

CPAC Use of Force Policy Recommendations

July 2021

Below is a summary of CPAC's notes regarding TPD's current use of force policies and reflections from the 21CP recommendations.

Content Area	CPAC Notes
21CP Recommendation: TPD should revise it's Use of Force policies to make clearer to officers when force is and is not authorized.	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • More than militarization; it a culture and historical problem that also centers on institutional racism and disparity in policing. Until that is addressed nothing will change, That incorporates recruitment of people of color to attract them to Law Enforcement work from their own communities they live in. • Language should reflect more than militarization for communities of color • All post-threat protocol--proactive non-force options should be in place • "TPD policy indicates that officers may use deadly force "as a last resort."76 However, the policy should describe in greater detail precisely what this means – and when an officer can recognize that a "last resort" situation is present. Specifically, TPD should define and clarify that "as a last resort" means when all reasonably available alternatives have been exhausted."
21CP Recommendation: TPD's Use of Force Policy should better define and explain the requirement that force be used only when necessary.	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • De-escalation should be first and foremost stressed before any use of force training is delivered to TPD officers. • This should be stressed repeatedly throughout policy
21CP Recommendation: TPD should revise and expand its treatment of deescalation in its Use of Force Policy.	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • The history of the second phase pf policing must and have a complete history of the second phase of policing in this country "slave patrols." Without this acknowledgement and understanding of this historical factor, progress will not be made and trust will not be built. • Need for a much more exhaustive and extensive list of de-escalation strategies and highlighting that use of force is a last resort only when an imminent threat of harm.
21CP Recommendation: Consistent with the concepts of de-escalation and necessity, TPD should consider expressly requiring that officers exhaust all other means reasonably available	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • Reasonably available is key; what does that look like? How will officers have access and support for this?

to them under the circumstances before using deadly force.	
21CP Recommendation: TPD policy should require that officers provide verbal warnings to subjects before using any type of force when feasible under the circumstances.	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • When feasible is key; what is that? • A script with examples and non-examples of verbal warnings should be given
21CP Recommendation: TPD policy should expressly address the concept of proportionality and specifically indicate that all force must be proportional to the nature of the threat that a subject poses under the circumstances.	<ul style="list-style-type: none"> • Proportional can be problematic and subjective. • Use of the least amount of lawful force to accomplish the lawful objective might be better? • Even if use of force is available at that level, it doesn't HAVE to be used. The current UOF policy makes it seem that each response HAS to be implemented for the correlating civilian behavior/action. • Lawful vs. Unlawful Response • NOT lawful: <ul style="list-style-type: none"> - Use of force to subdue a subject who is not suspected of any criminal conduct. - Use of force against individuals who are solely engaged in exercising their First Amendment rights. - Use of retaliatory force. - Use of force against subject(s) who only verbally confront officers. - Use of force against subject(s) who are handcuffed or otherwise restrained, as the threat that the individual could pose has been dramatically reduced, if not eliminated, because of the restraint. - Use of force to overcome only passive resistance. - Use of firearm as an impact weapon. - Firing of warning shots. - Use of head strikes with hard objects.
21CP Recommendation: TPD should substantially revise its treatment of the core concept of "objective reasonableness."	<ul style="list-style-type: none"> • Agreed, but revise to what. • A discussion/listening session might be informative • Who is training explicitly on objective reasonableness?
21CP Recommendation: TPD policy should explain that force may be used only to help serve a lawful purpose.	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • Should acknowledge the impact an aversive intervention may have on an individual, that "flight or fight" will be triggered. Acknowledging and preparing may help decrease the likelihood that officers will respond with emotion.
21CP Recommendation: TPD policy should specifically prohibit various problematic types of force: See Report for list	<ul style="list-style-type: none"> • At a minimum, the list of Police Tactics law changes 2021 session. Other cited UoF evaluated independently

<p>21CP Recommendation: TPD should consider having policies, or at least policy sections, that specifically and separately address any and all less-lethal instruments or techniques that it authorizes.</p>	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate
<p>21CP Recommendation: TPD's Use of Force Policy should include much more specific guidance to officers on the use of Tasers (CEWs).</p>	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • More robust/frequent training is needed
<p>21CP Recommendation: TPD's policies, procedures, and training should expressly require a medical-based response when officers encounter individuals believed to be experiencing "excited delirium."</p>	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • Should cover any encounter with an altered state of mind or ability regardless of suspected cause, to include perceived mental health crisis • Who is this targeting? Currently? Historically?
<p>21CP Recommendation: TPD's general use of force policy and its specific firearms policy should better address issues involving exhibiting and pointing firearms.</p>	<ul style="list-style-type: none"> • Needs further discussion. 2021 session law expands the state use of force database to include pointing a weapon as reportable. • What are best practices nationally? Comparison to recently updated UoF policies in WA? Across the country?
<p>21CP Recommendation: TPD's Use of Force policy should include provisions that better ensure the safety of other officers and bystanders when officers use firearms.</p>	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • Helpful to to reinforce safe use/safe backstop when feasible • Address that bystanders and others may record; they are legally allowed to.
<p>21CP Recommendation: TPD's TPD policy should eliminate reference to certain "enforcement electives" as "use of force" responses or tools, including "search techniques," "opposite sex searches," "frisk techniques," and "transport controls" – all of which refer to various enforcement-related concepts that are separate, and distinct, from use of force considerations.</p>	<ul style="list-style-type: none"> • Agreed. Use of Force is being defined in far more detail. Could be listed as other procedures related to detained and arrested persons.
<p>21CP Recommendation: TPD should more concretely articulate a requirement that officers must</p>	<ul style="list-style-type: none"> • TPD is doing a good job with this to the best of my knowledge; generally proactive. Practically a repeat of the 'excited delirium' item above. Item 15

render and/or request medical assistance when necessary after force is used.	
21CP Recommendation: TPD policy should impose a duty on officers to intervene when they observe other officers running a reasonable risk of violating the Department's use of force policy .	<ul style="list-style-type: none"> • No question • Also a law coming out of Legislature this session. State policy in line with the law • This intervention looks like?
21CP Recommendation: TPD policy should ensure that officers report potential misconduct related to force to Internal Affairs and/or a supervisor.	<ul style="list-style-type: none"> • A corollary to item 20 • Consequences if not reported?
21CP Recommendation: TPD policy should require that officers report any and all uses of force by providing a detailed use of force narrative and key data. Officers on the scene or responding to incidents where force is used, but who do not themselves use force, should file a force report regarding the incident in all instances.	<ul style="list-style-type: none"> • Will be law in July. Only question is if use of force reports need to exceed the scope of the law as written. Keeping in mind Item 18 where UoF is more narrowly defined. • Body Cam Footage and any officer on scene should provide body cam footage as well
21CP Recommendation: TPD policy should better outline what officers must describe and articulate in narratives regarding the use of force.	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • Template that addresses all components of this? Different incident report than typical ones
21CP Recommendation: TPD should review and/or investigate all uses of force, regardless of type or severity. Specific procedures and guidelines should be articulated for the conduct of post-force investigation and review.	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • A decision will have to be made as to whether TPD will publish its own statistics or refer inquiries to the State UoF database. Or maintain a separate query in Results253
21CP Recommendation: TPD should ensure that its annual use of force training is sufficient in quantity and scope to allow a focus on use of force decision-making and deescalation strategies.	<ul style="list-style-type: none"> • Agreed. Emphasis on Continuous Improvement and passing on best practices learned over the previous year. • Training in de-escalation first as priority before any level of use of force can be used • Interactive, changing each year, up-to-date scenarios • What happens if someone misses it? Citizen participation/oversight on training

	<ul style="list-style-type: none"> • In-person options instead of all online? More realistic/current scenarios? • Implicit bias training, provided by non-TPD staff
<p>21CP Recommendation: To the extent that regular, dynamic use of force skills and decision-making training requires additional resources or training personnel, the City and TPD should consider prioritizing this type of professional development.</p>	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate
<p>21CP Recommendation: TPD should require that officers obtain supervisor approval immediately after initiating a pursuit.</p>	<ul style="list-style-type: none"> • Already in practice, probably rewording in the policy document. • Also, it would not hurt to put statistics out on pursuits terminated and those not started in cases where a pursuit is normal. And statistics on % of resolutions that happen after the pursuit is not done. (Catch the bad guy after) • There should be clear guidelines established about pursuit. Ideally there should be no pursuit and if so under what specific policy will that occur? • BWC mentioned in this policy?
<p>21CP Recommendation: TPD policy should expressly provide that no officer or supervisor will be disciplined for failing to initiate a pursuit or for terminating a pursuit.</p>	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • Not sure that's been a problem, but sure. • If there are clear policies defining such this would not happen Pursuits should be defined under what circumstances and when there is a clear and or present danger to civilians pursuit must end and other tools should be implemented
<p>21CP Recommendation: TPD should clarify that its policies relating to bias and discrimination, including prohibited conduct, apply with equal force while working on-duty during a City shift, during secondary employment, and while off-duty .</p>	<ul style="list-style-type: none"> • Paper change, bring policy into alignment with best practices • Immediate • With a separate social media policy that respects free speech. • No TPD officer should be reacting to an individual right to free speech. No TPD officer should be allowed to post Racist remarks on social media in uniform or off duty . Police officers have a duty to carry their role 24 7. If they cannot then they should re-assess their profession. • Training should be implemented by non TPD staff
<p>21CP Recommendation: TPD should substantially revise and expand its current policy manual to address, in detail, the conduct of stops, searches, and arrests.</p>	<ul style="list-style-type: none"> • No harm. Recommend that it's not so detailed as to compromise TTPs crucial to policing on the street. • Agreed strongly suggest TPD not only revise but strengthen their training how to conduct themselves when stopping BIPOC. Why are black men and people of color disproportionately stopped more than white nation wide? Its about clear policies and behavior that is less controlling, intimidating. DWB is real. • CPAC should review this policy as well.

	<ul style="list-style-type: none"> • Ensure BWC is in here.
<p>21CP Recommendation: TPD should provide detailed training on nonvoluntary encounters between police and members of the public – including stops, searches, and arrests.</p>	<ul style="list-style-type: none"> • CPAC may want to review this. Best practices would be a source, but this is fairly high level. A detailed policy in the document but the Training department for the specifics. A separate high level procedure document may be necessary to avoid cluttering policy document with extraneous info. • What to expect if you are detained/arrested/stopped... Wouldn't hurt and well within best practices. • Must be clearly defined these stops always consistently result in use of force for minor offenses and TPD needs to learn respectful behavior when confronting and or stopping BIPOC especially black males"
<p>21CP Recommendation: TPD officers should be required to document and provide information about all non-voluntary interactions. To enhance officer safety, expand the quality of supervision, and to provide meaningful opportunities for the department to understand its overall performance, TPD policy should articulate clear requirements for supervisory review and aggregate analysis of overall trends regarding stops, searches, and arrests.</p>	<ul style="list-style-type: none"> • No problem with the concept. Appears to be a local database which would have elements included in the mandated State database. This goes way down into detail. Not bad, sure, metrics and publishing statistics. • When it comes to questions on race/ethnicity, some people are uncomfortable or put off by being asked. A check box indicating a desire not to respond should be one category. • Again this is the history of policing and how slave patrols have been consistent in the history of policing through out its history. • BWC, components of encounter documentation, etc. • Laws are enforced without racial bias - This should be included on many other action item lines