

# EXHIBIT D

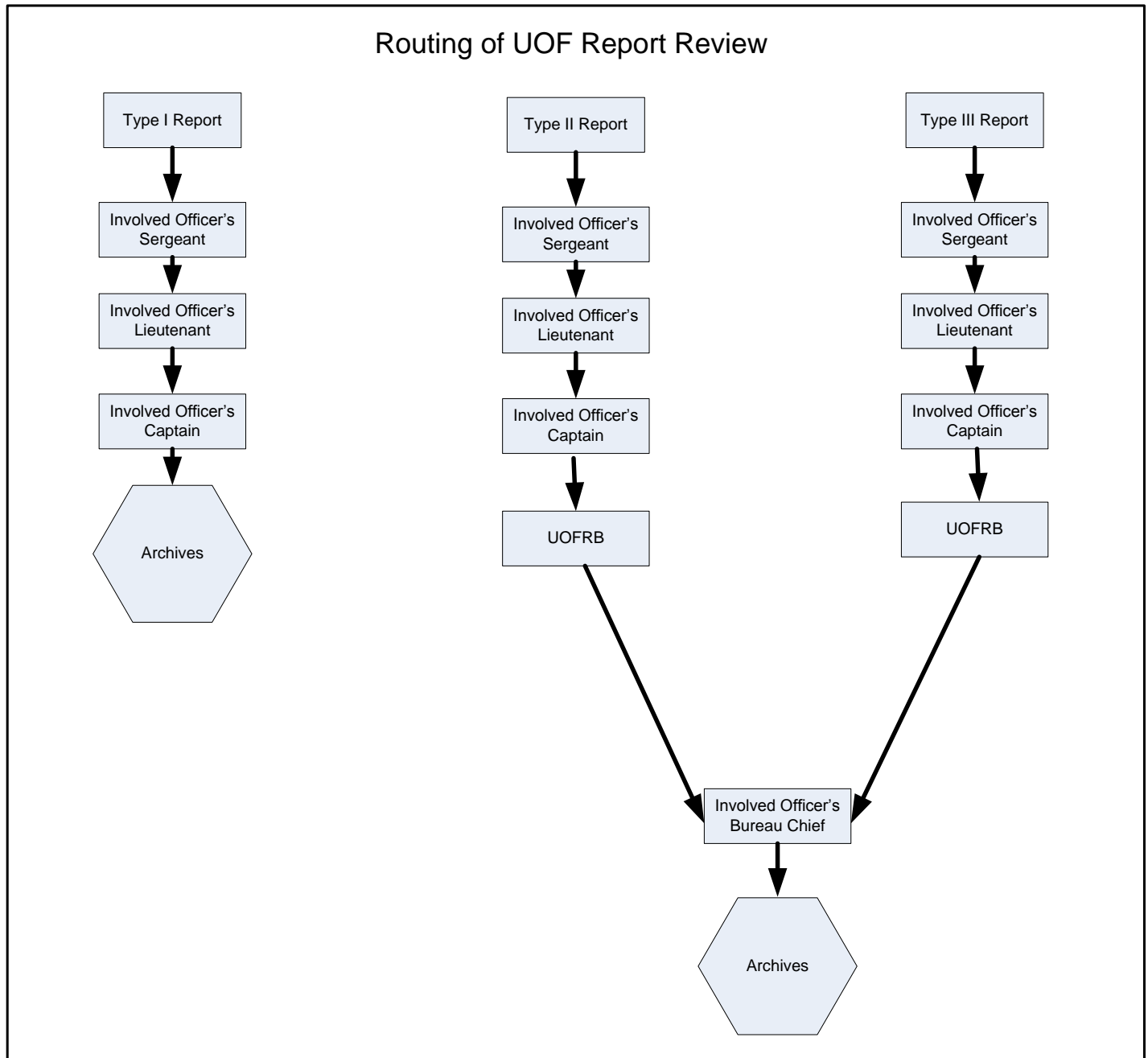
# Seattle Police Manual

## 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.