

USE OF FORCE REPORTING

POLICY & PROCEDURE NO. CHAPTER # 400	EFFECTIVE DATE: 05/21/2014
	REVISION DATE: 05/04/2016
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.3.6; 1.3.7; 1.3.13	REVIEW DATE: 05/04/2018

I. GENERAL CONSIDERATIONS AND GUIDELINES

The manner in which police officers use deadly 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: [1.3.6]

- A. Investigate and submit a written report upon the discharge of department authorized firearms by any employee, whether accidental or intentional and whether on or off-duty. (Exceptions are during the lawful performance of duties such as, but not limited to: Range Officers, Amorer, Ballistician, and training). Destruction of animals by gunshot requires an incident report. [1.3.6a]

- 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; [1.3.6b]
- C. Require a written report whenever an employee applies force through the use of lethal or less lethal weapons; or [1.3.6c]
- D. Require a written report whenever an employee applies weaponless physical force upon another to the extent that it caused injury to another or is likely to cause or lead to unforeseen injury, claim of injury, or allegations of excessive force. [1.3.6d]
- E. A “Use of Force Report” shall be completed by the employee involved in the use of force incident as described in A,B,C, and D above.

III. PROCEDURES

A. Involved Officer – Use of Deadly Force / Firearms

- 1. At the scene the officer shall:
 - a. If necessary, request emergency medical aid;
 - b. Promptly notify the dispatcher or officer-in-charge;
 - 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 – Use of Deadly Force / Firearms

1. The dispatcher will:
 - a. Notify the officer-in-charge, the Patrol Division Lieutenant and the Chief of Police;
 - 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. Officer-in-Charge – Use of Deadly Force / Firearms

1. The Officer-in-Charge of the shift will respond to the scene as soon as possible and render assistance to the officer(s) involved.
2. The Officer-in-Charge shall also:
 - a. Make all resources, facilities, and personnel of the department available to the investigators;
 - b. 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. IN THE READY FIRE POSITION.
 - 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.
 - iv. Unless circumstances prevent it, a replacement firearm shall be provided to the officer at the time the involved firearm is impounded.
 - b. The officer will be instructed 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 available to do so.
 - c. The Chief of Police may allow the officer an extra, but reasonable period of time after a deadly force incident before the report is completed. If the officer has been injured, (s)he will file the required reports as soon as (s)he is physically able;
 - d. Interview all injured parties, if possible, to ascertain the circumstances involved in the shooting;
 - e. 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
 - f. Make arrangements for stress unit or other psychological assistance for the officer, or members of his/her family, if appropriate.
4. If an employee's actions or use of force in an official capacity results in the death or serious physical injury to an individual, the employee shall be relieved from his/her line of duty assignment by

the Chief of Police pending an administrative review and investigation by a supervisor not involved in the incident.

5. In those incidents of the use of deadly 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. Administrative Review

1. The Chief of Police or his/her designee (Lieutenant or higher rank) shall be responsible for the following administrative review: [1.3.7]
 - 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.
 - c. Conducting an annual analysis of all use of force reports. Such analysis and conclusions shall be documented and appropriate action taken. The review will be conducted by the Chief, Lieutenant or higher ranking officer in his absence. [1.3.13]
 - d. If the reports were forwarded to a Lieutenant 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.

2. All reports concerning any use of force incident shall be forwarded to the Officer-in-Charge prior to the end of the shift. The OIC will forward all reports to the Chief of Police. The Chief of Police will review the reports and take appropriate action. The Lieutenant or higher ranking officer conducting the administrative review must not have been involved in the use of force incident. [1.3.7]