and the supervisor has not yet arrived, the officer will wait at the location for the supervisor to arrive.

6. Employees Will Document All Allegations of Bias-Based Policing

Where there has been an allegation of bias-based policing, the investigating supervisor will complete a Bias Review Blue Team entry to document the circumstances of the allegation and steps that were taken to resolve it. This review must include the following information, if the person is willing to provide it:

- The person's name,
- Address,
- Phone number, or email address, and
- Contact information for witnesses who observed the events.

The investigating supervisor must submit all documentation of an allegation of bias-based policing by the end of his or her shift.

If the supervisor believes the matter has been resolved to the satisfaction of the person making the allegation, and that no misconduct was involved, the supervisor will complete a Bias Review Blue Team entry. The supervisor will then forward the Blue Team entry, via the chain of command, to the bureau chief.

7. Supervisors Conduct Preliminary Inquiry into Bias-Based Policing

If the person wishes to speak with the supervisor about the biased-policing concerns, the supervisor will discuss the incident with the complainant. If the complainant has left the scene the supervisor shall make efforts to contact the complainant by phone or letter.

The reviewing supervisor shall explain to the person making the allegation the option to refer the complaint to OPA. If the person making the allegation asks that the matter be referred to OPA then the reviewing supervisor shall refer it using the Complaint Blue Team entry, instead of the Bias Review Blue Team entry.

If the reviewing or approving supervisor determines that there may have been misconduct, that supervisor shall refer the matter to OPA using the Complaint Blue Team entry for further investigation.

When a supervisor sends a complaint to OPA, a Bias Review Blue Team entry will not be used. Bias Review Blue Team entries are only used when the supervisor believes that no misconduct occurred and that the matter has been resolved to the satisfaction of the complainant.

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.

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.

force may lead to the conclusion that the force used was out of policy.

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
-

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

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.

- * **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.

Additional guidance on reporting force may be found in Section 8.400.

Injury Classifications:

- * **Physical or Bodily Injury (also “Injury”)**: Physical pain or injury, illness, or an impairment of physical condition greater than transitory pain but less than great or substantial bodily harm. (SMC 12A.02.150, RCW 9A.04.110)
- * **Serious Physical Injury (RCW 9A.16.040(2))**: 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)**: 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
- * **Great Bodily Harm (RCW 9A.04.110)**: 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

Less-Lethal Devices: Devices designed and intended to apply force not intended nor likely to cause the death of the subject or Great Bodily Harm. For the intended purpose of Less Lethal Tools see: Section 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.

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.

Use of Force: See “Force.”

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

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:

- 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.

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.

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 Section 8.050 – Deadly Force

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.

8.300-POL-3 Use of Force – CEW/CONDUCTED ELECTRICAL WEAPONS (TASER)

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

A CEW in probe deployment is designed to stimulate a portion of the nervous system with sufficient pulsed electrical energy to bring about uncontrolled muscle contractions which override an individual's voluntary motor function. Drive 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 deployment is preferred in some circumstances over use in drive stun mode, which can only be used at close range and may cause marks and scarring.

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.

8.300-POL-4 Use of Force – FIREARMS

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

16.110 - Crisis Intervention

Effective Date 08/01/2015

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 disturbance and is considered disruptive by the community, friends, family or the person themselves.

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.