

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



[The text in this section is extremely faint and illegible, appearing as a series of light gray smudges and ghosting of text.]

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
 - If so, provided by _____
- Police Officers Bill of Rights provided
- Re-advise of what is about to occur
 - Photos. If officer is uncomfortable in uniform (heavy coat, wet, sweaty or dirty), consider doing photos first.
 - Weapons exchange (Officer Involved Shooting only)
 - Officer's routine magazine load _____
- Involved Officer Background:
 - Date of hire _____
 - Previous L/E experience _____
 - Previous military experience _____
- Involved Officer training
 - Current year Street Skills _____
 - Crisis Intervention training _____
 - Current year qualification (OIS only) _____
- Equipment:
 - Flashlight Yes No

 - Taser issued Yes No

 - Pepper Spray issued Yes No

 - 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

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

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Case Sergeant:	Scene Commander:
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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
OFFICE OF THE ASSISTANT ATTORNEY GENERAL

NOTICE OF DEFICIENCY
The following information is being furnished to you for your information.
If you have any questions, please contact the office of the Assistant Attorney General
at the address listed below.
Sincerely,
Assistant Attorney General

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
OFFICE OF THE ASSISTANT ATTORNEY GENERAL
1500 S. BRIDGES AVENUE
SACRAMENTO, CALIFORNIA 95833
TEL: (916) 227-3300
FAX: (916) 227-3301
WWW.DOR.CA.GOV



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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BRATTLE STREET, BOSTON, MASSACHUSETTS

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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 _____

