



SEATTLE POLICE SPECIAL REPORT

Use of Force by Seattle Police Department Officers 2006 - 2009

ABOUT THIS REPORT:

The public safety agenda of the Seattle Police Department consists of three inter-related objectives: **Fight Crime, Reduce Fear and Build Community.**

In order to build community, community members need to believe in the efficacy of police actions and have confidence that police power is being used fairly, effectively and appropriately. Perhaps the most fundamental police power is the power to use force to achieve lawful public safety purposes. To increase public confidence in how, when and toward whom force is being applied, the Department is providing this Special Report.

Use of Force Statistics in the US and Seattle | 2

Use of Force Challenges for Police | 3

Trends in SPD Use of Force | 5

Trends in SPD Force Related Complaints | 7

Trends in SPD Policy and Procedures | 8

SPD Use of Force Innovations | 9

Use of Force Statistics in the US & Seattle

Police use force infrequently.

Despite what is shown on television and in movies, national studies reveal that less than 1% of all interactions between police officers and the public involve the use of force.¹ To do their jobs, police officers rely on the public's compliance, which they gain 99% of the time. **In Seattle, the use of force rate has declined over the last three years going from 0.18% in 2006 to 0.12% in 2009. This is less than one-fifth of the national rate.**

Even in making arrests, police use of force is rare.

Arrests are the type of police-public contact where one would expect force to be used most often. One study of adult custody arrests in six police agencies found that 98% of arrests occurred without any police use of a weapon.² In Seattle, the rate of force use relative to arrests went from 3.3% in 2006 to 2.4% in 2009. This means that **Seattle police officers accomplish arrests without any use of force over 97% of the time.**

Most often, police officers use force at the lowest end of the force spectrum.

A study by the International Association of Chiefs of Police (IACP) found that physical (bodily) force (which is at the lowest level of force options available to officers) was the type of force used by police officers in 87% of use of force incidents.³ In contrast, firearms were reportedly used in 5% of force incidents. **In Seattle in 2009, officers used their own bodies (i.e., hits, kicks, etc.) in 78% of use of force incidents and used firearms in 0.6% of such incidents.**⁴

In the majority of incidents when police use force, those subjected to force are not injured.

Nationally, about 15% of those who experience force by police are injured.⁵ **In Seattle, 6.3% of use of force subjects sustain injuries, with major injuries limited to 0.8% of the subjects.**⁶ Most use of force subjects in Seattle sustain either no injuries (31%) or minor injuries such as scrapes or scratches (62%).

Complaints about police use of force are relatively infrequent.

Nationally, most persons (83%) who had force used or threatened against them by police felt that the force was excessive, but only 13.1% indicated they had filed complaints with the police.⁷ **In Seattle, for the four-year period of 2006-2009, complaints were received in just over 10% of use of force incidents.**

¹ See Bureau of Justice Statistics, *Contacts between Police and the Public, 2005*, (Washington, DC: US Department of Justice, NCJ 215243), April 2007. Force was used or threatened in police-public contacts 1.6% of the time. When threatened use is removed, the rate of force use was estimated at 0.88% of public contacts.

² See Joel H. Garner and Christopher D. Maxwell, "Measuring the Amount of Force Used By and Against the Police in Six Jurisdictions," in *Use of Force by Police, Overview of National and Local Data*, (Washington, DC: US Department of Justice, NCJ 176330), October 1999.

³ See Mark A. Henriquez, "IACP National Database Project on Police Use of Force," in *Use of Force by Police, Overview of National and Local Data*, *ibid.*

⁴ It should be noted that the IACP study was completed before the widespread use of the Taser in law enforcement agencies. Taser use constituted 11% of the force used in Seattle in 2009.

⁵ See Bureau of Justice Statistics, *Contacts between Police and the Public, 2005*, *op.cit.*

⁶ This is based on an in-depth study of use of force injuries in 2006. These findings were confirmed in a separate study by the Emergency Medicine Department of the University of Washington Medical School.

⁷ See Bureau of Justice Statistics, *Contacts between Police and the Public, 2005*, *op.cit.*

Use of force is one of the most controversial issues surrounding the work of law enforcement professionals. Police officers are invested with the legal authority to use force against another person, including the use of deadly force. Law enforcement agencies recognize that with that authority comes the responsibility to ensure that force is used reasonably and appropriately.

The Seattle Police Department (SPD or the Department) takes pride in the restraint shown by our officers as well as in our training programs on defensive tactics and on decision-making in the application of force. The countless incidents in which officers have defused dangerous situations, or where they themselves have been injured in the interests of public safety, generally go unnoticed. Instead, official reports on use of force tend to concentrate on cases where complaints have been made. Focusing only in this area, however, can be misleading. This Report aims to provide context and information on the use of force by Seattle Police Department officers over the four-year period from 2006-2009.

Use of Force Challenges for Police

Documenting and monitoring trends in use of force are important steps the Department takes to be accountable for force use. Nevertheless, use of force is an area of responsibility that presents significant policy, training and oversight challenges for SPD and law enforcement generally. Among the most prominent of these challenges are

- **Training for the rare event.** As noted above and cited elsewhere in this Report, force use by SPD officers is very infrequent and quite unusual for any individual officer in any given year. In the main, 99% of the time, officers are involved in situations where the people they contact are compliant with their commands or requests. Training programs focusing on force, then, are dealing with the rare situation that an officer may encounter. There is no single best way to train for such rare events, and agencies differ in the emphases placed on training that focuses on skill acquisition with various force tools versus scenario-based practice in force decision-making versus de-escalation tools and techniques. The Department attempts to combine best practices in each of these areas, while at the same time shaping annual, in-service training to address force patterns observed in the field. Nevertheless, it remains a key challenge to provide the most effective as well as the right balance among the various types of training for officers when facing rare incidents that may require force.
- **Encountering the unpredictable and unexpected.** Not only are use of force incidents rare events for officers to confront, they also evolve rapidly and are wildly unpredictable. Often an incident will change dramatically between the time it is broadcast on the radio and when officers arrive. The change can be either positive or negative. For example, initial reports of a subject with a weapon may turn out to be unfounded, but officers will not know that until they arrive and can take stock of what is going on. If the scene is chaotic, with

multiple people involved, it may take some time to unravel what is happening. All the while, officers must handle the call as though a weapon is involved and respond accordingly. The officers' behavior may seem an overreaction to observers on the scene who are unaware of the information that police were given when dispatched. On the other hand, apparently simple calls may turn into serious incidents in situations where subjects intensify their level of aggression when confronted by officers. SPD and other policing agencies, then, must prepare officers to navigate incidents that occur rarely and that are characterized by dynamics that are difficult – if not impossible – to predict. To add to the complexity, officers are required to gauge what is going on very quickly in order to avert more serious harm or an escalation in the situation. Courts, recognizing such dynamics in use of force incidents, consider the totality of the circumstances faced by officers when determining whether the force applied was reasonable and appropriate.

- **Actions versus reactions.** A major area of public confusion and of frequent outcry concerning police use of force is the notion that force is only appropriate if officers progress through escalating levels of force until they match what a subject is doing. In other words, a subject's actions should result in an officer's equal, opposite reaction. This is not the training that officers receive. To put it bluntly, officers are trained to fight to win. Instead officers are trained to take appropriate action to bring a situation under control as quickly as possible in order to minimize the risk of harm to everyone. There is no matching of action/reaction, and no requirement to try varying levels of force. Instead officers are expected to use judgment to determine how best to resolve the situation before them, always with the goal of gaining control as quickly as possible. If, for example, an incident justifies the use of deadly force, officers are not required to try other options first, nor are they expected to “shoot to wound.” Similarly, officers are not expected to “duke it out” with combative subjects who are unarmed in preference to using other tools that may be available to them, such as OC spray or Tasers. The subject's actions will dictate an officer's response, but rather than trying to match what the subject is doing, the officer is expected to assert control of the situation as quickly and effectively as possible.
- **Difficulty in developing comparative statistics.** SPD force rates and complaint rates appear to benchmark well against national data, but it remains hard to establish true use of force norms. Because police agencies vary widely in their standards for reporting force use and for determining when complaints are investigated, making comparisons among departments is difficult. Some agencies, for example, report force only when injuries have occurred; others require reports when complaints are made; still others report when force is threatened though not used. With respect to complaint handling, there is even more variety in terms of when cases are referred for investigation and how those investigations are classified and reported. Since force and complaint rates are based on official reports, these varying standards will frequently result in inappropriate comparisons. In light of these difficulties, the Department has committed to monitoring its own force applications over time, seeking to understand patterns in force use, injuries and complaints that will help inform and shape training and accountability programs.

Trends in Use of Force in Seattle, 2006 - 2009

SPD policy requires officers to document their actions whenever they use deadly force, less lethal force or physical force in the exercise of their duties. “Deadly force” is defined as the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. “Less lethal force” is defined as a level of force such that the outcome is not intended to cause death. “Physical force” is defined as any force that causes an injury, can reasonably be expected to cause an injury or results in a complaint of injury. Officer actions that do not require SPD use of force documentation include unholstering/display of a firearm, escorting or moving a non-resisting person, or handcuffing someone with no or minimal resistance.

To ensure that consistent information is gathered in each use of force incident, SPD revised its use of force reporting forms in 2006. An examination of these reports for the period 2006 – 2009, reveals the following key findings:

- **Reported use of force incidents in Seattle have gone down 37% since 2006.** In 2006, Seattle police officers reported 872 use of force incidents. In 2009, the number of documented incidents with force use totaled 549.
- **Use of most types of “force options” has declined since 2006.** The new use of force reporting forms make it easier to identify the types of force used by each officer in a use of force incident. Nearly all force options are down markedly in the four-year period studied. Some examples are found below.

**Changes in the Use of Individual Force Options
by SPD Officers between 2006 and 2009**

Type of Force	# of uses in 2006	#of uses in 2009	Δ from 2006 to 2009
Hands/elbows/arms	1080	711	-34%
Feet/knees/legs	346	200	-42%
Taser in probe mode	292	123	-58%
Taser in touch mode	119	43	-64%
Chemical spray/OC	123	38	-69%

- **In any given year, the majority of officers are not involved in any use of force incidents.** In 2009, for example, a total of 425 SPD officers filed at least one use of force report, representing 36% of officers and detectives. Of those officers filing use of force reports, nearly half (48%) were involved in only one use of force encounter.

- **The distinguishing characteristic of officers involved frequently in use of force incidents is their job assignment.** In a special study of force use among officers in 2006, the Department found that officers who had been involved in a larger number of force encounters did not use different types of force, nor did they have higher rates of force-related complaints, when compared with other officers. The chief distinction they shared was their assignment to the third watch in Patrol, the shift from 8:00pm to 4:00am.
- **Assault incidents give rise to the most uses of force by Seattle police officers.** In 2009, 40% of use of force incidents arose out of assault situations. Other incident categories included robberies, persons with a weapon and disturbances, including domestic violence. When these are added to the assault incidents, it is clear that most of the time (in 56% of incidents) SPD officers are using force in incidents characterized by interpersonal violence.
- **Most of the persons confronted by SPD officers in use of force situations are impaired.** In 2009, 73% of the use of force incidents involved subjects who were impaired. Impairment related to drug or alcohol use was cited most often (54% of the time), while impairment related to mental illness was cited about 12% of the time.
- **The racial characteristics of use of force subjects are similar to those of persons arrested by SPD officers.** A frequent comparison in use of force studies looks at the similarities between persons arrested and subjects of force use. This is because arrest situations are likely to be the most common types of police contacts when force may be used. Since arrestees are the most likely use of force subjects, arrest statistics are more appropriate and more reliable than general population data for assessing those to whom force is applied.

The comparison of SPD use of force subjects and arrestees in 2009 is shown below.

**Racial/Ethnic Composition of
SPD Use of Force Subjects and Arrestees, 2009**
[Only cases where race/ethnicity were known are included.]

Racial/Ethnic Group	% of Use of Force Subjects	% of Total Arrestees*
Caucasian	45%	51%
African American	43%	39%
Asian/Pacific Islander	7%	6%
Native American	3%	3%
Hispanic/Latino	3%	4%

*Note: Hispanic/Latino origin is captured separately from race in arrest data.

As can be seen in the table, the two largest groups of arrestees (Caucasians and African Americans) are also the two largest groups of use of force subjects.

- **Men are more frequent use of force subjects than are women.** Women comprised nearly one-fifth (22%) of the arrestees by SPD officers in 2009, but only 12% of the use of force subjects. This gender representation in arrests and force incidents has been stable over the last four years.

Trends in Force-Related Complaints to SPD, 2006 - 2009

Complaints alleging that SPD officers used unnecessary force have been dropping steadily, from 146 complaints in 2006 down to 105 in 2009. This decline may be related to the Department's training efforts that focus on the use of sound decision making and de-escalation techniques when encountering combative individuals. Also, when force is used, in addition to written reports required of officers and their chain-of-command, a supervisor screens the incident, ensures photographs are taken of any injury and speaks with the subject about the event. Where the subject has concerns about the force used, supervisors are in a position to help explain the dynamics of the situation and respond to questions that, had they gone unanswered, might previously have led to a complaint. Where individuals express a desire to file a use of force complaint, SPD officers and supervisors are required to assist with information about filing a complaint with the Office of Professional Accountability (OPA).

Some notable statistics related to force-related complaints are as follows:

- **The rate of complaints about SPD officers' use of force is well below the national norm.** The national use of force complaint rate for large, metropolitan police agencies is 9.5 complaints per 100 full-time officers.⁸ The comparable rate for SPD officers was 5.3 complaints per 100 officers, which is 44% lower than the national rate for metropolitan agencies and 20% below the complaint rate in law enforcement agencies of any size.
- **The number of SPD officers receiving use of force complaints has dropped steadily since 2007.** In 2007, 111 SPD officers received one use of force complaint. This number dropped to 98 officers in 2008 and to 72 officers in 2009. The number of officers receiving two force-related complaints within a single year has dropped from 11 officers in 2007, to 7 officers in 2008 and down to 5 officers in 2009. There were two officers with three or more use of force complaints in 2007. This number went up to seven in 2008, but dropped again to two officers with three or more complaints in 2009.
- **SPD has an Early Intervention System to track officers involved in an unusually high number of use of force incidents.** In addition to investigating all complaints involving use

⁸ See Bureau of Justice Statistics, Citizen Complaints about Police Use of Force, (Washington, DC: US Department of Justice, NCJ 210296) June 2006.

of force, the Department also monitors the number of times individual officers use force. All use of force incidents are tracked and an early intervention system is alerted if any officer uses force more than seven times within a six-month period. In such instances, the officer's immediate supervisor and chain-of-command, in coordination with SPD Human Resources, will analyze the incidents involved, along with other information about the employee's performance to determine if training or other intervention may be necessary.

- **Complaints about use of force incidents have resulted in SPD policy and training changes.** In addition to assessing whether officers require discipline, training or other intervention regarding their uses of force, complaints may also result in Department-wide training or policy changes. In-car video/audio recordings are often invaluable in evaluating the conduct of both officers and complainants in a use of force incident and can help the OPA assess the complaint from the outset. In light of the importance of such recordings, the Department has reissued policy statements pertaining to in-car video/audio recordings, making it clear that officer use of this system is not discretionary under most circumstances. Disciplinary actions have been taken for failure to adhere to this policy. Complaints arising from officer objections to being observed or recorded have also resulted in development of a policy on the rights of public observation of officers.

SPD Force-Related Policy and Procedures Changes, 2006 - 2009

During the four-year period from 2006 to 2009, SPD has been active in reviewing force-related issues and diligent in making improvements to policies, procedures and training where needed. Some of the key changes that have been made are profiled below.

- **Changes in emphases in force-related training.** In much force-related training, the focus is often on the technical details involved in applying various force options. SPD training has always emphasized both the correct use of various force options as well as the decision-making involved in applying force. Since 2007, however, the Department has been emphasizing de-escalation techniques as part of the post-basic academy training for new officers and as part of the annual, in-service training for existing officers, called "street skills." Based on feedback from new officers, SPD's Advanced Training Unit has also influenced the content of the force training provided in the state Basic Law Enforcement Training Program, to include de-escalation and decision-making in force situations. New user and annual re-certification training in the SPD Taser program has also emphasized how important it is for officers to articulate both the need to use force as well as the response of subjects to each force application. These changes in training emphases are credited, at least in part, in helping to reduce the number of use of force incidents since 2006.
- **Revision of use of force reporting forms.** As noted earlier, the Department revamped the forms used to document use of force in 2006. This was done not only to ensure uniformity in what information is gathered in use of force incidents, but also to increase the amount of

information provided. Of particular importance was the need to document both the actions and the physical and mental condition of use of force subjects. The reason this was important is because these subject characteristics likely influenced their behaviors, resulting in the need for officers to apply force. At the same time that the forms were revised, a new system for recording use of force information was acquired, providing more detail about such incidents and allowing easier monitoring of trends in force applications.

- **Changes in policies governing officer-involved shootings.** Firearms represent the most consequential type of force employed by officers and there have been a number of developments across the country in how departments respond to such incidents. These developments have been the result of research into such events, as well as widespread dissatisfaction with traditional approaches to officer-involved shootings on the part of officers and community members. After a thorough examination of available research and best practices, the Department has made the following modifications to its officer-involved shooting response:
 - Obtaining a “Public Safety Statement” from the involved officer(s) or witness officer(s) regarding the directional path of bullets, possible injuries, outstanding suspects and any other possible dangers to the community and first responders. This statement is designed to address immediate safety hazards and is distinct from the official statements that officers are required to provide during the investigation of the incident.
 - Designating the Homicide Unit as the investigating unit for all officer involved shootings, providing advanced training and establishing firm on-scene protocols for event reconstruction, photography and other investigative activities.
 - Providing involved officers with information packets for themselves and family members after a shooting incident that detail the steps the Department and others will be following in response to the incident. Also provided is information about, and access to, peer support services.
 - Obtaining the statement of the involved officer(s) within 72 hours of the incident and permitting the officer(s) to review available video footage prior to making a statement.
 - Requiring a post-shooting screening prior to an officer’s return to duty, as well as a mandatory visit to the SPD Shooting Range to ensure that the replacement weapon⁹ provided the officer is in good working order and that the officer is comfortable using the new weapon.

⁹ Officers are provided replacement weapons because their service weapons are placed into evidence as part of the investigation in officer-involved shootings.

SPD Use of Force Innovations

Some of the work being done by the Department in the use of force area is on the cutting edge of the law enforcement profession. Examples are:

- **The SPD Less Lethal Options Program** is widely regarded as one of the best in the nation, as evidenced by the frequency with which SPD personnel are called upon to provide training and guidance in the development of policy and procedures in other jurisdictions. Shaped from the beginning with community input, the Program combines expanded crisis intervention training with the addition of the Taser as a force option for first responding officers. Strengths of the Program are the selection of motivated officers to participate, effective training and recertification to ensure skill attainment and maintenance, incorporation of field experience into training programs, multi-level monitoring and accountability, and transparency through regular reporting on Program experience.
- **Adoption of a protocol for handling “excited delirium” cases.** Law enforcement confrontations with individuals who are drug-intoxicated, delusional and/or hyper-adrenalized – labeled “excited delirium” by emergency departments and public safety responders - too often result in the deaths of such persons. This is because their behaviors may obscure their medical crises until it is too late. The Department has developed a protocol that alerts officers and dispatchers to the signs of excited delirium and provides guidelines for how to respond in such a situation. The protocol emphasizes the need to address the individual’s medical condition first, before dealing with any unlawful conduct.
- **Collaboration with University of Washington Medical School.** Since 2007, the Department has been engaged in a research partnership with the Department of Emergency Medicine of the UW Medical School. As part of this collaboration, medical researchers have examined medical outcomes in incidents where Tasers have been used as well as in other force applications and have documented the medical treatment of force subjects based upon officer descriptions of injuries. Planned work will look at cases of “excited delirium,” officer injury profiles and incidents where excessive force is alleged. The research partnership has resulted in one published paper¹⁰ and several others in progress. This collaboration underscores the importance the Department places on minimizing injuries in use of force situations.

¹⁰ Strote, Jared, Mimi Walsh, Matthew Angelidis, Amaya Basta and H. Range Hutson, Conducted Electrical Weapon Use by Law Enforcement: An Evaluation of Safety and Injury, Journal of Trauma, Vol. 68:5, May 2010, pp. 1239ff.