EXHIBIT E

PART 1 OF 2

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Force Investigations Unit

Procedural Manual

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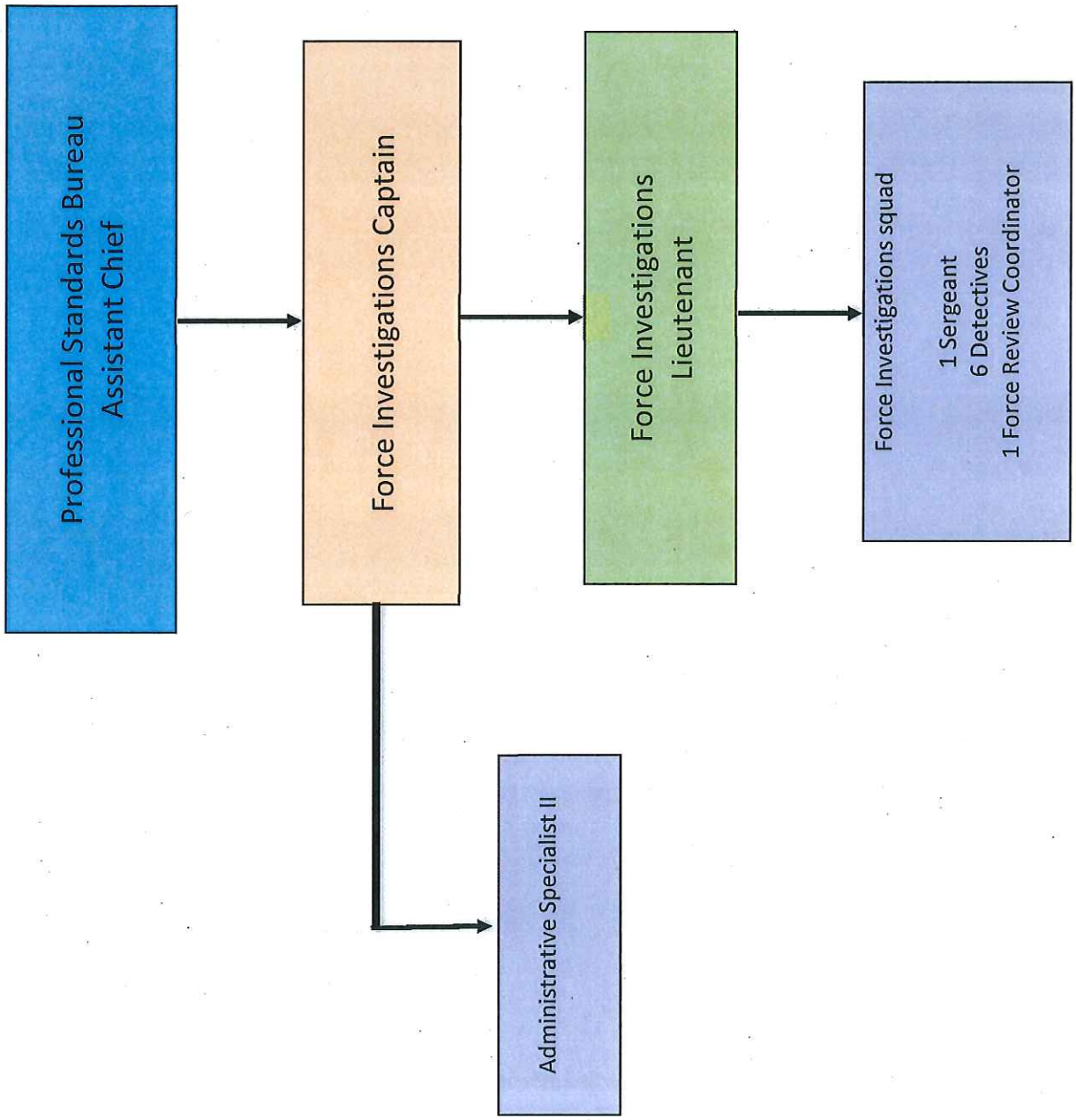
Professional Standards Bureau
Assistant Chief
Force Investigations Captain
Administrative Specialist II
Force Investigations
Lieutenant
Force Investigations squad
1 Sergeant
6 Detectives
1 Force Review Coordinator

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.

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 be 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.