8.200 – Using Force

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8.200-POL

This policy applies to using force and explains when using force is authorized, when it is prohibited, and when medical aid will be requested.

This policy presumes that the subject on which force was used remains in the sworn employee's control. It does not apply to when the subject has left the scene.

1. Using Force: When Authorized

Sworn employees will only use objectively reasonable, necessary, and proportional force to the threat or urgency of the situation, to achieve a law-enforcement objective while protecting the life and safety of all persons.

The force used must comply with federal and state law and Seattle Police Department policies (for rules for specific weapons and tools, see manual section 8.300 – Use of Force Tools).

The calculus of reasonableness must allow for the fact that sworn employees 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 sworn employee's actions are objectively reasonable considering the facts, and the circumstances confronting them, without regard to their underlying intent or motivation.

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 sworn employees or a danger to the community;
- The potential for injury to members of the public, sworn employees, or subjects;

- The risk or apparent attempt by the subject to escape and the government interest in preventing the escape;

- The conduct of the subject being confronted (as reasonably perceived by the sworn employee at the time);

- The time available to a sworn employee to make a decision;

- The availability of other resources;

- The training and experience of the sworn employee;

- The subject's proximity or access to weapons;

- Sworn employee versus subject factors such as age, size, relative strength, skill level, injury/exhaustion, and number of sworn employees versus subjects;

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

- Whether the subject has any perceived physical disability.

Once it is safe to do so, and the threat has ended, the force must stop.

2. Using Force: When Prohibited

Sworn employees are prohibited from using neck and carotid restraints in all circumstances (RCW 10.116.020), except to protect their life or the life of another person from an imminent threat (RCW 10.120.020(4)). This prohibition includes any action that involves kneeling on a subject's neck.

Sworn employees will not use force to punish or retaliate.

Sworn employees will not use reportable force on restrained persons except, where reasonable, necessary, and proportional, to:

- Protect a sworn employee, the subject, or member of the public from physical injury.

- Prevent the escape of a detainee.

- Get subjects into or out of a law enforcement vehicle only after reasonable attempts to gain voluntary compliance have failed. When feasible, sworn employees will obtain supervisor approval prior to using force to remove a subject from a department vehicle.

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.

Sworn employees will not use force against individuals who only verbally confront them unless the vocalization impedes a legitimate law enforcement function (see manual section 5.160 – Observation of Officers).

Sworn employees will not use force to stop a subject from swallowing a substance that is already in their mouth; however:

- Sworn employees 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.
    - If a sworn employees reasonably believes that a suspect has ingested a harmful substance, the sworn employee will request medical assistance as soon as feasible.
- Sworn employees may not use force to extract a substance or item from inside the body of a suspect.

  Exception: This prohibition does not apply when force is necessary to facilitate a forensic blood draw. In that situation, sworn employees will document any reportable use of force.

Sworn employees may not use any stationary tire deflation device on any moving vehicle (see manual section 8.300-POL-6).

3. Sworn Employees Have a Duty to Use Reasonable Care

When using reasonable care, sworn employees are not limited or restricted in their ability to respond to a call for community caretaking or protection of health and safety. Sworn employees may also use the appropriate and least amount of physical force to execute those functions (see RCW 10.120.010 and manual section 8.050 – Use of Force Definitions).

Reasonable care means that the sworn employee will, when feasible:

- Use all available and appropriate de-escalation tactics before using physical force.
- If physical force is necessary, determine the appropriate and least amount necessary to effect a lawful purpose.
- Consider the characteristics and conditions of a subject for the purposes of determining whether to use physical force or deadly force against that subject.
    - Characteristics and conditions may include whether the person:
        - Is visibly pregnant;
        - Is known to be a minor or objectively appears to be a minor;

- Is known to be a vulnerable adult or objectively appears to be a vulnerable adult (RCW 74.34.020(21));

- Displays signs of mental, behavioral, intellectual, developmental, or physical impairments or disabilities;

- Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;

- Is suicidal;

- Has limited English proficiency; or

- Is in the presence of children.

- Terminate the use of physical force as soon as the necessity for such force ends.

4. Sworn Employees Will Assess and Modulate the Use of Force as Resistance Changes

As resistance decreases, the use of force may need to decrease if reasonable, necessary, and proportional.

As resistance increases, the use of force may need to increase, if reasonable, necessary, and proportional.

5. Use of Deadly Force

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

- A suspect is acting or threatening to cause death or serious physical injury to the sworn employee 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.

6. When Safe and Feasible, Sworn Employees will Issue a Verbal Warning to the Subject and Fellow Officers Prior to Discharging a Firearm

Sworn employees will issue a verbal warning to the subject, other sworn employees, and other individuals present, that a firearm will be discharged and will defer discharging the firearm a reasonable amount of time to allow the subject to comply with the warning.

Verbal warnings may come from any sworn employee involved in the incident when employing a team tactics approach.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the sworn employee or others. In such circumstances, only the deploying sworn employee will document in their use of force statement their reason for believing their safety would have been compromised.

7. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect in Exceptional Circumstances

Under this circumstance, deadly force may be used only when an objectively reasonable sworn employee 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 sworn employee or to another person unless the suspect is apprehended without delay; and

- The sworn employee has given a verbal warning to the suspect, if time, safety, and circumstances permit.

8. Sworn Employees Will Render Appropriate Medical Aid Within Their Training, as Soon as Reasonably Possible

Providing medical aid or performing a medical procedure, such as a sternum rub or brachial pinch, is not considered a use of force.

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

After requesting a medical aid response, sworn employees will render aid within the scope of their training unless aid is declined. EMT sworn employees will be given priority to render care, when feasible. Consent will be assumed for unconscious subject(s) 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 the recovery position or assisted to an upright position as soon as safe and feasible.

Sworn employees will not restrain subjects who are in custody and under control in a manner that restricts the subject's ability to breathe.

In any use of force encounter, upon hearing a subject state that they cannot breathe, sworn employees will summon medical aid and report to SFD that the subject advised an inability to breathe (in addition to any injury).

9. Sworn Employees Will Request Medical Aid in Certain Situations

Sworn employees will request medical aid for a subject who is still under their control in the following situations:

- Every Type III use of force
- Every canine bite
- Every use of force encounter in which a subject mentions difficulty breathing
- The following less-lethal incidents:
    - TASER applications
    - 40mm LL Launcher applications
    - OC applications
- After any use of force greater than Type I force on subjects who are reasonably believed or known to be:
    - Pregnant
    - Pre-adolescent children
    - Elderly
    - Physically frail or disabled