

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA

Plaintiff,

vs.

CITY OF SEATTLE

Defendant.

CASE No. C12-1282-JLR

**MEMORANDUM SUBMITTING  
CONSENSUS USE OF FORCE  
POLICIES**

**MEMORANDUM**

After 15 or more marathon negotiating sessions facilitated by the Monitor between the parties to this litigation—the United States, represented by the Department of Justice (DOJ), and the City of Seattle, represented by the City Attorney (Parties); after the exchange of 10 or more drafts and partial drafts; after many conference calls, telephone conversations, and meetings between and among the Parties and with the Monitor; after the Parties reached consensus in August 2013 and the Monitor published the use of force policies for comment; and after nearly four months in which the Monitor and the Monitoring Team performed independent research and

1 received and considered recommendations, including those of the community, the Community  
2 Police Commission, the two police unions, and others, the Monitor hereby submits the consensus  
3 Seattle Police Department (SPD) Use of Force policies 8.000 (Core Principles), 8.050  
4 (Definitions), 8.100 (Using Force) and 8.200 (Tools) (Core Principles, Definitions, Using Force  
5 and Tools are collectively attached as Exhibit A), as well as Procedural Manuals related to the  
6 use of specific weapons (8.200 POL-1 through POL-10) (attached as Exhibit B), to the reporting  
7 and investigative requirements for the first two levels of force (8.300 POL-1 through 4 and TSK  
8 1 through 12) (attached as Exhibit C), and SPD Manual 8.400 for reviewing use of force  
9 incidents (attached as Exhibit D), and the new Force Investigation Team Manual (attached as  
10 Exhibit E, Parts 1 and 2). The Monitor certifies that these consensus SPD policies satisfy the  
11 requirements of the Consent Decree entered by this Court in July 2012. The Monitor requests  
12 that this Court accept the SPD Use of Force policies and order them to be effective immediately.  
13

14 The United States found a pattern or practice of excessive force by the SPD in its 2011  
15 investigation brought pursuant to the Violent Crime Control and Law Enforcement Act of 1994,  
16 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d  
17 (“Safe Streets Act”), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (“Title  
18 VI”).  
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20 The United States issued its findings in December 2011. DOJ and the City of Seattle (the  
21 City) thereafter held extensive, protracted, and difficult settlement negotiations resulting in the  
22 Consent Decree entered by this Court, provisionally in August 2011 and preliminarily in  
23 September 2011. In October 2012, the Court appointed the undersigned as the Monitor with the  
24 responsibilities provided for in the Consent Decree. The first order of business for the Monitor  
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1 was the formulation of new Use of Force policies which conformed to the Fourth Amendment of  
2 the Constitution and the United States Supreme Court and appellate court decisions interpreting  
3 it.

4 The Use of Force policies submitted today are congruent with Constitutional  
5 requirements. In addition, these policies embody best practice and reflect the policies and  
6 practices of the finest law enforcement agencies in the country. These policies distinguish when  
7 lethal or nonlethal force is permissible and when not. The policies are calibrated to bring about  
8 Constitutional policing without sacrificing the safety and well-being of police officers or the  
9 general public. The policies provide separate guidance for the use of different force  
10 instrumentalities—chemical weapons, tasers, batons, beanbag shotguns and the like. Finally, the  
11 policies detail the circumstances in which force is to be reported and how it is to be reviewed.  
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13 The SPD Use of Force policies reflect a consensus reached by the Parties after exhaustive  
14 (and exhausting) negotiation. There are those who argued that the policies do not go far enough  
15 and others who argued that they go too far. The United States and the City reached common  
16 ground after laborious negotiation and against the backdrop of active and passive resistance in  
17 some parts of the City and the SPD to the Consent Decree.  
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19 The leadership of the parties, including the Interim Chief of the SPD, the City Attorney,  
20 the local United States Attorney and lawyers in her office, and the Civil Rights Division in  
21 Washington, acted with mutual trust and in good faith to reach agreement on the SPD Use of  
22 Force policies. That is no mean achievement, and it is reflective of the extraordinary  
23 statesmanship and skills of the principals, lawyers, and practitioners involved. To reach  
24 agreement on these sensitive issues given the contentiousness that preceded the Consent Decree  
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1 is an outstanding accomplishment. The Monitor pays deference to the unified voice of the  
2 Parties regarding these policies.

3 The wider community and public voices were also fully heard. This Court granted a  
4 number of extensions of deadlines in order to receive input from those who formally and  
5 informally represent community views and from other persons of good faith, such as the  
6 Executive Director of the Washington State Criminal Justice Training Commission, who  
7 prepared a useful checklist and policy suggestions. (Although the checklist is not currently  
8 incorporated in the policy or procedure manuals explicitly, the Monitor will closely review the  
9 checklist and intends to incorporate its elements in training in 2014.) The Monitor briefed City  
10 Council and answered questions about these new policies. The policies were published on the  
11 Monitor's website and elsewhere to encourage comment. *The Seattle Times* and the electronic  
12 media extensively covered the promulgation of the policies for public consumption. The new  
13 SPD policies were discussed in the Monitor's First Semiannual Report.  
14

15 The Monitor also received comments from the Community Policy Commission (CPC).  
16 The Monitor received the formal comments of the CPC on November 15. In response to the  
17 CPC's draft comments (as well as similar comments from City Council and various other  
18 community groups), the Monitor condensed the document, separated out more clearly policy and  
19 procedural elements of the draft document, and assured consistency with state law  
20 considerations, as well as made other significant changes in format and language that improved  
21 the document. The Monitor responded to what it had in its possession on November 15 and non-  
22 substantive suggestions by the Parties thereafter, including suggestions that may have originated  
23 with the CPC. There will be further opportunities to consider the use of force policies and  
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1 training. Specifically, the Consent Decree requires the Parties to review the policies six months  
2 after implementation begins. This process of critical self-analysis and self-correction is a  
3 fundamental goal of the Consent Decree and will be taken seriously.

4 Finally, the Monitor and the Monitoring Team were not passive in the evaluation and  
5 consideration of these Use of Force policies. We reached out to community representatives and  
6 civil rights, civil liberties, and grassroots organizations which fought for and now live under  
7 analogs to the new Seattle use of force policies. The Monitor reviewed studies demonstrating  
8 increased community trust and public confidence in the police in the wake of implementation of  
9 essentially the same Consent Decree elsewhere. The Monitor drew upon his 22 years of  
10 experience and that of members of his staff, as well as the experience of present and former  
11 monitors and police oversight professionals, Inspectors General, ombudspersons, auditors, and  
12 members of civilian review boards and police commissions.

14 The Monitor and Monitoring Team researched and critiqued use of force policies in place  
15 throughout the United States, as well as model policies by leading police organizations and  
16 academicians. The Monitor consulted police trainers, including the very capable trainers in the  
17 SPD, law enforcement leaders, SPOG in Seattle and law enforcement rank-and-file in Los  
18 Angeles to make sure that the policies recommended by the parties did not compromise the  
19 safety of Seattle police officers and the public they serve.

21 The task of the Monitor was to duly consider if the proposed SPD Use of Force policies  
22 embody the requirements of the Consent Decree. The Monitor and the Monitoring Team have  
23 determined that the SPD Use of Force policies do so. Accordingly, the Monitor respectfully  
24 requests that this Court accept these policies and order them effective forth with.  
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DATED this 27th day of November, 2013.



Merrick J Bobb, Monitor

The Court hereby approves the consensus SPD Policies filed herewith as Exhibits A-E.

DONE IN OPEN COURT this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
THE HONORABLE JAMES L. ROBERT  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I certify that on the 27th day of November, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

J. Michael Diaz	<a href="mailto:michael.diaz@usdoj.gov">michael.diaz@usdoj.gov</a>
Jenny A. Durkan	<a href="mailto:jenny.a.durkan@usdoj.gov">jenny.a.durkan@usdoj.gov</a>
Jonathan Smith	<a href="mailto:jonathan.smith2@usdoj.gov">jonathan.smith2@usdoj.gov</a>
Kerry Jane Keefe	<a href="mailto:kerry.keefe@usdoj.gov">kerry.keefe@usdoj.gov</a>
Michael Johnson Songer	<a href="mailto:michael.songer@usdoj.gov">michael.songer@usdoj.gov</a>
Michelle Leung	<a href="mailto:michelle.leung@usdoj.gov">michelle.leung@usdoj.gov</a>
Rebecca Shapiro Cohen	<a href="mailto:rebecca.cohen@usdoj.gov">rebecca.cohen@usdoj.gov</a>
Thomas E. Perez	<a href="mailto:tom.perez@usdoj.gov">tom.perez@usdoj.gov</a>
Timothy D. Mygatt	<a href="mailto:timothy.mygatt@usdoj.gov">timothy.mygatt@usdoj.gov</a>
Jean M. Boler	<a href="mailto:jean.boler@seattle.gov">jean.boler@seattle.gov</a>
Peter Samuel Holmes	<a href="mailto:peter.holmes@seattle.gov">peter.holmes@seattle.gov</a>
Brian G. Maxey	<a href="mailto:brian.maxey@seattle.gov">brian.maxey@seattle.gov</a>
Sarah K. Morehead	<a href="mailto:sarah.morehead@seattle.gov">sarah.morehead@seattle.gov</a>
Gregory C. Narver	<a href="mailto:gregory.narver@seattle.gov">gregory.narver@seattle.gov</a>

DATED this 27<sup>th</sup> day of November, 2013.

/s/ Carole Corona  
Carole Corona

# EXHIBIT A



**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 fail in their duty to act as public guardians and may endanger themselves, the community and fellow officers.

**2. When Time, Circumstances, and Safety Permit, Officers Will Take Steps to Gain Compliance and De-escalate Conflict Without Using Physical Force**

When safe under the totality of circumstances and time and circumstances permit, officers shall use advisements, warnings, verbal persuasion, and other tactics in order to reduce the need to use force.

Officers should 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

Additional guidance on how to reduce the need to use force may be found here. [Hyperlink to Section 8.100.2.]

**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 embody allowance 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: the question is 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 here. [[Hyperlink to Section 8.100.1.](#)]

### **5. Each Officer Is Responsible for Explaining and Articulating the Specific Facts, and Reasonable Inferences From Those Facts, Which Justify the Officer's Use Of Force**

The officer's justification will be reviewed to determine whether or not the force used was in or out of policy. Failure to adequately document and explain the facts, circumstances, and inferences when reporting force may lead to the conclusion that the force used was out of policy.

### **6. The Department Is Committed to Upholding Lawful, Professional, and Ethical Standards Through Assertive Leadership and Supervision Before, During, and After Every Force Incident**

The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous standards and transparent oversight systems to ensure accountability to the community in order to maintain their trust. This includes:

- Force prevention efforts,
- Effective tactics, and
- Objective review and analysis of all incidents of reportable force

## 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

**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
  - Street surfaces
  - 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 8.200 POL 10. See 8.1000.5 and .6 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 reduce or eliminate the necessity to use physical force. *See 8.100.2 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 8.100.2 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.
- **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.

**FIT (Force Investigation Team):** The Department personnel tasked with conducting Officer-Involved-Shootings and Type III use-of-force investigations.

**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) [hyperlink so readers can do more in-depth research](#)
- **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) [hyperlink]:** 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) [hyperlink]:** 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 that the outcome is not intended nor likely to cause the death of the subject or Great Bodily Harm. For the intended purpose of Less Lethal Tools see: [Hyperlink to 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 8.000 and 8.100 for further guidance on objectively reasonable force.* [Hyperlink to 8.100.1]

**Reportable Force:** All uses of force other than de minimis are reportable. Reportable force includes the intentional pointing of a firearm at a subject. [Hyperlinks to “de minimis”, Type I, Type II, and Type III definitions.]

**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
- **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.

<b>8.100</b>	<b>Use of Force – USING FORCE</b>
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### **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, and/or the subject complies with the officer’s orders, 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.

The assessment of reasonableness must embody allowance 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: the question is 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 immediate situation, including the presence of an imminent danger to officers or 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 or contains specific threats to harm the officers or others
- on Handcuffed or Otherwise Restrained Subjects Except in Exceptional Circumstances when the subject's actions must be immediately stopped to prevent injury, or escape, destruction of property. Use-of-force on restrained subjects shall be closely and critically reviewed. Officers must articulate both:

- The exceptional circumstances, and
- Why no reasonably effective alternative to the use-of- force appeared to exist.
- To stop a subject from swallowing a substance, such as a plastic bag containing a controlled substance or other evidence.
- To extract a substance or item from inside the body of a suspect without a warrant.

### **3. 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, which seek to minimize the likelihood of the need to use force during an incident.

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

#### **4. Officers Should Assess and Modulate the Use-Of-Force as Resistance Decreases**

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

#### **5. 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 conclude 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 8.050 – Deadly Force*

#### **6. Deadly Force May Be Used to Prevent the Escape of a Fleeing Suspect Only When an Objectively Reasonable Officer Would Conclude That it Is Necessary and the Officer Has Probable Cause to Believe That:**

- The suspect has committed 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 officer or to another person unless the suspect is apprehended without delay; and
- The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.

#### **7. 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.



## 8. Officers Shall Automatically Request Medical Aid in Certain Situations

Any use-of-force, greater than De Minimis force on subjects who are reasonably believed or known to be:

- Pregnant
- Pre-adolescent children
- Elderly
- Physically frail

Any subjects or officers who:

- Sustain a CEW application
- Are struck by a beanbag shotgun round
- Sustain a impact weapon strike to the head
- Sustain a strike of their head against a hard, fixed object

## 9. Consistent With the Timelines in 8.300, Officers and Supervisors Shall Ensure That the Incident Is Accurately and Properly Reported, Documented, and Investigated

*See 8.300 – Reporting and Investigating Use-of-Force* [Hyperlink to Section 8.300.]

<b>8.200</b>	<b>Use of Force – TOOLS</b>
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This policy addresses the use and deployment of all force tools that are available to sworn Department employees. The following force options are governed by this policy:

- Beanbag shotgun
- Canine deployment
- CEW/Conducted Electrical Weapons (TASER)
- Firearms
- Impact weapons
- Oleoresin Capsicum (OC) spray
- Vehicle-related force tactics
- Specialty unit weaponry
- Hobble restraint
- Neck and carotid restraint

The policies addressing and governing the use of specific force tools are 8.200-POL-1 through 8.200-POL-10, which are contained in the “Use of Force Tools Policy Manual.” Those policies and that manual have the full force and effect of SPD policy.

### **The Intended Purpose of Less-Lethal Devices**

Less-lethal devices are used to interrupt a subject’s threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications.

Less-lethal devices alone cannot be expected to render a suspect harmless.

Support officers should be prepared to take immediate action to exploit the brief opportunity created by the

Less-lethal device and take control of the subject if safe to do so.

**1. Officers Will Only Carry and Use Weapons That Have Been Approved by the Department and That the Officer has Been Properly Trained and Certified to Use, Except Under Exigent Circumstances**

Intentional or reckless violations of policy or training standards will result in discipline. Negligent violations of policy or training standards may result in discipline.

The use of Improvised Weapons will be subject to the same standards as Approved Weapons set forth in *8.100, Using Force*.

**2. Uniformed Officers Are Required to Carry at Least One Less-Lethal Tool**

Uniformed officers who have been issued a CEW shall carry it.

**3. Sergeants and Lieutenants Will Ensure That Each Officer in Their Command is Trained and Certified on the Tools They Carry, as Required**

**4. Officers Are Prohibited From Using Less-Lethal Tools as a Form of Punishment or for Retaliation**

**5. Officers Are Prohibited from Using Less-Lethal Tools or Other Techniques in the Following Circumstances, Absent Active Aggression by the Suspect That Cannot be Reasonably Dealt With in Any Other Fashion:**

- When the suspect is visibly pregnant, elderly, pre- adolescent, visibly frail, or known or suspected to be disabled unless deadly force is the only other option
- When the suspect is in an elevated position where a fall is likely to cause substantial injury or death
- When the suspect is in a location where the suspect could drown
- When the suspect is operating a motor vehicle or motorcycle and the engine is running or is on a bicycle or scooter in motion
- When an individual is handcuffed or otherwise restrained
- To escort, prod, or jab individuals
- To awaken unconscious or intoxicated individuals
- To prevent the destruction of evidence
- Against passive or low-level resisting subjects
- When the suspect is detained in the police vehicle

# EXHIBIT B

<b>Seattle Police Department</b>	<b>USE OF FORCE POLICY MANUAL :</b>	<b>Sections 8.200–POL–1 through –10</b>
	<b>FORCE TOOL-SPECIFIC POLICIES</b>	

<b>8.200–POL–1</b>	<b>Beanbag Shotgun</b>
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A beanbag shotgun is designed to temporarily interrupt the behavior of a suspect or dangerous individual, so that law enforcement officers can subdue and arrest that person with less danger of injury or death to themselves and others.

**1. Firearms Training Squad (FTS) Manages the Beanbag Shotgun Program**

FTS will maintain the beanbag shotgun operator’s manual, develop curriculum, and conduct training and qualifications.

**2. FTS Will Train and Certify Operators Annually**

Only officers who have been trained and certified are allowed to use beanbag shotguns. Beanbag rounds may only be used in a manner consistent with training provided by this Department.

**3. Officers Who Have Been Trained and Certified to Use a Beanbag Shotgun and Have Been Issued One Must Deploy With It During Their Shift**

**4. Officers Shall Only Use the Beanbag Shotgun When Objectively Reasonable [Hyperlink to definition and explanation of “objectively reasonable,” 8.100.]**

**5. Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Deploying the Beanbag Shotgun**

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a beanbag shotgun will be used and defer using the beanbag shotgun a reasonable amount of time to allow the subject to comply with the warning.

**Exception:** A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

**6. Officers Shall Consider the Risk of the Beanbag Shotgun Round Causing Serious Harm When Determining Whether to Deploy**

**7. Officers Shall not Target a Subject’s Head, Neck or Genital Area**

Officers shall not target the head or neck unless deadly force is justified.

In circumstances where deadly force is not justified, officers should direct the beanbag round toward the following areas:

- Lower abdomen, at belt level
- Buttocks
- Arms below the elbow

- Thigh area
- Legs below the knee

## **8. Authorized Use, Prohibitions, and Cautions**

- Beanbag rounds may only be used on an individual engaged in active aggression, or to prevent imminent physical harm to the officer or another person.
- Beanbag rounds should not be shot through glass or a chain link fence due to the likelihood of rupturing the beanbags and having the contents injure others.
- All less lethal shotguns must be stored in the trunk or rear storage area of patrol vehicles.
- Officers are cautioned that the target area for a beanbag round substantially differs from a deadly force target area. Instead of aiming for the center mass of the body, beanbag shotguns are aimed at the lower abdomen, thighs or forearms.
- Officers should be aware that targeting the chest has on occasion proven lethal when beanbag round is fired at a close range of less than 21-30 feet.
- Officers are further cautioned that the accuracy of the rounds decreases significantly after approximately 45 feet and their flight becomes erratic, striking objects to the right, left, or below the target, increasing the risk to innocent bystanders.

## **9. Tactical Considerations**

- The optimal distance for a beanbag is between 21-45 feet. The beanbag rounds present a risk of death or serious physical injury when fired at the chest, head, neck, and groin.
- Officers should also be prepared to employ other means to control the individual — including, if necessary, other force options consistent with Department policy—if the individual does not respond sufficiently to the beanbag and cannot otherwise be subdued.

## **10. Officers Are Prohibited From Using Beanbag Rounds on an Individual in a Crowd Without the Approval of a Supervisor**

Officers are prohibited from using beanbag rounds against an individual in a crowd unless the officer has the approval of a supervisor and can:

- Target a specific individual who poses an immediate threat of causing imminent physical harm; and
- Reasonably assure that other individuals in the crowd who pose no threat of violence will not be struck by the weapon.

## **11. Officers Must Justify Each Separate Beanbag Shotgun Use in Their Use-of-Force Statement**

## **12. Officers are Required to Report Each Use of the Beanbag Shotgun, (e.g. Each Time the Beanbag Shotgun is Aimed at a Subject and Each Round Fired) Regardless of Whether a Subject is Struck. See 8.300-POL-1.4.**

## **13. All Shotguns Firing Beanbag Rounds Must be Painted in a Bright Color or Otherwise Marked Clearly so as to Make Them Instantly Distinguishable From a Shotgun Firing Live Rounds**

## **14. Officers Shall Summon Medical Aid for all Subjects Who Have Been Struck by a Beanbag Round**

## **15. Beanbag Shotguns Inspections Will Be Conducted on a Semiannual Basis to Ensure That all Are Operable and Perform any Necessary Maintenance or Repairs**

**8.200-POL-2****Canine Deployment**

The prompt and proper utilization of a trained canine team has proven to be a valuable resource in law enforcement. When properly used with strict handler control, a canine team increases the degree of safety to persons within a contained search area, enhances individual officer safety, increases the likelihood of suspect apprehension, and may reduce the amount of time necessary to conduct a search. At the same time, handlers must make all reasonable efforts to avoid unnecessary and unnecessarily injurious bites.

**1. Canine Unit Has Operational Control**

Canine Unit will maintain a unit manual. [Hyperlink to unit manual.]

**2. Canine Unit Will Train and Certify its Officers Annually, at a Minimum**

No handler is permitted to train the police dog in methods, techniques, or activities contrary to the accepted methods used by the Canine Unit.

Strict handler control is the overriding goal of canine training such that a handler must be able to cause the dog to follow the handler's orders

- When the dog is on leash and off leash;
- When the dog is ordered to release a bite;
- When the dog is ordered to bite; and
- To stay and guard without biting.

**3. Canine Handlers Must Have the Ability to Control and Will Be Tested Quarterly in Real-Life Scenarios on Their Ability to Control:**

- **The dog on leash and off leash;**
- **When the dog is ordered to release a bite;**
- **When the dog is ordered to bite; and**
- **Whether the dog can stay and hold without biting.**

Handlers who are not capable of demonstrating such control shall not be active in the field until the situation is rectified.

**4. Police Canines Shall be Deployed as a Force Tactic Only When Objectively Reasonable**

Canine handlers will only allow their canines to physically engage or bite a suspect if there is a reasonable belief or if it is known that the suspect is armed with a weapon or other instrumentality capable of producing death or significant physical injury or otherwise poses an imminent threat of death or serious physical injury to the handler or others or is engaged in active aggression or escaping. In the case of a subject who has been located hiding, handlers will not allow their canine to seize and extract the suspect if a lower level of force could reasonably be expected to control the suspect or allow for the apprehension.

**Releasing the Bite**

- Should a bite occur, the handler will as rapidly as possible determine if the suspect is armed and call off the dog at the first possible moment the canine can be safely released.

- If the suspect is not armed, the handler shall order the canine immediately to release the bite.
- When deciding to call off the dog, particular attention must be given to the perceived threat or actual resistance presented by the suspect. Handlers will continue to factor into their call-off decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, will not be cause for not calling off the canine.
- Without exception, a reference to the duration of the canine's contact with a suspect shall be included in the handler's supplemental report.

## 5. Canine Deployment Announcements

**If Feasible, Officers Shall Issue a Verbal Warning to the Suspect Prior to Deploying a Police Canine as a Force Tactic and Wait a Reasonable Time to Allow Subjects to Comply. The Announcement Shall Advise That Failure to Comply With the Officers' Commands Will Result in the Release of a Trained Police Canine and They May Be Bitten if They Do Not Comply.**

Prior to deploying a canine, in any structure or enclosed contained area an amplified announcement shall be made and repeated. This announcement is intended to notify persons within the containment area of the intent to utilize a canine team and to afford suspects the opportunity to surrender to the police. The announcement shall say that there are police officers on the premises and that a trained police canine will be released and may bite you if you do not surrender. Additionally:

- The announcement shall be clear, loud and audible to all personnel at the operation. Where there is a reasonable belief that the suspect speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and the exigency of the situation permits.
- The utilization of radio car address systems will increase the likelihood that the canine announcement is heard.
- An amplified warning shall be repeated as the search proceeds and the canine team reaches a different floor, or parts of the building or other area where the initial announcement may not have been heard.
- A reasonable amount of time shall be allowed between announcement and deployment for the suspect to respond and others to seek safety.
- Containment personnel shall confirm hearing the canine announcements prior to initiating a search.

A decision not to make a deployment announcement shall be made by a lieutenant or higher. The circumstances under which an announcement may be dispensed with are:

- The foreknowledge that there is likely to be one or more suspects armed with guns or another instrumentality likely to result in death or serious physical injury
- In a contained location where an officer ambush is possible, combined with
- A tactical demand for stealth or surprise based upon strong considerations of officer safety, and
- No reasonable alternative will suffice to extract the suspects.

## 6. Officers Must Justify Police Canine Deployment as a Force Tactic if it Results in Reportable Force

No handler shall use their police dog solely to intimidate, coerce, or frighten any person.

## 7. Canine Deployments

- Off-Leash Canine Deployments, Searches, and Other Instances Presenting a Significant Risk of a Canine Bite to a Suspect or Others Shall Be Limited to Searches for Armed Felony or Armed**

**Misdemeanor Suspects, Wanted for a Serious Crime, Particularly One of Violence, Where There is a Clear Danger of Death or Serious Physical Injury to the Officer or Others. In all Other Instances, Searches Must Be On-Leash.**

- In the case of known or suspected juvenile suspects, special consideration should be given to the suspect's age and propensity for violence, and officers shall explore alternatives to the deployment of a canine.
- Canine teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol if no other serious crime is involved, nor the mentally disturbed or disabled if no other serious crime is involved.
- It is prohibited to use canines for crowd control situations at peaceful demonstrations. During a riot or other major unlawful assembly, after an order to disperse has been made, and only with a specific approval of the Chief of Police or his or her designee, canines may be used. In these situations, canines shall be short-leashed at all times to protect the public from serious injury, and the handler shall not be permitted to initiate any offensive action, unless to prevent imminent death or serious physical injury.

**b. Subject to the Limitations of the Section Above, the Following Locations are Suitable for Off-Leash Canine Deployments:**

- Commercial building searches where there is the possibility of suspects hidden inside, including attics, basements, and crawl spaces.
- If there is breaking and entering at a school, officers will investigate the nature and extent of the offense before requesting a canine unit. Many break-ins at schools involve juveniles engaged in petty theft or vandalism. Canines shall not be used in such cases. Conversely, some break-ins occurring at schools are committed by adults and involve significant theft, such as computers and other valuable equipment. Upon authorization as set forth in the section about "authorization for off-leash canine deployment," the canine unit may be used.
- Canine searches of residences are discouraged whenever there is risk of a bite to innocent persons. Before conducting a search of a residence, the handler shall make every effort ensure the safety of any residents that might be present.
- Residential searches should be conducted on short leash unless the handler can determine that there are no residents at home. This can be done through contacts with victims, witnesses, neighbors, responsible parties, and officers on the scene.
- The presence of uncontained animals in a residence to be searched will normally preclude the use of canines unless the animals can be lured out or contained. In cases where it can be done safely, an on-leash search can be done in the presence of uncontained animals.
- Prior to beginning an open area search with a police service dog, a perimeter shall be established. A police officer should precede the canine team to clear the area and contact residents to request their cooperation during the search by staying inside and bringing their animals inside unless there is:
  - The foreknowledge that there is likely to be one or more suspects armed with guns or another instrumentality likely to result in death or serious physical injury
  - In a contained location where an officer ambush is possible, combined with a tactical demand for stealth or surprise based upon strong considerations of officer safety, and
  - No reasonable alternative will suffice to extract the suspects or warn residents.
- During the search the handler makes every reasonable effort to keep the police canine in sight.
- Because of the potential danger to bystanders and other officers in open area pursuits, handlers should terminate the pursuit and recall their canine if reasonable alternatives exist.

**c. Authorization for Off-Leash Canine Deployment**



- In all instances, a canine supervisor and a field supervisor from the concerned station shall respond to the scene of the incident. In those instances where a canine supervisor is not present, field supervisors shall monitor the operation and ensure Department policy is adhered to.
- This policy requires canine officers to have approval from an immediate supervisor before the canine can be deployed off-leash. The supervisor shall make certain that the requirements above have been met prior to giving authorization. If the handler is unable to contact a canine unit supervisor, approval must be sought from a supervisor in charge at the scene before the canine can be deployed. The approving supervisor will not serve as a canine handler in the deployment.

## **8. Post-Deployment Procedures**

Immediately upon securing an individual who has been bitten, an on-scene supervisor shall summon paramedics to examine and treat the individual or transport the person to a hospital for emergency or other care. The individual will not be moved or transported by police officers without medical clearance.

The reporting and investigation requirements are covered in 8.300.

<b>8.200–POL–3</b>	<b>CEW/Conducted Electrical Weapons (TASER)</b>
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This policy applies to the use of conducted electrical weapons (CEW) by all sworn Department employees.

A CEW in cartridge mode (also known as probe mode) is designed to disrupt a subject's central nervous system with sufficient electrical energy to bring about uncontrolled muscle contractions which override an individual's motor responses. Drive stun mode (also known as touch 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 or cartridge mode is preferred in some circumstances over use in drive stun mode, which can only be used at close range and may cause burns and scarring.

### **1. Education & Training Section (ETS) Manages the CEW Program**

ETS will maintain the CEW operator's manual. [[Hyperlink to CEW Operator's Manual.](#)]

### **2. ETS Will Train and Certify Operators Annually**

Only officers who have been trained and certified are allowed to use CEW.

### **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.

### **4. Officers Shall Only Deploy CEW When Objectively Reasonable** [[Hyperlink to definition and explanation of "objectively reasonable" in 8.100.](#)]

Officers may use CEWs to overcome active resistance or aggression that causes an immediate threat of harm to the officer or others.

When a CEW is used against a subject, either in probe or drive stun mode, it shall be for one standard discharge cycle of five seconds and the officer using the CEW must reassess the situation. Only the minimum number of five second cycles necessary to place the subject in custody shall be used.

Officers should assume that if they have used the CEW three times against a subject but the subject continues to actively resist or aggress, the CEW may not be effective against that person; the officer shall reassess and consider other options.

The area of the chest and heart should not be targeted, if at all possible.

The CEW may be used to stop a dangerous animal.

When using CEW in the drive stun mode, officers shall wait a reasonable amount of time between applications to discern if compliance has been gained.

**5. Officers Shall Consider Secondary Risks to the Subject and Third Parties When Determining Whether to Deploy CEW**

Secondary risks include the dangers presented by an uncontrolled fall, an elevated position, and the potential to cause a fire. Additional guidance on secondary risks may be found here: [Hyperlink ink to 8.200.5]

**6. Officers Shall Issue a Verbal Warning to the Subject and Fellow Officers Prior to Deploying the CEW**

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a CEW will be used and defer using the CEW a reasonable amount of time to allow the subject to comply with the warning.

**Exception:** A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

**7. Officers Shall not Target a Subject's Head, Neck or Genital Area**

CEW users will not target a subject's head, neck, or genital area except to protect officer or public safety. The center mass of the back is the preferred target. The lower center mass of the body should otherwise be targeted. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as targets.

**8. CEWs Shall Not Be Used In any Environment Where an Officer Knows That a Potentially Flammable, Volatile, or Explosive Material is Present**

Officers aware of environmental hazards shall alert fellow officers as soon as possible.

**9. As With the Initial CEW Application, Each Subsequent Application Is a Separate Application of Force That Must Be Individually Justified As Reasonable**

- a. **Officers are Required to Report the Use of a CEW, Regardless of Whether a Subject is Struck.**  
*See 8.300-POL-1.5.*

**10. Officers Shall Summon Medical Aid Whenever a Subject Has Sustained a CEW Application**

**a. Officers Shall Not Remove CEW Barbs That are Embedded in Flesh**

CEW barbs shall only be removed by fire department personnel or healthcare professionals. Officers shall collect CEW barbs and submit them into evidence.

**11. Officers Shall Monitor All Subjects Who Have Sustained a CEW Application While They Are in Police Custody**

**12. When Restraining a Subject That Has Been Struck With a CEW, Officers Shall Use a Technique That Does Not Impair Respiration**

Once a subject is under control, officers shall place him or her in a recovery position until such time as medical aid arrives.

**13. ETS Shall Conduct CEW Inspections on a Biannual Basis to Ensure That All CEWs are Operable, to Conduct Information Downloads, and Perform Any Necessary Maintenance or Repairs**

8.200-POL-4

Firearms

**1. Officers Shall Only Shoot Firearms in Situations Where Deadly Force is Justified [Hyperlink to 8.000.]**

**2. Officers Shall Only Carry and Use Department-Approved Firearms, Except in Exigent Circumstances**

See Seattle Police Manual Section 9.120. [Hyperlink to 9.120.]

**3. Officers Must Pass an Annual Firearms Qualification**

All officers are required to qualify with their on-duty, back-up/off-duty firearms as directed by the Education & Training Section Captain. *See 9.120.* [Hyperlink to 9.120.]

**4. Officers Shall Not Use Firearms as Impact Weapons**

**5. An Officer May Draw or Exhibit a Firearm in the Line of Duty When the Officer has Reasonable Cause to Believe It May Be Necessary for His or Her Own Safety or for the Safety of Others**

When an officer determines that the threat is over, the officer shall holster his or her firearm.

Unnecessarily or prematurely drawing or exhibiting a firearm may limit an officer's alternatives in controlling a situation, may create unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.

Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.

## 6. Officers Shall Not Fire Warning Shots

## 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 required if feasible and unless giving the warning would compromise the safety of the officer or others.

## 8. Officers Shall Not Fire at or From a Moving Vehicle

Firing at a moving vehicle is generally prohibited because doing so is often ineffective and may cause significant safety risks to the driver, passengers, and bystanders. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force.

An officer threatened by an oncoming vehicle shall, if feasible, move out of its path instead of discharging a firearm at it or any of its occupants.

Officers shall not discharge a firearm from a moving vehicle unless a person is immediately threatening the officer or another person with deadly force.

**Note:** It is understood that the policy in regards to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case-by-case basis. The involved officers must be able to articulate clearly the reasons for the use of deadly force.

Factors that may be considered include:

- Whether the officer's life or the lives of others were in immediate peril
- And if there was no reasonable or apparent mean of escape

## 9. Pointing a Firearm at a Person is Reportable Force

Officers shall document all incidents where they point a firearm at a person. *See 8.300.* [Hyperlink to 8.300.]

Unholstering or displaying a firearm – including in a sul or low-ready position – without pointing it at a person is not reportable force.

**8.200–POL–5**

**Impact Weapons**

This policy applies to the use of Department-approved and exigent (improvised) impact weapons, by all sworn Department employees. An impact weapon is any object that is used to forcefully strike a subject in a manner that is reasonably likely to cause injury.

The baton is capable of delivering powerful blows to interrupt or incapacitate an aggressive subject. It is also capable of delivering lethal or permanently disabling blows.

See Manual Section 8.200 [hyperlink to 8.200] for information on approved impact weapons.

**1. Education & Training Section (ETS) Will Train and Certify Officers on Department-Approved Impact Weapons Every Two Years**

Officers will be trained and certified to use Department- approved impact weapons before being authorized to carry these weapons.

**2. Officers Shall Only Use Impact Weapons When Objectively Reasonable. [Hyperlink to definition and explanation of “objectively reasonable” in 8.100.]**

**3. Officers Will Not Use Impact Weapons on Subjects Who Are Restrained and Under Control, or Complying With Police Direction**

**4. A Hard Strike to the Head With Any Impact Weapon, Including a Baton, Is Prohibited Unless Deadly Force is Justified**

The head, throat, neck, spine, groin, or kidneys shall not be targeted unless deadly force is justified.

Unintentional or mistaken blows to these areas must be reported to ensure that all reasonable care was taken to avoid them.

Preferred target areas include arms, legs and torso.

**5. Officers Shall Not Use Flashlights as Impact Weapons, Except in Exigent Circumstances**

The improvised use of weapons, such as flashlights, may present a greater risk of injury than batons. Use of another object in place of the baton, including flashlights, is prohibited unless there is an immediate need to strike and an officer is precluded from using or cannot feasibly use the CEW, baton, or OC spray.

The failure to carry a baton, in and of itself, does not justify the regular use of a flashlight as an impact weapon. Routine reliance on flashlights as an impact weapon is prohibited.

**6. Officers Must Justify Each Separate Impact Weapon Application in Their Use-of-Force Report**

- a. **Officers are Required to Report the Use of an Impact Weapon to their Sergeant, Regardless of Whether a Subject is Struck. See 8.300-POL-1.4.**

8.200-POL-6

Oleoresin Capsicum (OC) Spray

This policy applies to the use of OC spray by all sworn Department employees.

Oleoresin Capsicum spray (OC spray) is an inflammatory agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. A one second burst applied directly to the face (direct exposure), even with glasses, will usually result in the immediate closing of the eyes. The individual's eyes will close, tear, and swell as a result.

When inhaled (secondary exposure), the respiratory tract will become inflamed and temporarily restrict breathing to short, shallow breaths. The individual may experience choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. The individual may experience nausea, lung pain, or temporarily impaired thought processes. The individual may become disoriented or lose his or her balance.

OC spray may reduce or eliminate the need for substantial physical force to make an arrest or gain custody. It may reduce the potential for injuries to officers and suspects.

**1. Education & Training Section (ETS) Will Train and Certify Officers in the Use of OC Spray Every Two Years**

The OC spray policy and training will incorporate the evolving guidance contained within the SPD Post-Basic Law Enforcement Academy course on less-lethal force as well as guidance from the medical community.

**2. Officers Shall Only Use Department-Issued or Approved OC Spray**

**3. Officers Will Use OC Spray Only When Such Force is Objectively Reasonable, Including When Used for Crowd Dispersal or Protection [Hyperlink to definition and explanation of “objectively reasonable” in 8.100.]**

For use of OC spray in the context of demonstration management, see Manual Section 14.090.10. [Hyperlink to Section 14.090.10.]

**a. OC Spray May Be Used Against a Dangerous Animal to Deter an Attack or to Prevent Injury to Persons Present**

**b. OC Spray Shall Not Be Used Unless the Use of Physical Force Is Necessary**

**4. Officers Shall Issue a Verbal Warning to the Subject, Fellow Officers and Other Individuals Present Prior to Using OC Spray**

Officers shall issue a verbal warning to the subject, other officers, and other individuals present, that OC spray will be used and defer using OC spray a reasonable amount of time to allow the subject to comply with the warning.

**Exception:** A verbal warning is required if feasible and unless giving the warning would compromise the safety of the officer or others.

**5. Officers Must Justify Each Separate Application of OC Spray**

After the initial application of OC spray, each subsequent spray must also be reasonable and the employee should reevaluate the situation accordingly.

**6. Officers are Required to Report the Use of OC Spray, Regardless of the Effect, as Well as the Decontamination Procedures That Followed. See 8.300-POL-1.5.**

**7. The Application of OC Spray on Persons in Restraints Such As Handcuffs Must Be to Protect an Officer or Member of the Public from Physical Injury.**

**8. Officers Shall Direct OC Spray at the Specific Subject(s) Who are Posing a Threat**

Officers deploying OC will attempt to minimize exposure to non-targeted parties.

**9. Officers Shall Assist Exposed Subjects with Decontamination and Water-Flushing of Exposed Areas as Soon as Feasible**

If the subject was exposed inside or in a confined space, officers will remove the subject as soon as possible from the contaminated area and expose the individual to fresh air.

Officers shall request medical response or assistance for subjects exposed to chemical spray when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing condition (such as asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by chemical spray.

Officers shall monitor exposed subjects for changes in their condition while in police custody and request medical evaluation as needed.

**10. The Department Shall Maintain Written Documentation of the Number of OC Spray Canisters Annually Distributed to, and Utilized by, Each Employee**

<b>8.200-POL-7</b>	<b>Vehicle-Related Force Tactics</b>
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Authorized vehicle-related force tactics include the PIT (Pursuit Intervention Technique) and stop sticks. In certain circumstances, vehicle-related force tactics may be considered deadly force. (Link to deadly force policy.)

- 1. Only Officers Who are Trained and Certified in the Use of These Tactics are Permitted to Use Them**
- 2. SWAT Will Administer Annual PIT Training and the Education & Training Section Will Administer Annual Stop Stick Training**
- 3. The Use of Stop Sticks Against a Motorcycle is Considered Deadly Force**
- 4. Officers Will Use Vehicle-Related Force Tactics Only When Objectively Reasonable** [Hyperlink to definition and explanation of “objectively reasonable” in 8.100.]
- 5. Officers Shall Consider Secondary Risks to the Subject and Third Parties When Determining Whether to Deploy Vehicle-Related Force Tactics**

Secondary risks to pedestrians and other vehicles include, but are not limited to, the dangers presented by a spun-out vehicle and loose tires on the road.

- 6. Officers Will Report the Use of PIT, and Stop Sticks as a Use-of-Force**
- 7. See 8.200-POL-4 for Guidance on Shooting at or From a Moving Vehicle** [Hyperlink to Section 8.200-Pol-4.]

**8.200-POL-8**

**Specialty Unit Weaponry**

- 1. The Assistant Chief for Special Operations Oversees all Specialty Unit Weaponry**
- 2. Specialty Units That Utilize Unique Weaponry Will Maintain Unit Manuals and Training Records Which Contain an Inventory and Specific Guidance for Each Weapon**

Per Seattle Police Manual Section 12.070, unit manuals have the force of Department policy. [Hyperlink to Section 12.070.]

- 3. Officers in Specialty Units Shall Use Their Weaponry in a Manner That is Objectively Reasonable Per the Given Circumstance** [Hyperlink to definition and explanation of “objectively reasonable” in 8.100.]

The fact that a weapon is part of the specialty unit weaponry does not exempt it from the policy requirements of this Manual. The same principles stated in 8.000 and 8.100 apply fully.

**8.200-POL-9**

**Hobble Restraint**

- 1. Officers May Use the Hobble Restraint to Temporarily Control Violently Combative Subjects**

Officers may use the hobble restraint when objectively reasonable. [Hyperlink to definition and explanation of “objectively reasonable” in 8.100.]

- 2. Officers Must Place Subjects in the Hobble Restraint Either in an Upright, Seated Position or on Their Side and Not Face Down, Including During Transport**
- 3. Officers Must Closely Monitor Subjects Who Have Been Placed in the Hobble Restraint**

Officers shall monitor for signs, such as labored breathing or sweating, of serious medical conditions and provide for immediate medical treatment as necessary.

- 4. Officers Shall Report any Use of the Hobble Restraint as a Use-of-Force**

**8.200-POL-10**

**Neck and Carotid Restraints**

- 1. Officers May Only Use Neck and Carotid Restraints When Deadly Force is Justified**
- 2. Officers Must Summon First Aid Immediately Following the Application of Neck and Carotid Restraints, if at all possible.**
- 3. Officers Shall Monitor All Subjects Who Have Been Subjected to Neck and Carotid Restraints While They Are in Police Custody**



# EXHIBIT C

<b>Seattle Police Manual</b>	<b>USE OF FORCE REPORTING &amp; INVESTIGATION</b>	<b>Sections 8.300–POL–1 through –4 Sections 8.300–TSK–1 through –12</b>
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<b>8.300-POL-1</b>	<b>Use-of-Force Reporting</b>
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The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous and transparent oversight systems to ensure accountability to the community and maintain their trust. In order to ensure transparency and accountability officers must clearly and reliably report and thoroughly document each time they use force defined as Type I, II, III.

All uses of force are reportable except de minimis force.

Supervisors must clearly and reliably document the steps they have taken to investigate and review the actions of the officer and any additional steps taken or recommendations for further review and action.

The requirements for reporting, investigating, and reviewing use-of-force incidents (other than incidents resulting in death or discharge of a firearm by an officer) are separated into three types, based on the nature of the incident. For officer-involved shootings, see 8.500, and for deaths see 15.055. The goal is to focus police resources on the most serious cases, while also requiring that all reportable uses of force are reported and not under-classified. The categorization of the uses of force is based on the following factors: degree of injury caused, potential of the technique or weapon to cause injury, degree of pain experienced, degree of disability experienced by the subject, complaint by the subject, degree of restraint of the subject, impairment of the functioning of any organ, duration of the force, and physical vulnerability of the subject.

	Physical interaction meant to separate, guide, and/or control that does not cause pain or injury	<ul style="list-style-type: none"> <li>– Using hands or equipment to stop, push back, separate or escort, the use of compliance holds without the use of sufficient force to cause pain, and unresisted handcuffing without transient pain</li> </ul>	No investigation or reporting required
	<ul style="list-style-type: none"> <li>– Transient Pain</li> <li>– Disorientation</li> <li>– Aiming of Firearm or Beanbag Shotgun at a Subject</li> </ul>	<ul style="list-style-type: none"> <li>– “Soft” takedowns (controlled placement)</li> <li>– Open or empty hand strike or other disorientation techniques</li> <li>– Wrist lock with sufficient force to cause pain or complaint of pain</li> </ul>	<ul style="list-style-type: none"> <li>• Sergeant Screening In-person (Unless Impractical)</li> <li>• Use-of-Force Report</li> </ul>
	<ul style="list-style-type: none"> <li>– Physical Injury (Greater than temporary pain/redness)</li> <li>– Reasonably expected to cause physical injury</li> <li>– Complaint of injury</li> <li>– Use of CEW (TASER)</li> </ul>	<ul style="list-style-type: none"> <li>– Abrasion</li> <li>– Bruising</li> <li>– “Hard strike”</li> <li>– Hard takedown</li> <li>– Kick</li> </ul>	<ul style="list-style-type: none"> <li>• Sergeant Screening at the Scene</li> <li>• Use-of-Force Statement</li> <li>• Witness</li> </ul>

	<ul style="list-style-type: none"> <li>- Use of OC Spray</li> <li>- Use of Impact Weapon causing less than a Type III injury</li> <li>- Use of Beanbag Shotgun causing less than a Type III injury</li> <li>- K9 Deployment with Injury or Complaint of Injury causing less than a Type III injury</li> <li>- Vehicle</li> <li>- PIT</li> <li>- Hobble Restraint</li> </ul>		<p>Statements</p> <ul style="list-style-type: none"> <li>• Collection of Evidence</li> <li>• Review of Video</li> <li>• UOFRB Review</li> </ul>
<b>Type III</b>	<ul style="list-style-type: none"> <li>- Great Bodily Harm</li> <li>- Substantial Bodily Harm</li> <li>- Deadly Force</li> <li>- Loss of Consciousness</li> <li>- Neck and Carotid holds</li> <li>- Criminal Conduct by Officer(s)</li> <li>- Serious Misconduct by Officer(s)</li> <li>- Use of Stop Sticks Against a Motorcycle</li> <li>- Impact Weapon Strike to the Head</li> </ul>	<ul style="list-style-type: none"> <li>- Broken arm</li> <li>- Closed head injury</li> </ul>	<ul style="list-style-type: none"> <li>• Sergeant Screening at the Scene</li> <li>• FIT Response &amp; Investigation</li> <li>• UOFRB Review</li> </ul>

**1. Officers Shall Report all Uses of Force Except De Minimis Force**

Officers shall thoroughly document all reportable uses of force to the best of their ability, including a description of each force application.

When an officer makes an affirmative request for a Garrity warning related to giving a statement, this request will be documented in the use of force report.

The Department recognizes the inherent limitations on perception and recall following tense and rapidly evolving circumstances.

**2. Officers, Including Witness Officers, Will Verbally Notify a Supervisor Immediately, Unless Not Practical, Following any Use of Reportable Force**

- a. Officers Who Use Reportable Force While On-Duty Shall Call for an On-Duty Sergeant Via Radio**
- b. Officers Who Use Reportable Force While Exercising Police Authority in all Other Circumstances Shall Call and Request to be Contacted by an On-Duty Lieutenant.**
- c. Officers Who Use Reportable Force While Working for a Secondary Employer Shall Call for an On-Duty Sergeant Via Radio unless an SPD Sergeant is Assigned or Working the same Off-Duty Detail**

The sergeant will review the incident and do one of the following:

- Classify the investigation as **Type I**  
Use of low-level physical force that:
  - Causes transient pain or disorientation, but does not cause, and would not reasonably cause, injury or otherwise require a **Type II** investigation
  - Intentionally pointing a firearm or beanbag shotgun at a person
    - Un-holstering or displaying a firearm without intentionally pointing it at a person – including the sul and low-ready positions - or simply displaying any weapon, is not a reportable use of force.
- Classify the investigation as **Type II**  
Use of physical force that:
  - Causes physical injury greater than temporary pain or redness, or
  - Could reasonably be expected to cause such an injury, or
  - Results in a complaint of such an injury, and does not rise to the level of a **Type III** investigation
  - Use of intentional ramming or PIT (Pursuit Intervention Technique)
- Call the captain of the FIT Unit and screen a **Type III** response by the FIT
  - Use-of-force that results in, or could reasonably be expected to result in, great bodily harm [RCW 9A.04.110(4)(c)] or substantial bodily harm [RCW 9A.04.110(4)(b)], to include broken bones and an admission to the hospital for treatment, or
  - Use of deadly force, except those incidents involving the discharge of a firearm, or
  - Use-of-force that results in a subject's loss of consciousness as the result of the force, or
  - Use-of-force that potentially involves criminal conduct or serious misconduct on the part of the officer, or
  - Application of a neck hold
  - Hard strike to the head or neck with an impact weapon (flashlight, baton or other object)
  - Use of stop-sticks against an occupant of a moving motorcycle
- Classify the investigation as a firearms discharge (*See 8.500-Firearms Discharge Investigations*)

**d. The FIT Unit Captain or FIT Sergeant, When Contacted by a Sergeant, Will Either Initiate a Type III Investigation or Suggest Another Type of Investigation**

**e. When Multiple Officers are Involved in a Use-of-Force Incident, the Entire Incident Will be Reported and Reviewed at the Highest Level Reached by any Single Officer During the Incident**

If one officer uses Type I force while another officer uses Type II force, in the same incident, both involved officers will be required to report in accordance with Type II investigation requirements.

**3. Sergeants May Request a Higher Level of Investigation for a Given Force Incident**

Factors to consider when determining whether a higher level of investigation is appropriate include, but are not limited to, the following:

- The nature of the resistance encountered
- Force used against a handcuffed, or otherwise restrained, under-control, or in-custody subject
- Force used against a pregnant or vulnerable subject (e.g., age or infirmity)
- Incidents resulting from faulty information or unintentional error
- Whether it is unclear whether the officers actions were consistent with policy or law

- 4. No Supervisor Who Used, Participated In, or Ordered the Force, Will Conduct the Investigation of the Incident, Unless it is Impractical Under the Circumstances**
- 5. Officers are Required to Report the Use of OC Spray, Beanbag Shotgun, TASER and Patrol CART Munitions, Regardless of the Effect**

Reporting is required whether or not the subject is struck, affected, or taken into custody.

- 6. Once a Subject is Free to Leave, Officers Will Not Detain for Screening Purposes**
- 7. The Incident Commander Will Make Appropriate Notifications of Serious Officer Misconduct or Criminal Liability**

The incident commander/watch commander will notify the command staff and OPA if information is obtained at any step in the investigation that suggests either serious officer misconduct or criminal conduct.

If the situation warrants, the incident commander may relieve the officer from duty for up to 24 hours pursuant to Manual Section 5.002.4.c.

<b>8.300-POL-2</b>	<b>Type I Investigations</b>
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- 1. Sergeants Must Screen Uses of Reportable Force In-Person With the Involved Officer and the Subject, Unless Impractical, Prior to the Subject Being Booked or Released**

If the subject is free to leave, the detention will not be extended to facilitate the screening process; however, the subject may choose to remain at the scene to speak with the sergeant. *See 8.300-TSK-1, Involved Officers' Responsibilities During a Type I Investigation.*

If there is any uncertainty or concern about the reason or nature of the force used, or the existence of any injury, the sergeant will immediately respond to the scene, unless impractical in the circumstances.

- 2. Officers Shall Document All Uses of Reportable Force**

The applicable reporting system is *here*. [Hyperlink to reporting system.]

- 3. The Officer's Immediate Supervisor Will Review the Documentation as Soon as Practicable and Will Direct the Officer to Provide More Information, if Needed**

<b>8.300-POL-3</b>	<b>Type II Investigations</b>
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- 1. In Conducting a Type II Investigation, a Sergeant Will Respond to the Scene and Thoroughly Investigate the Event, Unless Officer or Public Safety Will be Compromised as a Result**

*See 8.300-TSK-5 Responsibilities of the Sergeant During a Type II Investigation.*

The sergeant retains the discretion to refer any use of force to FIT for their determination of whether to take investigatory responsibility over the matter.

2. **The Sergeant Will Conduct the Investigation as an Impartial Fact-Finder and Shall Not Draw Conclusions About Whether the Force was Within Policy or Law**
3. **The Sergeant Will Make Appropriate Notifications When He or She Believes that Criminal Conduct or Serious Misconduct May Have Occurred**

When a sergeant believes that there may have been criminal conduct or serious officer misconduct, the sergeant will consult with an on-duty captain or lieutenant and confirm that either OPA or FIT is notified.

4. **Sergeants Will Complete a *Sergeant's Force Investigation Report* Within 3 Days of Learning of the Use-of-Force**

**Exception:** The lieutenant may approve an extension.

- a. **Each Higher Level Supervisor in the Chain Will Review the Report Packet Within a Reasonable Period of Time to Ensure it is Complete and That the Sergeant's Investigation was Thorough and Reach Findings as to Whether the Use-of-Force was Lawful and Consistent with Policy**

Every supervisor in the chain of command is responsible to ensure the accuracy and completeness of the Use-of-Force Reports completed by sergeants.

If any investigative deficiencies exist, the reviewer will initiate corrective action where appropriate.

- When it appears to a supervisor that there is additional relevant and material evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, that supervisor should ensure that additional investigation is completed.
- When it appears to a supervisor that the findings are not supported by a preponderance of the evidence, that supervisor will modify the findings after consultation with the investigating supervisor and previous reviewers, and document the reasons for this modification, including the specifics evidence or analysis supporting the modification.

5. **An Investigation May Be Re-Assigned**

At the discretion of the officer's chain of command, or OPA in the case of potential misconduct, a use-of-force investigation may be assigned or re-assigned to FIT or to another supervisor, whether within or outside of the precinct in which the incident occurred, or may be returned to the unit for further investigation or analysis.

6. **Where, After Investigation, a Use-of-Force is Found to be Out of Policy, or the Investigation of the Incident is Lacking, the Chief or Designee Will Direct and Ensure Appropriate Corrective Action, if Warranted, Including Referral to OPA in the Case of Misconduct**
7. **When the Use-of-Force Indicates Policy, Training, Tactical or Equipment Concerns, the Chief or Designee Will Ensure That Necessary Training is Delivered and That Policy, Tactical or Equipment Concerns are Resolved**
8. **After the Precinct Captain has Reviewed the Use-of-Force Packet, Finds the Investigation Complete and Supported by the Evidence, He or She Shall Forward the Investigation File to the Use of Force Review Board**

**8.300-POL-4**

**Type III Investigations**

- 1. The Force Investigations Team (FIT) Will Conduct All Type III Investigations, With Assistance from the On-Scene Sergeant**
- 2. FIT Responses Will Be Tailored to the Circumstances, But Will Normally Include One to Three FIT Detectives, the FIT Sergeant, the FIT Captain, a Training Section Representative, and an OPA Representative**
- 3. At Least One Member of the FIT Will be Available at All Times to Evaluate Potential Referrals from SPD Sergeants**
- 4. The FIT Captain Shall Staff the FIT with Employees Who Have the Appropriate Expertise and Investigative Skills**

FIT should be staffed with individuals with appropriate expertise and investigative skills to ensure that uses of force that are contrary to law or policy are identified and appropriately resolved; and that its investigations allow the Use-of-Force Review Board to identify trends or patterns of policy, training, equipment, or tactical deficiencies, or positive lessons related to the use-of-force.

**5. A Training Section Representative Will Have Certain Responsibilities During a Type III Investigation**

The Training representative will not have investigative roles at the scene of a use-of-force, but will attempt to identify any policy or training issues.

*See 8.300-TSK-11, Responsibilities of the Training Representative During a Type III Investigation.*

**6. An Office of Professional Accountability (OPA) Representative Will Have Certain Responsibilities During a Type III Investigation**

The OPA representative will not have investigative roles at the scene of a use-of-force, but will attempt to identify any potential misconduct issues.

*See 8.300-TSK-12 Role of the Office of Professional Accountability (OPA) Representative During a Type III Investigation.*

**7. FIT Personnel Will Take Control of the Use-of-Force Investigation Upon Their Arrival**

*See 8.300-TSK-9, Responsibilities of the FIT Captain During a Type III Investigation, and 8.300-TSK-10, Responsibilities of the FIT Unit Sergeant During a Type III Investigation.*

**a. Once FIT has Assumed Control of the Scene, the Patrol Sergeant Will Work at the Direction of the FIT Captain**

See 8.300-TSK-7 Responsibilities of the Patrol Sergeant During a Type III Investigation.

**8. For Type III Investigations, All Involved Officers Will Provide a Recorded Statement as Directed by the FIT**

## Captain

Typically, the FIT Captain will direct officers who used Type I or Type II force to complete a use-of-force statement and officers who used Type III force to participate in an audio-taped interview.

**Exception:** If information suggests possible criminal conduct by an officer, that officer will not be compelled to provide a use-of force statement or an audio-taped interview prior to the conclusion of any criminal investigation.

### **9. Within 30 days, the FIT Captain Will Present the Completed Investigation to the Chief of the Professional Standards Bureau for Review as to Completeness of Investigation**

This review will normally be completed within three business days. The investigation will then be forwarded to the involved officer's chain of command. After this review has been completed, the FIT Captain will be responsible for presenting the investigation to the Use-of-Force Review Board.

*See 8.300-TSK-9, Responsibilities of the FIT Captain During a Type III Investigation.*

### **10. The FIT Captain Will Notify the Command Staff if Information is Obtained at any Stage of the Investigation That Suggests Either Serious Officer Misconduct or Criminal Liability**

The assigned FIT investigator will continue to complete the use-of-force investigation.

#### **a. The FIT Captain Will Take the Following Actions When Possible Criminal Conduct is Revealed:**

- Refer the investigation to OPA
  - If OPA agrees that a criminal investigation is appropriate, they will refer the investigation to the Homicide Unit or another investigative body for assignment to an uninvolved sergeant for bifurcated criminal and administrative investigations using a “clean team” and “exposed team” approach.
- Screen all information through a case master, who will see to it that no information that would compromise the criminal investigation is passed on to the sergeant who is supervising the criminal investigation.
  - Additionally, any compelled interview of the subject officer(s) will be delayed until the end of the investigation.
- Consult with a representative of the King County Prosecutor's Office or the City Attorney's Office when necessary.
  - The criminal investigation will have priority access to witnesses and evidence.

#### **b. The FIT Captain Will Take the Following Actions When Possible Serious Officer Misconduct is Revealed:**

- Advise the OPA director and refer the investigation to the OPA



**RESPONSIBILITIES DURING A TYPE I INVESTIGATION****8.300–TSK–1****Involved Officers' Responsibilities During a Type I Investigation**

Upon being involved in a use-of-force that will be investigated at Type I, the **involved officer** (any officer who used the reportable force):

1. **Notifies** an on-duty sergeant
2. **Uploads** and **flags** in-car video (ICV) before going off shift
3. **Documents** the incident, as appropriate
4. **Submits** a Type I Use-of-Force Report to the sergeant by the conclusion of the current shift, unless the sergeant approves an extension

The report will include the following elements:

- The name and serial number of the officer who used force
- The names of other officers or identified witnesses present
- An account of the officer's actions in using force
- The suspect's actions that led to the application of force
- A detailed description of any force and non-force actions used to achieve the law enforcement objective, and the observed results
- The name of the supervisor screening the incident

**8.300–TSK–2****Responsibilities of the Sergeant During a Type I Investigation**

When conducting a Type I investigation, the **sergeant**:

1. **Screens** the incident in-person with the involved officer
  - a. If there is any uncertainty or concern about the reason or nature of the force used, or the existence of any injury, the sergeant will immediately respond to the scene, unless impractical in the circumstances.
2. **Determines** if the use-of-force is appropriately classified as a Type I incident
  - a. If the sergeant is unable to make that determination, he will consult with the lieutenant or FIT to assist in the determination.
3. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
  - a. If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted and consult the FIT team regarding reclassification of the incident as Type II or Type III.
4. **Addresses** any concerns with the involved officer and initiates corrective action, as necessary

5. **Directs** the involved officer to submit a Type I Use-of- Force Report
6. **Reviews** the Type I Use-of-Force Report, and any related documentation, including GO and supplemental reports and directs the officer to supply more information, if needed
7. **Orders** the officer to provide additional information or clarification if the Type I Use-of-Force Report is unclear
8. **Forwards** the report to the lieutenant

## RESPONSIBILITIES DURING A TYPE II INVESTIGATION

8.300-TSK-4 addresses Responsibilities of Witness Officers During Both Type II and Type III Investigations.

### 8.300-TSK-3 Involved Officers' Responsibilities During a Type II Investigation

Upon being involved in a use-of-force that will be investigated at Type II (physical injury [greater than temporary pain/redness], reasonably expected to cause physical injury, complaint of injury, use of CEW, use of OC spray, use of impact weapon, use of beanbag shotgun, K9 deployment, vehicle-to-vehicle contact to end a pursuit, full-restraint position), the **involved officer** (any officer who used the reportable force):

1. **Requests** medical attention for any injured persons
2. **Notifies** an on-duty sergeant
3. **Uploads** and **flags** in-car video (ICV) before going off shift
4. **Completes** a General Offense Report, if appropriate
5. **Submits** a written Type II Use-of-Force Statement to the sergeant by the conclusion of the current shift, unless exigent circumstances require an extension

The statement will include the following elements:

- The name and serial number of the officer who used force
- The names of other officers, whether or not they used force, and identified witnesses present
- A detailed description of the circumstances, and the valid law enforcement objective, that led up to the contact with the subject
- A detailed description of the words, actions or behaviors of the subject that precipitated the need for force
- A detailed description of any force and non-force actions used, how those actions furthered the intended law enforcement objective, and the observed results
- A detailed description of any force clearly observed being used by other officers during this incident
- A detailed description of any apparent injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided
- The name and serial number of the sergeant who screened the incident

**8.300–TSK–4****Responsibilities of Witness Officers During a Type II or Type III Investigation**

A **witness officer** (any officer who was on-scene and did not use reportable force):

1. **Protects** the scene and related evidence
2. **Stands by** at the scene until released by the sergeant (for a Type II investigation) or the FIT supervisor (for a Type III investigation)
3. **Uploads** and **flags** in-car video (ICV) before going off shift
4. **Provides** a witness statement, as directed by the sergeant (for a Type II investigation) or the FIT supervisor (for a Type III investigation). If a witness officer is aware that reportable force was used but not reported, the witness officer shall provide the witness statement to his or her supervisor.

**8.300–TSK–5****Responsibilities of the Sergeant During a Type II Investigation**

When conducting a Type II investigation, the **sergeant**:

1. **Responds** to the scene
2. **Examines** the subject of the force for injury
  - When feasible, the sergeant will **assess** the subject's injuries and **determine** whether the subject's injuries are consistent with the force reported by the officer(s).
3. **Interviews** the subject for complaints of injury
4. **Confirms** that appropriate medical aid is rendered to any injured party
5. **Obtains** basic information and determines if the incident requires screening with the FIT supervisor
6. **Identifies** and **secures** evidence to enable him or her to summarize the use of force and the facts and circumstances surrounding it, including:
  - Physical evidence
  - Audio and video recordings
  - Photographs
  - Documentation of the presence or absence of injuries
7. **Attempts** to locate relevant civilian witnesses and **arranges** for witnesses to be interviewed
  - If witnesses do not want to be interviewed, the sergeant shall record their contact information.
  - Where practicable and warranted in the circumstances, the sergeant will arrange for all interviews with civilian witnesses to be audio recorded. Civilian witnesses shall be interviewed separately, unless unreasonable under the circumstances.
    - Interviews of the subject, or the subject's refusal to be interviewed, will be audio or

ICV recorded, if feasible.

8. **Reviews** CAD to make sure that all officers at the scene are contacted to determine if they used or observed force

9. **Conducts** separate interviews of officers involved in a use of force incident, unless unreasonable under the circumstances

**Exception:** Whenever there is an indication of possible criminal conduct by an officer, the officer will not be compelled to provide a statement.

10. **Directs** the involved officer(s) to complete a use-of-force statement and the witness officer(s) to complete a witness statement

**Exception:** Whenever there is an indication of possible criminal conduct by an officer, the officer will not be compelled to provide a statement.

11. **Canvasses** the area for privately-owned video that may have captured the incident, and attempts to obtain copies voluntarily

- If the owner of the video refuses or the video is unavailable, **documents** the location and/or owner
- If no privately-owned video is discovered, **documents** that none was found
- **Documents** all efforts to obtain private video

12. **Photographs** the following:

- The location where the incident occurred, to document damage and to make sure that relevant evidence is collected
- Any officer injuries or areas of complained injury, and any damaged government or private property
- When a subject is not in custody, **asks** for permission to photograph injuries
- When a subject is in custody, **photographs** the subject unless the subject refuses and safety dictates, after voluntary and non-coercive attempts fail
  - **Takes** a minimum of three photos, per subject:
    - Overall photo of the subject
    - Photo of the general area of the injury (arm, neck, etc.)
    - Close-up photo of the injury
  - **Uploads** photos to DEMS
  - **Documents** refusal, as appropriate

13. **Reviews** the officer's Use-of-Force Report to make sure the account is full and accurate

- **Verifies** that the officer has thoroughly documented all reportable uses of force to the best of their abilities, including a description of each force application

14. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)

- a. If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted and consult the FIT team regarding reclassification of the incident as Type III.
15. **Advises** his or her lieutenant of the incident by the end of the shift during which the incident occurred
16. **Confirms** that all officers who responded to the incident upload their ICV by the conclusion of their shift
17. **Reviews** any ICV or holding cell video related to the incident and **flags** for retention ICV that includes contact with the subject
18. If a CEW was deployed, **confirms** that the CEW data is downloaded and that data analysis is included in the Use-of-Force Report
19. **Completes** the supervisor's Use-of-Force Report
  - The Use-of-Force Report will include a narrative description of the incident. The narrative will summarize the force used by the officers and the subject, injuries sustained by the subject and the officer, and will describe the sequence of events. Additionally, it will document the supervisor's actions in reviewing or screening the incident.
  - The Use-of-Force Report will include documentation of all evidence that was gathered, including physical evidence; photographs; and names, phone numbers, addresses and summaries of statements by all civilian witnesses to the incident.
  - In situations where there are no known witnesses, the Use-of-Force Report will specifically state this fact.
  - In situations in which witnesses were present but the author of the report did not determine the identification, phone number or address of those witnesses, the Use-of-Force Report will state the reasons why.
  - The Use-of-Force Report shall include the names of all other SPD employees witnessing the use-of-force and summaries of their statements.
  - The Use-of-Force Report shall include the sergeant's evaluation of the evidence, including any material inconsistencies in the evidence or statements.
20. **Forwards** a completed Use-of-Force Report along the chain of command within three days, unless an extension is approved by the supervisor's commanding officer
21. **Reviews** and **approves** all associated General Offense reports

**Exception:** Another sergeant may review the documentation if it is impractical for the initial sergeant to do so. The screening sergeant will locate an alternate to perform the review and will inform the reporting officer of the change.

22. **Sends** VMail with the GO number to HALERT requesting immediate transcription

## RESPONSIBILITIES DURING A TYPE III INVESTIGATION

### 8.300–TSK-6 Involved Officer’s Responsibilities During a Type III Investigation

Upon being involved in a use-of-force that will be investigated at Type III (great bodily harm, substantial bodily harm, deadly force, loss of consciousness, neck holds, criminal conduct by officers, serious misconduct by officers, use of stop sticks against a motorcycle), the **involved officer** (any officer who used the reportable force):

1. **Requests** medical attention for any injured persons
2. **Notifies** an on-duty sergeant for a response
3. **Stands by** at the scene until the arrival of the FIT Unit sergeant or the FIT Captain

**Exception:** When the officer has sustained an injury that requires treatment, biohazard exposure or when there are hazardous conditions at the scene

4. **Participates** in an audio-taped Type III Use-of-Force interview with the case sergeant and detectives, if requested to do so, by the conclusion of the current shift, unless exigent circumstances require an extension

The interview will include the following elements:

- The name and serial number of the officer who used force
- The names of other officers or identified witnesses present
- A detailed description of the circumstances that led up to the contact with the subject
- A detailed description of the words, actions or behaviors of the subject that precipitated the need for force
- A detailed description of any force and non-force actions used to achieve the law enforcement objective, and the observed results
- A detailed description of any force clearly observed being used by other officers during this incident
- A detailed description of any apparent injury to the subject, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided
- The name and serial number of the sergeant who screened the incident

### 8.300–TSK-7 Responsibilities of the Sergeant During a Type III Investigation

The **sergeant**:

1. **Responds** to the scene
2. **Confirms** that appropriate medical aid is rendered to any injured part
  - a. If the subject is transported to a hospital, **verifies** that the subject has been identified and

- arranges** for hospital guard, if necessary
3. **Notifies** an on-duty watch lieutenant of the incident
    - a. **Maintains** control of the scene until the lieutenant arrives
    - b. **Briefs** the lieutenant
  4. **Obtains** basic information and determines if the incident requires screening with the FIT sergeant
    - This may include completing a *Use-of-Force Public Safety Card*.
  5. **Ensures** the scene is contained
  6. **Supports** the involved officer
    - a. **Does not isolate** the involved officer
    - b. **Does not allow** the involved officer to talk to other personnel about the incident
    - c. **Confirms** that the involved officer has access to the following:
      - Food and drink
      - Restroom facilities
      - Telephone
      - Representative from his or her collective bargaining unit
    - d. **Does not allow** the involved officer to sit in the back seat of a police vehicle
    - e. **Avoids** making the involved officer feel like a suspect
    - f. **Assigns** an officer to standby with the involved officer, if appropriate
  7. **Attempts** to locate and identify civilian witnesses and request that they stand by to be interviewed by FIT personnel
    - If witnesses do not want to be interviewed, the sergeant shall record their contact information.
  8. **Turns** the scene over to the arriving FIT personnel
  9. **Gives** any *Use-of-Force Public Safety Cards* to the FIT Unit sergeant or FIT Captain upon their arrival
  10. **Complies** with directions from the FIT Captain
  11. **Assigns** an officer to complete the General Offense Report
  12. **Confirms** that all officers who responded to the incident upload the ICV by the conclusion of their shift

13. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
  - a. If it appears that serious misconduct may have been involved with the use-of-force, the sergeant will ensure that OPA is contacted.

<b>8.300–TSK–8</b>	<b>Responsibilities of the Watch Lieutenant During a Type III Investigation</b>
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Upon notification of a Type III investigation the **watch lieutenant**:

1. **Responds** to the scene
2. **Advises** dispatch that he or she has assumed command
3. **Confirms** that the involved officer's bargaining unit is made aware of the incident
4. **Notifies** a CISM representative of the incident, if appropriate
5. **Relinquishes** control of the inner perimeter of the scene to the FIT sergeant or FIT Captain upon their arrival
6. **Maintains** control of the outer perimeter until the scene is cleared by the FIT
7. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
  - a. If it appears that the force used involves potential criminal conduct or misconduct, other than minor misconduct, on the part of the officer, the lieutenant will ensure that OPA is contacted.

<b>8.300–TSK–9</b>	<b>Responsibilities of the FIT Captain During a Type III Investigation</b>
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Upon notification of a Type III investigation, the **FIT Captain**:

1. **Assumes** control of the inner perimeter of the scene
2. **Provides** *Garrity* warnings to all officers who used force prior to any compelled in-person interview, if requested and consistent with the requirements of the FIT Manual
3. **Arranges** for a Training Section representative to respond to the investigation
4. **Completes** a *Use-of-Force Major Incident Summary* and routes it to the involved officers' chain of command and the command staff, as well as the FIT Unit chain of command
5. **Monitors** the investigation
6. **Evaluates** the incident for any concerns (tactical, threat assessment, etc.)
  - a. If it appears that the force used involves potential criminal conduct or misconduct, other than minor misconduct, on the part of the officer, the captain will ensure that OPA is contacted.



7. **Presents** the complete investigation to the Use-of-Force Review Board

**8.300–TSK–10**

**Responsibilities of the FIT Unit Sergeant During a Type III Investigation**

During a Type III investigation, the **FIT Unit sergeant**:

1. **Confirms** that the scene is photographed and processed either by FIT detectives or CSI detectives
2. **Confirms** that ICV from involved officers is uploaded prior to them going off shift
3. **Reviews** CAD to make sure that all officers at the scene are contacted to determine if they used or observed force
4. **Arranges** for all involved officers to provide an audio-taped use-of-force statement as directed by the FIT Captain
  - Typically, the FIT Captain will **direct** officers who used Type I or Type II force to complete a use-of-force statement and officers who used Type III force to participate in an audio-taped interview.
  - **Verifies** that the officers who have provided written statements have thoroughly documented all reportable uses of force to the best of their abilities, including a description of each force application

**Exception:** If information suggests possible criminal conduct by an officer, that officer will not be compelled to provide a use-of-force statement or an audio-taped interview prior to the conclusion of any criminal investigation.

5. **Arranges** for all witness officers to provide a statement
6. **Oversees** the FIT investigation, per the FIT manual
  - If a FIT investigation, at any point, reveals that the force used involves potential criminal conduct or misconduct, other than minor misconduct, on the part of the officer, FIT supervisor will contact OPA.

**8.300–TSK–11**

**Responsibilities of the Training Unit Representative During a Type III Investigation**

The **Training Unit** representative:

1. **Responds** to the scene
2. **Consults** with the FIT sergeant overseeing the investigation in order to **identify** any Department-wide policy or training issues
3. **Functions** as a liaison and fulfills all requests from the FIT Unit

**8.300-TSK-12**

**Role of the Office of Professional Accountability (OPA) Representative During**

**a Type III Investigation**

The **OPA** representative will have no investigative role at the scene but:

1. **Consults** with the FIT Captain overseeing the investigation in order to **identify** any potential misconduct issues
2. **Functions** as a liaison to the FIT Unit

# EXHIBIT D

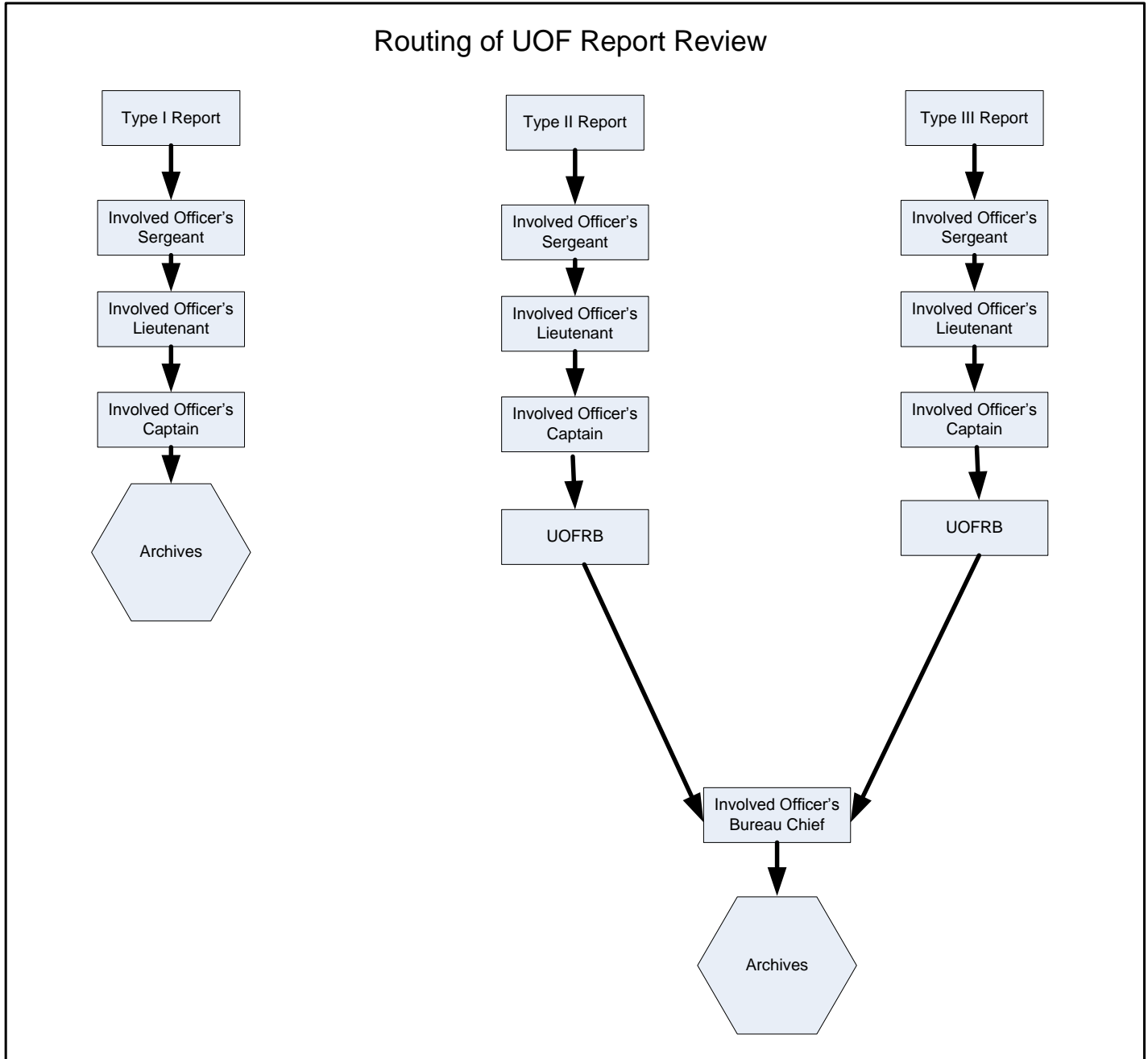
# Seattle Police Manual

## 8.400 - Reviewing Use-of-Force

Effective Date:

This section applies to all use-of-force reports, except to those involving the discharge of a firearm.

### 8.400-POL-1 Command Review of Use-of-Force



**1. The Reporting Officer's Chain of Command, to the Rank of Captain, Will Review all Type I Use-of-Force Reports**

Incidents will be routed for review in the following order:

1. Sergeant
2. Lieutenant
3. Captain

Type I reports which are not re-classified for Type II or Type III investigations do not require further review.

**2. The Use-of-Force Review Board (UOFRB) and the Involved Officer's Bureau Chief Shall Review all Type II and Type III Use-of-Force Reports**

**3. All Reviewers Shall Evaluate Use-of-Force With Regard to Department Policy and Existing Statutes and Laws**

**4. Each Reviewer Shall Examine All of the Documentation and Acquired Evidence to Ensure That the Report is Thorough and Complete**

The reviewer shall return the use-of-force report to the investigator if it is determined that an investigation is not thorough or complete.

**5. Each Reviewer Shall Address Any Discrepancy, Confusion or Lack of Relevant Information Prior to Completing the Use-of-Force Review Form**

Any noted discrepancies will be returned to the investigating sergeant or the FIT detective.

Means of addressing these issues include:

- Supplementary statements from officers
- Supplementary statements from subjects or witnesses
- Requiring additional investigation

If such issues cannot be resolved, the issue will be noted on the Use-of-Force Review form.

## **6. Reviewers Supervisors Will Immediately Address Concerns That Arise During Use-of-Force Investigations or Review and/or Recommend Additional Action**

If a reviewer identifies concerns which have not been sufficiently addressed, the reviewer will address those concerns.

The reviewer will take appropriate action and/or recommend a course of action, such as:

- Referral to OPA
- Referral to Training
- Supervisory counseling

Identified concerns and supervisory actions will be documented on the Use-of-Force Review form.

## **7. Reviewers Shall Refer Misconduct, Other Than Minor Misconduct, and Potential Criminal Conduct to the OPA**

If it appears that misconduct may have been involved in a use-of-force, the supervisor shall ensure that the Office of Professional Accountability is contacted and consult the FIT commander regarding reclassification of the incident as a Type II or Type III investigation.

The supervisor will note the OPA referral on the Use-of-Force Review form, but shall not take disciplinary action.

## **8. The UOFRB Will Not Make Final Determinations Regarding the Appropriateness of Any Use-of-Force That Has Been Referred to the OPA**

Once the OPA case is finalized, the UOFRB shall complete its review of the force. While the OPA case is pending, the UOFRB can continue to review issues regarding tactics, training or equipment.

## **9. Any Supervisor May Re-Classify a Use-of-Force Investigation to a Higher Level**

If an investigation is re-classified, it will be returned to the appropriate investigator (supervisor or FIT) for necessary action.

The FIT Commander will determine whether a FIT Investigation will be conducted for any use-of-force incident.

A bureau chief may order a FIT response and investigation.

## **10. The Reviewing Lieutenant Will Make Determinations Regarding the Use-of-Force**

The lieutenant will address the following elements, and document them on the Use-of-Force Review Form:

- Whether the Use-of-Force report is thorough and complete
- Whether the force used was necessary and objectively reasonable
- Whether the force used was consistent with Department policy
- Whether previously identified concerns have been sufficiently addressed
- Identification of any additional concerns and the action taken to address them

**Exception:** For review of force used by a lieutenant or above, the designated primary reviewer will be a supervisor of higher rank in the employee's chain of command.

## **11. The Lieutenant Shall Complete Review and Forward Reports to the Precinct or Section Captain Within 72 Business Hours**

If a report is delayed beyond this time limit, the reason for the delay will be documented on the Use-of-Force Review form.

## **12. The Precinct or Section Captain Will Review All Use-of-Force Investigations**

The captain's review will include the following aspects, documented on the Use-of-Force Review form:

- Determination of whether the investigation and documentation are thorough and complete
- Determination of whether the findings of the reviewing lieutenant are supported by a preponderance of evidence
- Determination of whether previously identified concerns have been sufficiently addressed
- Identification of any additional concerns and the action taken to address them

### **13. The Captain Shall Complete Review and Forward Type II and Type III Reports to the Criminal Investigations Bureau (CIB) Within 72 Hours**

If a report is delayed beyond this time limit, the captain will document the reason for the delay on the Use-of-Force Review form.

After completing the review of a Type I Use-of-Force report, the captain will forward the report to the Data Unit, if there are not issues. If there are issues, the captain will send the report back to the officer, via the chain of command, to correct the issues.

### **14. The UOFRB Will Review All Type II and Type III Use-of-Force Reports**

The function of the UOFRB is to conduct an administrative review of Use-of-Force incidents.

See 8.400-POL-2 Use-of-Force Review Board

### **15. The Chair of the UOFRB Shall Forward Use-of-Force Reports to the Appropriate Bureau Chief(s) Within 72 Business Hours of the UOFRB Meeting**

If the report is delayed beyond this time limit, the Chair will document the reason for the delay on the Use-of-Force Review form.

### **16. The Bureau Chief Will Make Final Determinations on Use-of-Force Incidents**

The Bureau Chief of the involved personnel will review the Use-of-Force report and make the following determinations and record them on the Use-of-Force Review form:

- Whether the investigation and documentation are thorough and complete
- Whether the findings of the reviewing lieutenant are supported by a preponderance of evidence
- Whether previously identified concerns have been sufficiently addressed
- Identification of any additional concerns and the action taken to address them

### **17. Only the Chief of the Seattle Police Department Has the Authority to Make Policy for the Department or Impose Discipline**

No other Department employee has the authority to impose discipline or ratify the actions of any Department employee.



**18. The Office of the Assistant Chief of Staff Shall Conduct a Documented Annual Analysis of All Reported Uses of Force by the Seattle Police Department**

## **8.400-POL-2 Use-of-Force Review Board**

This policy governs the Use-of-Force Review Board (UOFRB).

### **1. The UOFRB Will Review All Type II and Type III Use-of-Force Reports Except Those Involving Discharge of a Firearm**

The UOFRB will conduct timely, comprehensive, and reliable reviews of all Type II and III uses of force, and will:

- Confirm that Use-of-Force reporting, investigation and review are thorough and complete
- Confirm that uniform standards are applied in Use-of-Force practices
- Monitor all aspects of the Department's Use-of-Force practices with the goal of continual improvement
- Review each use-of-force packet to determine whether the findings from the chain of command regarding whether the force used is consistent with law and policy are supported by a preponderance of the evidence
- Ensure that all uses of force contrary to law or policy are appropriately addressed.
- Identify trends or patterns of deficiencies regarding policy, training, equipment, or tactics
- Refer deficiencies to the relevant commanding officer for correction

### **2. The Assistant Chief of the Investigations Bureau is the Standing Chair of the UOFRB**

The Chair will have operational control of the UOFRB.

### **3. The Following Representatives Will Be Standing Members of the UOFRB**

- At least two supervisors from the Training Section
- One representative from each precinct, selected by each precinct captain
- A representative from the Audit, Policy & Research Section

A representative from the Investigations Bureau, selected by the Investigations Bureau Chief

### **4. Each Standing UOFRB Member is Required to Attend a Minimum of 8 Hours of Annual Training**

Standing members must, at a minimum:

- Attend Department Street Skills each year
- Receive and maintain certification in Department Crisis Intervention Techniques
  - This involves:
    - 40 hour initial course
    - Additional refresher training as required by the Crisis Intervention Response Team

Additional training for UOFRB standing members will focus on Use-of-Force practices, including but not limited to:

- Legal updates regarding Use-of-Force
- Use-of-Force investigation
- The Department curriculum utilized by the Training Section

## **5. The Chair May Include Ad-Hoc Members**

Ad-hoc members include any subject matter experts, beyond Standing Members, whom the Chair feels would be helpful in reviewing particular incidents.

The UOFRB may consult with other advisors as necessary.

## **6. The UOFRB Will Review Use-of-Force Reports and Deliberate on Certain Topics**

The topics of deliberation are as follows:

- Whether the investigation is thorough and complete
- Whether the reviewers' determinations are supported by the preponderance of evidence
- Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding:
  - Equipment
  - Tactics
  - Training
  - Policy
  - Department best practices

## **7. The Chair Shall Make and Record All Determinations**

The Chair will be responsible for the following determinations, and will document them on the Use-of-Force Review Board Findings form:

- Whether the investigation is thorough and complete
- Whether the reviewers' determinations are supported by the preponderance of evidence
- Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding:
  - Equipment
  - Tactics
  - Training
  - Policy
  - Department best practices

#### **8. UOFRB Chair Will Refer Misconduct to OPA**

The Chair of the UOFRB will ensure a referral to OPA is made if it appears that misconduct may have been involved in a use-of-force.

The UOFRB will not make recommendations concerning discipline. The Bureau Commander of the officer involved with the use-of-force will have the final responsibility regarding retraining or recommending discipline to the Chief.

#### **9. Type III Use-of-Force Investigations Will Be Presented to the UOFRB by the Commander of the Force Investigation Team**

#### **10. The UOFRB Will Document its Findings and Recommendations for Type III Investigations**

### **11. UOFRB Reviews of Type III Investigations Will Be Conducted Within 7 Days**

Unless an extension is granted by the Chair, the review should be conducted within seven days of the FIT presentation to the UOFRB.

### **12. The UOFRB Chair Will Refer Policy, Equipment, and Training Issues to the Appropriate Commanders**

Should policy, equipment, or training deficiencies be noted in the review process, the UOFRB Chair will ensure that they are brought to the attention of the relevant commanding officer for appropriate action.

**EXHIBIT E**  
**PART 1 OF 2**

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# Force Investigations Unit

## **Procedural Manual**

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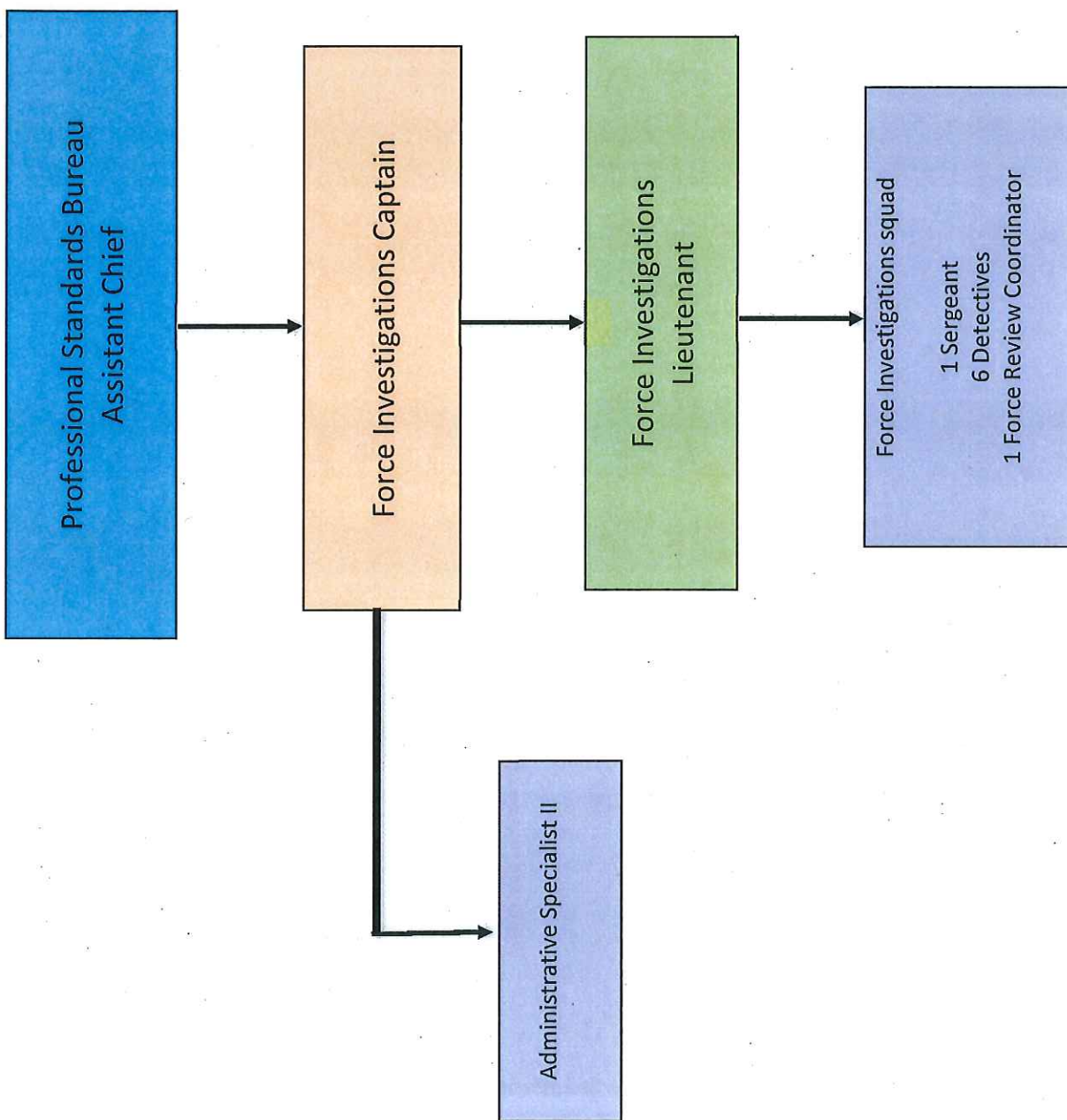
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# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Operations- Terms and Definitions	

### I. Definitions:

- A. Involved Officer: An "Involved Officer" is a sworn officer of any rank or assignment who uses reportable force as defined by Dept Policy, for a lawful purpose either on-duty or off-duty.
- B. Witness Officer: A "Witness Officer" is a sworn officer of any rank or assignment who witnesses an officer's use of force.
- C. Garrity Statement: When Garrity is requested by the involved officer, the subsequent compelled employee statement may only be used for Department administrative investigation purposes, not for criminal prosecution. Known by a variety of names, the Garrity Rule stems from a United States Supreme Court case (*Garrity vs. New Jersey*, 385 U.S. 493 (1967)).
- D. Public Safety Statement (PSS): A "Use of Force Public Safety Statement" is a compelled statement in which a supervisor (typically a Sergeant or Acting Sergeant) orders an "Involved Officer" to answer up to nine (9) standardized questions directly related to an "Involved Officer's" use of force. The questions appear on a pre-printed card known as a *Use of Force Public Safety Statement Card* (form xx.x) (pending).
- E. Use of Force Statement: A Use of Force statement is a compelled statement. This statement will have a standardized heading that states "This is a true and involuntary statement given by me in compliance with Section 8.300 of the Seattle Police Department Manual." No other language is acceptable.
- F. Great Bodily Harm (RCW 9A.04.110): Bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes significant permanent loss or impairment of the function of any body part or organ.
- G. Substantial Bodily Harm (RCW 9A.04.110): Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any body part or organ, or which causes a fracture of any body part.
- H. Type III Use of Force Investigation: A use of force investigation conducted by the Force Investigation Team based on the degree of injury or potential for injury to the suspect.
- I. Conduct Based Use of Force Investigation: A use of force investigation conducted by the Force Investigation Team based on a sworn supervisor or commander's belief that the force used may involve criminal conduct or misconduct by a sworn department employee. This does not include acts of employee misconduct as defined by SPD manual section 5.002 (IV).
- J. Type I Use of Force: Low level force that causes transient pain or disorientation, but does not cause, and would not reasonably cause injury or otherwise require a Type II investigation. This includes intentionally pointing a firearm or beanbag shotgun at a person, but does not include un-holstering or displaying a firearm without intentionally pointing it at a person, including at the sul and low ready positions or simply displaying any weapon.
- K. Type II Use of Force: Force that causes physical injury greater than temporary pain or redness, or could reasonably be expected to cause such an injury, or results in a complaint of such an injury, and does not

rise to the level of a type III investigation. This includes the use of intentional ramming or PIT (Pursuit Intervention Maneuver)

- L. Type III Use of Force: Force that results in, or could reasonably be expected to result in great bodily harm [RCW 9A.04.110 (4)(c)] or substantial bodily harm [9A.04.110 (4)(b)], to include broken bones and an admission to the hospital for treatment, the use of deadly force, or use of force that results in a subjects loss of consciousness as a result of the force, or use of force that potentially involves criminal conduct or misconduct, which does not include acts of employee misconduct as defined by SPD manual section 5.002 (IV) on the part of the officer, or the application of a neck hold, a hard strike to the head or neck with a impact weapon, or the use of stop sticks against a moving motorcycle.
- M. In Custody Death Statement: A In Custody Death statement is a compelled statement detailing the involved officer's actions specific to a in custody or potential in custody death incident. These statements will be completed by Involved Officer(s) when there is an in custody death that is not associated with a reportable use of force incident. This statement will have a standardized heading that states "This is a true and involuntary statement given by me in compliance with Section x.xxx (pending) of the Seattle Police Department Manual."
- N. Holding Cell Video (HCV): Refers to the stand alone camera recording system at each Department precinct that captures video footage of the individual holding cells, the holding cell common areas, the BAC areas, the Sally Port areas and the North Precinct's evidence storage room. The video footage is then normally transmitted to the HCV Dedicated Workstation where it may be viewed in real time.
- O. In Car Video (ICV): Refers to the networked camera/audio recording system installed in selected department vehicles that captures video/audio footage when activated by the assigned officer. This video audio footage is then normally transmitted to the Departments server at the end of the officer's shift.
- P. Conductive Energy Device(CED)/Conducted Electrical Weapon (CEW): Refers to a individually issued less lethal device, also commonly referred to as a Taser.



# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Operations- Type III Force Investigations	

### I. Type III Use of Force Investigations

For investigations based on degree of injury or potential for injury to the subject, the Force Investigation response will include a Force Investigations Commander, the Force Investigations Sergeant, an appropriate number of Detectives and representatives of the Office of Professional Accountability and the Training Unit. Neither the Professional Accountability representative nor the Training Unit representative will have an investigative role at the scene, but the Training representative will attempt to identify policy and training issues.

#### A. These investigations will be based on the following criteria

1. Use of force incidents that cause either great bodily harm or substantial bodily harm, as defined in this manual (ie: broken bones, serious lacerations, treatment requiring hospitalization).
2. Use of force incidents where the subject loses consciousness as a result of the force used.
3. Use of force incidents where a LVNR neck hold is applied.
4. Use of force incidents where an impact weapon is used in a hard strike to the head or neck (less lethal munitions, flashlight, nightstick or other object).
5. Use of force referrals approved for investigation by the Homicide Commander.

#### B. Force Investigations Detective responsibilities:

1. The Force Investigations Detective will ensure a canvass is completed for civilian witnesses and will request audio recorded interviews with those witnesses. The results of the canvass will be documented in the investigative case file.
2. The Force Investigations Detective will arrange for a canvass for any privately owned video that may have captured the incident and will obtain a copy. The results of the video canvass will be documented in the investigative case file.
3. The Force Investigations Detectives will determine if there is an immediate need for a specific ICV (In Car Video) / HCV (Holding cell video) download. All applicable ICV (In Car Video) of responding officers will be attached to the investigation.
4. Force Investigations personnel will respond to the subject's location and request a medical release, as well as an audio recorded interview. They will also attempt to photograph any areas where an injury is visible or complained of. Photos of the subject's features should be taken for identification purposes.
5. Force Investigation personnel will conduct interviews/walkthroughs with officers as required for the investigation.
6. The Force Investigations Detective will complete an initial in person questionnaire with officers who used force resulting in Type III injuries prior to them going off shift, unless exigent circumstances

require an extension (injury, etc). They may elect to have a bargaining unit or legal representative present at this interview.

7. The assigned Force Investigation's Detective will complete the investigation within the next 30 calendar days, unless the force commander approves an extension.

#### C. Force Investigations Sergeant responsibilities

1. The Force Investigations Sergeant will take control of the scene upon their arrival.
2. The Force Investigations Sergeant will arrange for photographing and processing of the scene, either by Force Investigations detectives or CSI detectives.
3. The Force Investigations Sergeant will ensure witness officers are separated and arrange for them to submit a witness officer's statement and download their ICV prior to the end of their shift.
4. The Force Investigation Sergeant will ensure that involved officers who used Type I force, or force resulting in Type II injuries are separated and arrange for them to submit a written use of force statement **if appropriate** and download their ICV prior to the end of their shift.
5. The Force Investigations Sergeant will ensure that officers who used force resulting in Type III injuries are separated, download their ICV, and participate in their initial in person questionnaire prior to them going off shift, unless exigent circumstances (injury, etc) requires an extension.
6. The Force Investigations Sergeant will arrange for involved officers who used force resulting in Type III injuries to participate in a audio taped interview with the case sergeant and detectives as soon as practical.
7. The Force Investigations Sergeant will ensure that all involved officers receive a "Use of Force Post Incident Checklist" prior to going off shift.
8. The Force Investigations Sergeant will review the completed investigation, and will document the review using the standardized "Case Review Coversheet".

#### D. Force Commander responsibilities

1. The Force Commander will arrange for any immediate ICV downloads.
2. The Force Commander will coordinate with the responding patrol sergeant to ensure that all officers who responded to the incident download their ICV by the end of their shift.
3. The Force Commander will remove the ICV hard drives from the vehicles of officers who have used force resulting in Type III injuries, and will be responsible for arranging for replacement of the hard drives with spare units. Other ICV hard drives may be removed and replaced as needed to further the investigation.
4. The Force Commander will arrange for any identified HCV download as required to further the investigation.
5. If at any time during the investigation there is an indication of possible criminal conduct involving an officer, the officer will not be compelled to provide a statement.
6. The Force Commander will provide "Garrity" warnings upon request to all officers who used force resulting in Type III injuries prior to any in person interview.
7. The Force Commander will ensure a "Major Incident Summary" is completed on the use of force, and routed to the Involved Officer's chain of command, The Department Command staff, and the Force Investigations Unit chain of command within 12 hrs of the event.

8. The Force Commander will confirm the CISM/Peer Support coordinator has been notified and is arranging for a CISM response and/or referral for any involved officer or witness officer as appropriate.
9. The Force Commander will review the use of force investigation, and will make findings as to whether the use of force was lawful and consistent with policy.
10. The Force Commander will be responsible for presenting the completed investigation to the Department Force Review Board.

#### E. Training Unit Responsibilities

1. The Training Unit representative will not have an investigative role during the Use of Force investigation, but will attempt to identify any policy or training issues.
2. The Training unit representative may use information from the investigation to formulate new training, develop lessons learned, and devise tactical improvement opportunities for consideration by the Force Review Board and the Education and Training unit.
3. The Training Unit representative will collect and submit to the force unit commander any training records or other documentation required for the investigation.

#### F. Office of Professional Accountability Unit Responsibilities

1. The OPA Unit representative will not have an investigative role during the Use of Force investigation, but will attempt to identify any potential misconduct issues.

#### G. **Professional Standards** Bureau Commander Responsibilities

1. The **Professional Standards** Bureau Commander will review the investigation and ensure that it is complete and thorough, and that any findings are supported by a preponderance of the evidence.

#### H. Involved Officer Chain of Command Responsibilities

1. The Involved officer's chain of command will review the investigation and ensure that it is complete and thorough, and that the findings are supported by a preponderance of the evidence.

## II. **Post-Incident Procedures**

### A. Post-Incident Screening

1. Involved or Witness Officers may choose to voluntarily select a MHP from the approved list and contact them for a post incident appointment at their discretion.
  - a. The Department will provide for up to the first six (6) visits over a one-year period of time beginning on the date of the incident.
  - b. The Officer will be allowed to bring a spouse, domestic partner, family member, etc. with them at no extra charge to any or all of the covered visits.

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# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Operations- Type III (Conduct Based) Investigations	

### I. Conduct Based Use of Force Investigations

For investigations based on potential criminal conduct or misconduct by a SPD officer during a use of force incident, the Force Investigation response will include a Force Investigations Commander, the Force Investigation Sergeant and representatives of the Office of Professional Accountability and the Training Unit. For purposes of this response, misconduct will not include acts of employee misconduct as defined by SPD Manual section 5.002 (IV). The Professional Accountability representative will take the lead on the misconduct aspect of the investigation. The Training Unit representative will not have an investigative role at the scene, but will attempt to identify any policy or training issues.

#### A. These investigations will be based on the following criteria

1. Use of force incidents where there is evidence that the force used involves potential criminal conduct or misconduct on the part of an officer.

#### B. Force Investigations Sergeant responsibilities

1. The Force Investigations Sergeant will take control of the scene upon their arrival.
2. The Force Investigations Sergeant will arrange for a canvass to identify any civilian witnesses. The results of the canvass will be documented in the investigative case file.
3. The Force Investigations Sergeant will canvass for any privately owned video that may have captured the contact and will identify the location for follow up. The results of the video canvass will be documented in the investigative case file.
4. The Force Investigations Sergeant will arrange for photographing and processing of the scene.
5. The Force Investigations Sergeant will respond to the subject's location and request a medical release. They will also attempt to photograph any areas where an injury is visible or complained of. Photos of the subject's features should be taken for identification purposes.

#### C. Force Commander responsibilities

1. The Force Commander will identify all department personnel who responded to or were present during the incident.
2. The Force Commander will coordinate with the responding patrol sergeant to ensure that all officers who responded to the incident download their ICV by the end of their shift.
3. The Force Commander will ensure that any applicable HCV is preserved.
4. The Force Commander will ensure a "Major Incident Summary" is completed on the use of force, and routed to the Involved Officer's chain of command, the Department Command staff, and the Force Investigations Unit chain of command within 12 hrs of the event.

5. The Force Commander will confirm the CISM/Peer Support coordinator has been notified and is arranging for a CISM response and/or referral for any involved officer or witness officer as appropriate.
6. The Force Commander will coordinate a meeting with the OPA Director or designee, which will normally occur the next business day unless exigent circumstances exist.
  - (a) This meeting will be to brief the OPA Director or designee on steps taken by the Force Unit to date, and facilitate the transfer of any required information regarding the misconduct investigation. The Force Investigations unit will retain the use of force administrative investigation.
  - (b) Should the OPA Director determine that a criminal investigation is appropriate, they will refer the investigation to the appropriate follow up unit commander, per current OPA practice. The follow up unit commander will assign the investigation to an uninvolved "Clean Team" follow up sergeant for investigation
  - (c) The Follow up unit commander or assigned follow up sergeant will consult with a representative of the King County Prosecutor's office or the City Attorney's office when necessary.
  - (d) The criminal investigation will have priority access to all witnesses and evidence, but this will not preclude access by the administrative investigation.
  - (e) Any Use of Force Board presentation will be delayed until a timely charging decision is made in the criminal case.

#### D. Training Unit Responsibilities

1. The Training Unit representative will not have an investigative role during the Conduct Based Use of Force investigation, but will attend the meeting with OPA to address any training questions.
2. The Training unit representative may use information from the use of force investigation to formulate new training, develop lessons learned, and devise tactical improvement opportunities for consideration by the Force Review Board and the Education and Training unit.

#### E. Office of Professional Accountability Unit Responsibilities

1. The OPA representative will have responsibility for actions or decisions related to the misconduct portion of the investigation, to include conducting and scheduling any employee interviews.
2. When there is indication of possible criminal conduct involving an officer, the officer will not be compelled to provide a statement.

## II. Post-Incident Procedures

### A. Post-Incident Screening

1. Involved or Witness Officers may choose to voluntarily select a MHP from the approved list and contact them for a post incident appointment at their discretion.
  - a. The Department will provide for up to the first six (6) visits over a one-year period of time beginning on the date of the incident.
  - b. The Officer will be allowed to bring a spouse, domestic partner, family member, etc. with them at no extra charge to any or all of the covered visits.







# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Operations-In Custody Death Investigations	

### I. In Custody Death Investigations

For investigations involving the death or potential death of a subject in the custody of the Seattle Police Department, the Force Investigation response will include a Force Investigations Commander, the Force Investigation Sergeant, and a appropriate number of Detectives. These investigations will not include any incident where reportable physical force was used on the subject prior to the death, those incidents will be investigated consistent with the Type III Use of Force Investigations protocols.

#### A. These investigations will be based on the following criteria

1. Death or potential death of any person physically in custody of the Seattle Police Department, or at a Seattle Police Department facility.

#### B. Force Investigations Detective responsibilities:

1. The Force Investigations Detective will arrange for a canvass to identify any civilian witnesses and will request audio recorded interviews from those witnesses. The results of the witness canvass will be documented in the investigative case file.
2. The Force Investigations Detective will arrange for a canvass for any privately owned video that may have captured the contact and will obtain a copy. The results of the video canvass will be documented in the investigative case file.
3. The Force Investigations Detective will determine if there is an immediate need for a specific ICV (In Car Video) / HCV (Holding cell video) download. All applicable ICV (In Car Video) of responding officers will be attached to the investigation.
4. Force Investigation personnel will conduct interviews/walkthroughs with officers as required for the investigation.
5. The Force Investigations Detective will conduct an initial in person questionnaire with officers who had physical custody of the subject prior to them going off shift. They also may elect to have a bargaining unit or legal representative present at this interview.
6. If appropriate, Force Investigations personnel will respond to the subject's location and request a medical release, as well as an audio recorded interview.
7. If required, the Force Investigation Detective will function as the primary liaison with the Medical Examiner's office.

#### C. Force Investigations Sergeant responsibilities

1. The Force Investigations Sergeant will take control of the scene upon their arrival.
2. The Force Investigations Sergeant will arrange for photographing and processing of the scene, either by Force Investigations detectives or CSI detectives.

3. The Force Investigations Sergeant will ensure witness officers are separated and arrange for them to submit a written officer's statement and download their ICV prior to the end of their shift.
4. The Force Investigations Sergeant will ensure that involved officers who had physical custody of the subject are separated and will participate in an initial in person questionnaire and download their ICV prior to them going off shift.
5. The Force Investigations Sergeant will arrange for involved officers who had physical custody of the subject to submit a written in custody death statement to the case sergeant and detectives as soon as practical.
6. The Force Investigations Sergeant will ensure that all involved officers receive an "In Custody Death Post Incident Checklist".

D. Force Commander responsibilities

1. The Force Commander will arrange for any immediate ICV (In Car Video) downloads.
2. The Force Commander will coordinate with the responding patrol sergeant to ensure that all officers who responded to the incident download their ICV at the end of their shift.
3. The Force Commander will remove the ICV hard drives from the vehicles of officers who had physical custody of the subject and will be responsible for arranging for replacement of the hard drives with spare units. Other ICV hard drives may be removed and replaced as needed to further the investigation.
4. The Force Commander will arrange for any identified HCV (Holding Cell Video) downloads as required to further the investigation.
5. The Force Commander will provide "Garrity" warnings upon request to officers who had physical custody of the subject prior to any in person questionnaire.
6. The Force Commander will ensure a "Major Incident Summary" is completed on the in custody death, and routed to the Involved Officer's chain of command, The Department Command staff, and the Force Investigations Unit chain of command within 12 hours of the event.
7. The Force Commander will confirm the CISM/Peer Support coordinator has been notified and is arranging for a CISM response and/or referral for any involved officer or witness officer as appropriate.

## II. Post-Incident Procedures

A. Post-Incident Screening

1. Involved or Witness Officers may choose to voluntarily select a MHP from the approved list and contact them for a post incident appointment at their discretion.
  - a. The Department will provide for up to the first six(6) visits over a one-year period of time beginning on the date of the incident.
  - b. The Officer will be allowed to bring a spouse, domestic partner, family member, etc. with them at no extra charge to any or all of the covered visits.

### III. Delayed In Custody Death Investigations

The Seattle Police Department Force Investigations unit will be responsible for the investigation into inmate deaths that occur at a King County Department of Adult or Juvenile Detention Facilities located in the City of Seattle, consistent with our MOU. The Force Investigation response to these incidents will be tailored to the specific circumstances present.

A. These investigations will be based on the following criteria

1. All deaths that occur while the subject is in custody at a King County Department of Adult or Juvenile Detention facility located in the City of Seattle.

B. Force Investigations Detective responsibilities

1. If circumstances dictate, Force Investigations Detectives will request an audio recorded interview of civilian witnesses.
2. If circumstances dictate, Force Investigations Detectives will arrange for a download of any applicable KCJ owned video and will obtain a copy.
3. The Force Investigations Detective will function as the primary liaison with the Medical Examiner's office.

C. Force Investigations Sergeant responsibilities

1. If circumstances dictate a response, the Force Investigations Sergeant will take control of the scene upon their arrival.
2. If appropriate, the Force Investigations Sergeant will arrange for photographing and processing of the scene, either by Force Investigations detectives or CSI detectives.
3. The Force Investigations Sergeant will require that the primary responding SPD officer prepares a General Offense report.

D. Force Commander responsibilities

1. The Force Commander will insure a "Major Incident Summary" is completed and routed to the Force Investigations unit chain of command.
2. The Force Commander will be responsible for notifying the CISM/Peer Support coordinator and arranging for a CISM response and/or referral for any involved officer or witness officer if appropriate.







# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Operations- Serious Assaults against Officers Investigations	draft

### I. Serious Assaults against Officers Investigations

For investigations involving intentional assaults with serious injury to a police officer, the Force Investigation response will include a Force Investigations Commander, a Force Investigations Sergeant, and an appropriate number of Detectives. If the assault occurs during a Type III use of force, the assault to the officer portion of the incident will be forwarded to the Homicide unit for a possible response and follow up investigation.

#### A. These investigations will be based on the following criteria

1. Assaults against officers where the officer sustains either great bodily harm or substantial bodily harm as a result of the assault (broken bones, serious lacerations, treatment requiring hospitalization).
2. Assaults against officers where the officer loses consciousness as a result of the assault.
3. Assaults against officers approved for investigation by the Homicide Commander.

#### B. Force Investigations Detective responsibilities:

1. The Force Investigations Detectives will arrange for a canvass to identify any civilian witnesses and will request audio recorded interviews from those witnesses. The results of the witness canvass will be documented in the investigative case file.
2. Force Investigations Detectives will arrange for a canvass for any privately owned video that may have captured the contact and will obtain a copy. The results of the video canvass will be specifically documented in the investigative case file.
3. Force Investigations Detectives will determine if there is an immediate need for an ICV(In Car Video) / HCV (Holding cell video) download. All applicable ICV (In Car Video) of responding officers will be attached to the investigation.
4. Force Investigations Detectives will respond to any arrested subject's location and request an audio-recorded interview.
5. Force Investigation Detectives will obtain medical releases from the injured officer as required for the investigation.
6. The Force Investigations Detective will be responsible for ensuring all required booking paperwork is completed for any in custody suspect.
7. If the suspect is not in custody, Force Investigation detectives will ensure that an officer safety bulletin with suspect information is prepared and distributed.

#### C. Force Investigations Sergeant responsibilities

1. The Force Investigations Sergeant will take control of the scene upon their arrival.

2. The Force Investigations Sergeant will arrange for photographing and processing of the scene, either by Force Investigations Detectives or CSI detectives.
3. The Force Investigations Sergeant will arrange for officers to submit a written statement prior to the end of their shift, unless exigent circumstances (injury etc) require an extension.

#### D. Force Commander responsibilities

1. The Force Commander will arrange for any immediate ICV (In Car Video) download.
2. The Force Commander will coordinate with the responding patrol sergeant to ensure that all officers who responded to the incident download their ICV by the end of their shift.
3. The Force Commander will arrange for any identified HCV download as required to further the investigation.
4. The Force Commander will confirm the CISM/Peer Support coordinator has been notified and is arranging for a CISM or Hospital Team response and/or referral for any officer as appropriate.
5. The Force Commander will insure a "Major Incident Summary" is completed on the officer assault and routed to the Involved Officer's chain of command, the Department Command Staff, and the Force Investigations Unit chain of command within 12 hrs of the event.

## II. Post-Incident Procedures

### A. Post-Incident Screening

1. Injured or Witness Officers may choose to voluntarily select a MHP from the approved list and contact them for a post incident appointment at their discretion.
  - a. The Department will provide for up to the first six (6) visits over a one-year period of time beginning on the date of the incident.
  - b. The Officer will be allowed to bring a spouse, domestic partner, family member, etc. with them at no extra charge to any or all of the covered visits.



# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Operations-Scene and Evidence processing	/ /

### I. Scene and Evidence processing

Force Investigations personnel will be trained and equipped for scene processing, to include photography and basic scene diagramming. Complex or larger scale scenes requiring a higher level of processing and analysis may be forwarded to the Crime Scene Investigations unit for a response.

#### A. Force Investigations personnel will ensure that all incident scenes are processed using the following techniques

1. Evidence placarding-Items of evidentiary value will be marked with numbered evidence placards prior to the overall scene photos being taken.
2. Digital photography-The scene will be photographed using a digital camera, with all resulting images input into the Digital Evidence Management System (DEMS).
3. Scene diagramming-Force investigations personnel will be responsible for a basic scene diagram that shows the location of significant items of evidence, as well as the basic details of the scene.

#### B. Evidence processing

1. Video evidence-all video evidence will be transferred onto a CD/DVD with a copy attached to the investigative file. This includes all applicable ICV/HCV as well as any privately owned video.
2. Taser downloads-If information supports that a CED/CEW was used or displayed during a force incident, a CED/CEW data download will be conducted, with the data analysis attached to the case file.
3. Injury related information-Medical releases and resulting documentation of injuries will be requested from all injured parties and attached to the case file.

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
SUPERIOR COURT  
IN AND FOR THE COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
SUPERIOR COURT  
IN AND FOR THE COUNTY OF LOS ANGELES

Plaintiff, *[Name]*,  
vs.  
Defendant, *[Name]*.

Case No. *[Case Number]*  
Filed for *[Date]*

*[Faint text, likely a declaration or affidavit]*

*[Faint text, likely a declaration or affidavit]*

*[Faint text, likely a declaration or affidavit]*

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*[Faint text, likely a declaration or affidavit]*

*[Faint text, likely a declaration or affidavit]*

**EXHIBIT E**  
**PART 2 OF 2**



# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Operations- Bifurcating an Investigation	

### I. Bifurcating an Investigation

Whenever there is information that supports that an officer may have committed a crime or misconduct during a use of force incident, the investigation will be bifurcated into separate investigations. For purposes of this section, misconduct will not include acts of employee misconduct as defined by SPD Manual section 5.002 (IV). For criminal investigations, the Department will utilize a “clean team” and “exposed team” bifurcation process.

- A. **Criminal Liability**-If at any time during a force investigation information is obtained that indicates an officer may have committed a crime during a use of force incident the following steps will be taken.
1. The Force Commander will coordinate a meeting with representatives of the OPA, which will occur as soon as practical.
  2. This meeting will be to transfer responsibility for the criminal investigation to the OPA. The Force Investigation unit will retain responsibility for any administrative force investigation.
  3. Should the OPA Director determine that a criminal investigation is appropriate, they will refer the investigation to the appropriate follow up unit commander, per current OPA practice. The follow up unit commander will assign the investigation to an uninvolved “Clean Team” follow up sergeant for investigation
  4. A Department “Case Master” will be appointed by the Investigations Bureau Commander, to screen all information contained in the administrative investigation to date, and ensure that no information that could compromise the investigation is made available to the follow up sergeant conducting the criminal investigation. A list of approved case masters will be maintained by the Investigation Bureau Commander.
  5. Once an officer is the subject of a criminal investigation, they will not be compelled to provide a statement prior to the conclusion of the criminal investigation.
  6. The criminal investigation will have priority access to all witnesses and evidence, but this will not preclude access by the administrative investigation.
  7. A representative of the King County Prosecutor’s office/City Attorney’s office will be consulted as appropriate during the criminal investigation.
- B. **Misconduct** – If at any time during a force investigation information is obtained that an officer may have committed misconduct during a use of force incident, the following steps will be taken.
1. The Force Commander will coordinate a meeting with representatives of the OPA, which will occur as soon as practical.
  2. This meeting will be to transfer responsibility for the misconduct investigation to the OPA. The Force Investigation unit will retain responsibility for any administrative force investigation.





# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Operations-Investigation Review and Presentation	

### I. Investigation Review and Presentation

Type III Force investigations will be subject to multiple levels of review both inside and outside the unit. The completed investigation will be presented to the Departments Force Review Board using a standardized PowerPoint format.

#### A. Case Investigation review

1. The Force Investigation Sergeant will perform a detailed review of the completed investigation using the case review coversheet, which will be completed and attached to the investigation packet. The investigation will then be forwarded to the Force Commander.
2. The Force Commander will review the completed investigation and case review coversheet, and will make findings as to whether the use of force was lawful and consistent with policy. The investigation will then be forwarded to the **Professional Standards** Bureau Commander.
3. The **Professional Standards** Bureau Commander will review the investigation to ensure it is complete and thorough and that any findings are supported by a preponderance of the evidence, with this determination normally being made within 3 business days. The Bureau Commander retains the authority to order additional investigation. If viewed as complete, the investigation will be forwarded to the involved officer(s) chain of command for review.
4. The involved officer's chain of command will review the investigation and ensure it is complete and thorough, and that any findings are supported by a preponderance of the evidence. The investigation will then be returned to the Force Commander.
5. The Force Commander will determine if there is a need for further investigation based on the input from the involved officer's chain of command. If there is a consensus that the investigation is complete the Force Commander will prepare the case investigations presentation.

#### B. Case Investigation Presentations

1. All Type III Force Investigation presentations will be the responsibility of the Force Commander.
2. The Force Commander will prepare a standardized PowerPoint presentation covering the facts and circumstances surrounding the use of force incident. This PowerPoint will then be presented to the Force Review Board.







# Seattle Police Department

## Force Investigation Unit

Force Investigations	Effective Date:
Administration- Personnel Selection and Training	

### I. Selection and Training of Force Investigations personnel

When an opening is anticipated within Force Investigations, new personnel will be selected through a competitive process. Force Investigations personnel will be experienced investigators who are trained to ensure that all use of force investigations that are contrary to law or policy are identified and appropriately resolved, and that their investigations allow the use of force board to identify trends or patterns of policy, training, equipment or tactical deficiencies or positive lessons related to the use of force.

#### A. Selection process

1. The Force Commander will be responsible for advertising any anticipated openings consistent with Manual Section 2.020 IV (B) Sworn Openings.
2. The Force Commander will insure that each applicant submits information as required to assess their suitability for the position. That information may include the following
  - a. Samples of their case investigative work
  - b. Their current and previous supervisors
  - c. A resume
3. After the closing date for submittal of applications, The Force Commander and selected Investigations Sergeants will be responsible for reviewing each applicant's resume and information packet prior to the commencement of the candidate oral interviews. This may be done as a group or individually.
4. Submittal of an application does not guarantee any applicant that they will progress to the oral interview. All applicants will be notified of their status within 10 business days of the closing date.
5. The Force Commander will develop a list of standardized interview questions that are position related, but do not require specialized knowledge.
6. The Force Commander and selected Sergeants will be responsible for taking part in the candidate oral interview process, and the Sergeants will be responsible for providing the Force commander with an assessment of each candidate at the conclusion of the interview process.
7. The Force Commander will prepare a memo with the top three candidates ranked in order of preference, which will be routed to the Professional Standards Bureau Commander.

#### B. Mandatory Training-All Force Investigations personnel will attend the following training

1. Seattle Police sponsored (Homicide) 8 hr basic Officer Involved Shooting Course

2. Seattle Police sponsored (CSI) 4 hr basic Scene and Evidence processing course
  3. Yearly Street Skills training offered to patrol officers
- C. Elective Training-All Force investigation personnel are encouraged to attend training that covers the following topics.
1. Defensive tactics-force options
  3. Crisis Intervention training
  4. Investigative skills training
  5. Bio-mechanics of force incidents
  6. Cognitive Interviewing techniques
  7. Advanced Photography
  8. Advanced Crime Scene processing



# Seattle Police Department

## Force Investigations Unit

Force Investigations	Effective Date:
Administration-Shift Rotation and Standby Schedule	

### I. Shift Rotation and Standby Schedule

To maximize on duty response time, Force Investigations personnel will staff a day and evening shift on a rotating basis. Two Force Investigations detectives will be assigned to off duty standby responsibilities for response to those incidents that occur during off hours.

- A. Shift Rotation-Each pair of detectives will work 2 months of day shift (@0800-1700), and 1 month of evening shift (@1500-2400) per quarter.
- B. A Force Investigations detective will be assigned to standby responsibility for response to incidents that occur during non shift hours.
  1. Standby responsibility will rotate on a weekly basis, starting at 2345 hrs each Tuesday , and rotating to the next detective at 2345 hrs the following Tuesday.
  2. Weekday standby hours are 2345 hrs to 0745 hrs
  3. Weekend standby hours begin at 2345 hrs Friday, and end at 0745 hrs Monday



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G.O. #: \_\_\_\_\_ Date: \_\_\_\_\_

Seattle Police Department  
Use of Force Public Safety Statement

Directions to on-scene supervisor:

This is a compelled statement. The supervisor (at minimum, a Sgt. or permanent A/Sgt.) compelling this statement will not deviate from its content.

The supervisor will write down on this card the answers provided verbatim, disseminate public safety information immediately via radio as appropriate, and provide this card to the first arriving Force Investigations supervisor or commander.

The police supervisor receiving this information is required to submit a written statement to the Force Investigations detective. The statement is to include that the Public Safety Statement was formally given to the involved officer, the content of the answers given by the involved officer, and that the supervisor did not deviate from the specified questions.

"Officer \_\_\_\_\_, I am directing you to give me a public safety statement. Due to the immediate need to take action, you are ordered to answer the following questions listed below. If you refuse to answer these questions relating to the performance of your official duties, you will be subject to Department charges, which could result in your dismissal from the Department."

**Requesting Supervisor's Name** \_\_\_\_\_ **Ser#** \_\_\_\_\_ **Time** \_\_\_\_\_

"At this time and to the **best of your knowledge**, please answer the following":

1. If you know of anyone who is injured, what is their location? \_\_\_\_\_  
\_\_\_\_\_
2. If you know of any outstanding suspects, what is their description and direction of travel? \_\_\_\_\_  
\_\_\_\_\_

3. Do you know of any other risks to the safety of the public or to other officers? \_\_\_\_\_
  
4. During this incident, did you use Type I force on the subject, as defined below? \_\_\_\_\_  
Force that is not reasonably expected to cause injury, does not result in an actual injury or complaint of an injury, but causes transient pain and/or disorientation during its application as a way of gaining compliance. This includes pointing a firearm directly at the suspect
  
5. During this incident, did you use Type II force on the subject, as defined below? \_\_\_\_\_  
Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury. This includes a 'hard' strike, takedown, or kick, a taser deployment of any type, use of an impact weapon to strike the subject, canine deployment with injury or complaint of injury, OC deployment at a subject, or placing the subject in the full restraint position
  
6. During this incident, did you use Type III force on the subject, as defined below? \_\_\_\_\_  
Force that results in great bodily harm or substantial bodily harm as defined by RCW. This includes force that results in broken bones, loss of consciousness, or hospitalization of the subject. This definition specifically includes application of a neck hold (LVNR) or a hard strike to head or neck of the subject with any impact weapon.
  
7. Does any evidence need protection? \_\_\_\_\_
  
8. Any known witnesses? \_\_\_\_\_
  
- 8a. If yes, where are they located? \_\_\_\_\_

"Officer \_\_\_\_\_, in order to prevent the contamination of your statement, I order you not to discuss this incident with anyone, including your supervisors or staff officers, prior to the arrival of the assigned investigators, with the exception of your legal representation."



## ***Force Investigation in-person questionnaire for the involved officer(s)***

This is only a guide for the Case Detectives to use to assist in the complete collection of the necessary information. It is for your use only; do not provide a copy of this to the Officer.

- CISM contacted
- Guild and / or Attorney present
- Garrity requested by the officer
  - o If so, provided by \_\_\_\_\_
- Police Officers Bill of Rights provided
- Re-advise of what is about to occur
  - o Photos. If officer is uncomfortable in uniform (heavy coat, wet, sweaty or dirty), consider doing photos first.
  - o Weapons exchange (Officer Involved Shooting only)
    - o Officer's routine magazine load \_\_\_\_\_
- Involved Officer Background:
  - o Date of hire \_\_\_\_\_
  - o Previous L/E experience \_\_\_\_\_
  - o Previous military experience \_\_\_\_\_
- Involved Officer training
  - o Current year Street Skills \_\_\_\_\_
  - o Crisis Intervention training \_\_\_\_\_
  - o Current year qualification (OIS only) \_\_\_\_\_
- Equipment:
  - o Flashlight Yes No
  - o Taser issued Yes No
  - o Pepper Spray issued Yes No
  - o Impact weapon issued Yes No



- If yes,  
specify \_\_\_\_\_

- Other Less Lethal issued                      Yes    No

- If yes, specify  
\_\_\_\_\_

Felony statement

- Remind officer to provide a felony statement (no force elements) if appropriate. The felony statement should be completed in versadex.

Gag order

- Remind officer that a gag order is in place until they submit to their use of force interview. They are not to discuss the incident with anyone other than their bargaining representative, CISM representative, attorney, a mental health professional, or spouse.

Advise of next steps:

- Remind officer of voluntary post incident psychological support. Refer them to Post Incident checklist binder for authorized providers.
- Remind Officer of the procedures regarding the support:
  - 6 visits paid for by Department, over maximum 1 year.
  - Spouse/significant other may attend with officer.
  - No records kept by SPD (confidential health care records)
- Force Review Board
- Inquest (if fatal)
- Criminal case against any charged suspects.



# Involved Officer Use of Force Checklist and Reference Guide

This document is to be completed at the time of the in person interview with the involved officer. Upon its completion, prior to the Officer leaving the building, a copy is to be provided to the Officer.

**Investigating Detectives and Supervisors:**

The assigned Detectives are

Force Investigations Detective \_\_\_\_\_ Phone \_\_\_\_\_

Force Investigations Sergeant \_\_\_\_\_ Phone \_\_\_\_\_

Force Investigations Lieutenant \_\_\_\_\_ Phone \_\_\_\_\_

Force Investigations Commander \_\_\_\_\_ Phone \_\_\_\_\_

Do not hesitate to contact the Detectives, Sergeant or Unit Commander any time with any questions.

**Guild Representative & Attorney:**

Your Guild representative is \_\_\_\_\_ who can be reached at \_\_\_\_\_.

Your attorney is \_\_\_\_\_, who can be reached at \_\_\_\_\_.

Representation by this attorney is at no expense to you.

**CISM Contact:**

Your CISM contact person is \_\_\_\_\_, who can be reached at \_\_\_\_\_.

All of your communications with your CISM team member are confidential and are not subject to any disclosure. In some cases you may instead be given a CISM referral, If this CISM contact does not occur with 48 hrs notify the Force Unit Commander. See top of page 1 for name and contact information

**POBOR & Garrity:**

You should have received a copy of the Police Officers Bill of Rights, and the Garrity advisement. If you have not, you will be provided with a copy of both now.

**Timekeeping**

If you have questions regarding any timekeeping issues you should contact the Human Resources commander at 206-684-5466

**Statements:**

You may be compelled to provide these statements:

- Public Safety Statement (normally at the scene)
- In person questionnaire (normally at the force office)
- In person compelled interview. Your Legal and Guild representatives may assist you with this.

You may also be asked to participate in a scene walk through. You are allowed Guild and Legal representation at all of these except the Public Safety Statement.

**Instructions for Written Statements:**

You may be directed to complete a felony statement as required

- 1) **Felony Statement:** This statement will encompass your involvement with the entire incident, establishing any elements of criminal activity committed by the suspect. It will not include any details of the use of force other than what is necessary to articulate the elements of a crime. This should be done in Versadex.

**Photos:**

You will be photographed by detectives in the exact uniform or clothing you were wearing at the time of the incident. These photographs are used only to document your appearance at the time of the incident.

**Post Incident Screening:**

You have the voluntary option of visiting a Mental Health Professional at Department expense. The provider will only be reporting back to SPD that you have met with them, and if you are coming back for additional visits. This process is considered a personal medical interaction and SPD will not receive any records or other information pertaining to this visit. This process is at no cost to you, and you are permitted 6 visits over a one year period. You may bring a spouse or family member at no additional expense.

To arrange your MHP visit, select one of the providers from the curriculum vitae's (biographies) supplied to you in this book. This visit should be at a mutually agreeable date and time. Should you experience any difficulties in scheduling a visit in a reasonable amount of time, or any other issue with this requirement contact the Force Unit Commander. See top of page 1 for name and contact information

**Administrative Leave:**

You **may** be assigned to Administrative Leave at the discretion of your Chain of Command. If you are assigned to administrative leave, you will report to your chain of command for instructions and advised

when your status changes. You are prohibited from working off duty during this time. You are **NOT** prohibited from going to your Precinct or office, attending roll calls, meeting with your coworkers, or going to the Precinct gym.

Should you experience any issues with this requirement contact the Force Unit Commander. Name & contact information on page 1.

**Gag Order:**

You are still subject to a gag order, which will be in place until you submit to your use of force interview. You are not to discuss this incident with anyone other than your CISM representative, your attorney, a mental health professional and your spouse. Once you are specifically advised that the order to not discuss the incident has been lifted, be mindful of whom you can discuss it with, that is immune from subpoena/testimony in a criminal investigation. This includes your bargaining representative, CISM representative, your Attorney, your Mental Health Professional, and your spouse. All others can be subpoenaed and may be required to repeat whatever you may have said.

**Media Attention:**

The Department may immediately release non- specific information about you and the incident to include your age, gender, rank, time on the Dept and where you are assigned. Your name will not be released for approximately 24 hrs. Be aware that we have had instances where this information has been disclosed to the media by unauthorized sources prior to the 24 hr period. You should expect that the media may show up at your private residence. They do not have any right to be on your personal property without your permission. Giving an interview or commenting to the media is not authorized, if you do have contact with them you should call the Media Relations unit at 684-5520 and let them know. If you feel you are being unlawfully harassed by the media, please report this to the **Force** Unit Commander. You should let family members know that you may be featured in a news story, and we strongly discourage you or family members from reading the media blogs. If you have a social website, (Facebook, My Space, Twitter, etc) you may want consider deactivating it temporarily, especially if you are easily identified there and have posted photos of yourself. You should not post anything regarding your use of force incident. If you have questions or concerns about media related issues contact the Force Investigations Commander. See page 1 for names/contact information.

**Additional procedures that will follow:**

**Chiefs Brief:**

The Force commander may be directed to brief your Chain of Command, the Chief of Police and his staff on the incident and the investigation to-date. You will not be involved with this. The Chief of Police may use the information shared in this briefing to prepare for a press conference.

**Coroner's Inquest:**

This court proceeding will occur after all Use of Force incidents with a fatality or in custody deaths. The purpose of an Inquest is to publicly air the incident, and facilitate transparency and public accountability. This proceeding will not result in criminal charging decisions, but is viewed as advisory to the King County Prosecutor, who will make a criminal charging decision after the inquest. Typically they occur within 4-6 months of the incident. You will be subpoenaed to testify, along with any citizen witnesses, officer witnesses, case detectives, CSI detectives and others that participated in the investigation. You will be represented by an attorney during this proceeding.

**Criminal Case Proceeding:**

If this incident resulted in a criminal case being filed against any suspects, you will be required to participate as you normally would in any other prosecution.





Seattle Police Department  
Criminal Investigations Bureau



# MAJOR INVESTIGATION SUMMARY

<b>UNIT:</b> Force Investigations Squad	<b>GO:</b>
<b>SUBJECT:</b>	<b>UNIT FILE #:</b>
<b>LOCATION:</b>	<b>DATE/TIME:</b>
<b>INVOLVED OFFICER(S)</b>	<b>CSI RESPONDED (Y/N):</b>
<b>SUSPECT (S):</b> (Race, sex, & age)	<b>ARREST (Y/N):</b>

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<b>Case Sergeant:</b>	<b>Scene Commander:</b>
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**DISTRIBUTION:**

Chief of Police	Involved officers Chain of Command	
Investigations Bureau Commander		
Violent Crimes Commander		



STATE OF CALIFORNIA  
DEPARTMENT OF REVENUE

NOTICE TO TAXPAYER  
REGARDING YOUR TAX RETURN  
YOUR RETURN HAS BEEN SELECTED FOR REVIEW  
BY THE TAX DEPARTMENT  
IF YOU HAVE ANY QUESTIONS  
PLEASE CONTACT THE TAX DEPARTMENT  
AT (916) 227-3300

IF YOU ARE A TAXPAYER WHOSE RETURN HAS BEEN SELECTED FOR REVIEW BY THE TAX DEPARTMENT, YOU WILL RECEIVE A NOTICE FROM THE TAX DEPARTMENT. THIS NOTICE IS A NOTICE TO TAXPAYER REGARDING YOUR TAX RETURN. YOUR RETURN HAS BEEN SELECTED FOR REVIEW BY THE TAX DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE TAX DEPARTMENT AT (916) 227-3300.

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# SEATTLE POLICE DEPARTMENT

FORCE INVESTIGATION CASE FILE

OFFICER(S) \_\_\_\_\_ DATE: \_\_\_\_\_

LOCATION OF OCCURRENCE \_\_\_\_\_ UNIT FILE # \_\_\_\_\_

CASE DETECTIVES \_\_\_\_\_ CASE # \_\_\_\_\_

SUPERVISOR REVIEW \_\_\_\_\_ COMMANDER REVIEW \_\_\_\_\_

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Scene Photos and Diagrams	N	Misc Data Discs (List)	W
Contact sheets, crime scene log			

BRATTLE STREET  
BOSTON, MASSACHUSETTS

NOV 27 2013  
11 27 AM '13  
RECEIVED  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON

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## Force Investigations Supervisor case review checklist

**Documents**

Major Incident Summary	Yes	No	_____
General Offense Report	Yes	No	_____
CAD History	Yes	No	_____
Detective Supplemental	Yes	No	_____

**Subject**

Subject interviewed	Yes	No	_____
Audio taped	Yes	No	_____
Photographed	Yes	No	_____
Medical Release	Yes	No	_____
Criminal History search	Yes	No	_____

**Involved Officers (OIS/Type III-Injury )**

Public safety statement(s)	Yes	No	_____
In person questionnaire(s)	Yes	No	_____
Audio statement	Yes	No	_____
Photos taken	Yes	No	_____
Pulled ICV hard drive	Yes	No	_____

**Involved Officers (Type I and II)**

Public safety statement(s)	Yes	No	_____
Written statement(s)	Yes	No	_____

**Witness Officers**

Written statement(s)	Yes	No	_____
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**Civilian Witnesses**

Witness Canvass conducted	Yes	No	_____
Witnesses identified	Yes	No	_____
Witnesses interviewed	Yes	No	_____

Canvass documented in case notes Yes No \_\_\_\_\_

**Training**

Involved officer Training Records Yes No \_\_\_\_\_

Training assessment Yes No \_\_\_\_\_

**Scene and Evidence**

Scene Photos completed Yes No \_\_\_\_\_

Scene Diagram completed Yes No \_\_\_\_\_

Evidence submitted Yes No \_\_\_\_\_

Evidence form attached Yes No \_\_\_\_\_

Taser Involved Yes No \_\_\_\_\_

Download attached Yes No \_\_\_\_\_

Private video canvass Yes No \_\_\_\_\_

Video located Yes No \_\_\_\_\_

Archived / attached Yes No \_\_\_\_\_

Documented in case notes Yes No \_\_\_\_\_

In Car Video reviewed Yes No \_\_\_\_\_

Archived / attached Yes No \_\_\_\_\_

Holding Cell video reviewed Yes No \_\_\_\_\_

Archived / attached Yes No \_\_\_\_\_



