

USE OF FORCE REPORTING

POLICY & PROCEDURE NO. 1.03	ISSUE DATE: 08/01/2001
	EFFECTIVE DATE: 10/01/2001
	REVISION DATE: 12-11-2022

I. GENERAL CONSIDERATIONS AND GUIDELINES

The manner in which police officers use lethal force/firearms is an extremely critical issue to the department and one that generates intense public scrutiny. When these incidents occur, they demand a thorough and complete inquiry into all aspects of the incident. Only through an exhaustive inquiry can the facts of the incident evolve, and public confidence be maintained.

II. POLICY

It is the policy of this department to:

- A. Require a report and to investigate every incident regarding the use of issued or authorized firearms or ammunition by any officer, whether accidental or intentional and whether on or off-duty. (Obvious exceptions are during the lawful performance of duties such as, but not limited to: Range Officers, Armorer, Ballistician, training, and hunting.);
- B. Require a written report whenever an employee takes action that results in, or is alleged to result in, the injury or death of another person;

- C. Require a completed Use of Force Report Form and administrative narrative whenever an employee applies force through the use of lethal or less lethal weapons; or
- D. Require a completed Use of Force Report Form and administrative narrative whenever an employee applies weaponless physical force which results in, or is alleged to result in, the injury or death of another person.
- E. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances **shall report the incident to an appropriate supervisor** as soon as reasonably possible, but not later than the end of the shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's Use of Force review. A supervisor not directly involved in the use of force incident will complete a report which will include the reporting officer(s) written statements.
- F. Retaliation against any employee who observes and reports an instance of using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances to include the discharge of the employee, any change to their official rank, grade or compensation, deny a promotion or take any other adverse action against an officer or employee or threaten to take any such action for providing information to the agency or testifying in any agency or at any court proceeding or for providing information to POST or testifying in any POST proceeding is prohibited.

III. PROCEDURES

A. Involved Officer

- 1. At the scene the officer shall:
 - a. If necessary, request emergency medical aid;
 - b. Promptly notify the dispatcher or officer-in-charge;

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- c. Unless injured, remain at the scene and protect and secure it to the extent possible, pending the arrival of appropriate investigators; and
 - i. If the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, (unruly/violent bystanders/crowd), that officer should be transported to another, more appropriate location.
 - d. Protect the firearm and/or ammunition for examination and submit said items to the appropriate investigator.
 - i. Said items should only be surrendered to another police officer, unless otherwise instructed by the officer-in-charge.
2. The officer should refrain from speaking or discussing the incident with anyone except with those directly involved or with legal counsel.
 3. Prepare a detailed report of the incident in a timely manner.
 4. The officer should be available, at reasonable times, for interviews and statements regarding the incident.

B. Dispatcher Duties

1. The dispatcher will:
 - a. Notify the officer-in-charge;
 - b. Dispatch officers to the scene;
 - c. Make all appropriate, accurate and complete administrative journal entries; and
 - d. Politely refer all media requests for information to the Chief or the Public Information Officer. [See departmental policy on ***Police Media Relations***.]

C. Patrol Supervisors

1. The Patrol Supervisor will respond to the scene as soon as possible and render assistance to the officer(s) involved, except for the destruction of an animal unless requested.
2. The Patrol Supervisor will determine the type of shooting:
 - a. Accidental, no injuries;
 - b. Accidental death or injury to an officer(s) and/or other(s);
 - c. Intentional, no injuries;
 - d. Intentional, death or injury to an officer(s) and/or other(s);
 - e. Intentional, to remove an animal from suffering.
3. The Patrol Supervisor will advise the officer-in-charge of the type of shooting involved.

D. Officer-in-Charge

1. When appropriate, the officer-in-charge will proceed directly to the scene and render assistance to the assigned investigators.
2. The officer-in-charge will:
 - a. Make all resources, facilities, and personnel of the department available to the investigators;
 - b. Ensure that the involved officer(s) is provided with appropriate Federal/State civil rights protection.
 - c. Politely refer all media requests for information to the Chief or the Public Information Officer. [See departmental policy on ***Police Media Relations***.]
3. Upon such notification, the officer-in-charge or a police official designated by him/her or the Chief of Police, shall immediately institute an investigation, and
 - a. If bodily injury has occurred, impound the weapon involved immediately;

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- i. In doing so, the investigating officer shall preserve the firearm in the condition in which [s]he finds it.
 - ii. THE INVESTIGATING OFFICER MUST USE EXTRAORDINARY CARE IN THIS RESPECT AS THE GUN MAY STILL BE LOADED.
 - iii. Ensure proper chain of custody of the impounded weapon until it is placed in the custody of State Police or other law enforcement agency's crime lab personnel.
 - b. Order the officer involved in the shooting to go to the police station or other suitable place to begin completion of a full and complete report of the incident in writing. If the officer has been injured, [s]he will file the required reports as soon as [s]he is physically able;
 - b. Arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting. It is mandatory that the supervisor arrange for the involved officers to be transported to the hospital for a medical evaluation. All officers involved will file the required reports as soon as [s]he is physically/mentally able;
 - c. Interview all injured parties, if possible, to ascertain the circumstances involved in the shooting;
 - d. Assign sufficient officers to secure the scene of the shooting to preserve physical evidence and request the assistance of investigators and/or crime scene technicians as appropriate; and
 - e. Make arrangements for stress unit or other psychological assistance for the officer, or members of his/her family, if appropriate.
 4. At his/her discretion, the Chief of Police or officer-in-charge may relieve the officer from duty for the remainder of the tour of duty, or such other period as [s]he deems necessary, after the officer has completed his/her report of the incident.

5. In those incidents of the use of lethal force/firearms where a death results, the District Attorney's office, pursuant to the terms of G.L. c. 38, s. 6, will be notified forthwith and will assume control of the investigation.
6. The official conducting the investigation shall file a preliminary report prior to the conclusion of the tour of duty and will complete a detailed investigative report and submit the same to the Chief of Police as soon as possible after the completion of the investigation of the circumstances surrounding the shooting.
7. During the course of the investigation, no police personnel will give any detailed information concerning the incident to any members of the public or news media without express authority from the Chief of Police. In no case shall any information which is prejudicial to any party be released prior to the completion of the investigation. [See departmental policy on ***Police Media Relations.***]
8. The authority and responsibility for final departmental disposition of a firearms discharge incident rests with the Chief of Police.

E. Chief of Police

1. The Chief of Police or his/her designee not involved in the incident shall be responsible for the following:
 - a. Ensuring that a thorough investigation was conducted and that all reports were prepared and submitted;
 - b. Reviewing all reports submitted to determine whether the use of force was in compliance with department policy and procedures; and
 - c. If the reports were forwarded to an officer designated by the Chief of Police, [s]he shall prepare a report to the Chief regarding the incident and how it was handled, including any comments and recommendations [s]he may have.
 - d. The Chief of Police or designee shall forward reports to the Division of Police Standards regarding instances of;

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- i. An officer was involved in an officer-involved **injury or death**, or
 - ii. An officer engaged in conduct prohibited by 6E S. 14 (**use of force**) or S. 15 (**duty to intervene in and report excessive force**).
 2. All reports concerning any use of force incident shall be forwarded to the Chief of Police, or his/her designee, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action; and
 - a. Conducting an annual analysis of all use of force reports. Such analysis and conclusions shall be documented, and appropriate action taken. The annual analysis shall include reviewing the date and time of the incident. It shall also include the type of force, weapon, type of encounter or other circumstances resulting in the use of force. The review shall also include the race, age and gender of the suspect(s) involved. Finally, the review and annual analysis shall include the status of any injuries occurring to all persons involved in the incident.
 - b. In addition to the yearly use of force analysis, a written report shall be documented by the Chief of Police or his/her designee. This yearly report shall include results summarizing the reviewer's findings on any patterns or trends that were identified. Also, the written report shall address whether any changes are needed in the department's written directive system, training and/or equipment to address the findings.