

USE OF FORCE REPORTING

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| POLICY & PROCEDURE NO. 1.02 | ISSUING AUTHORITY: <i>Chief Michael Lane</i> Chief Michael Lane |
| | EFFECTIVE DATE: <u>November 1, 2010</u> |
| MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.3.6; 1.3.7; 1.3.8; 1.3.13 | REVIEWED BY: DATE: <u>January 1, 2012</u> |

I. GENERAL CONSIDERATIONS AND GUIDELINES

The manner in which police department members use force is an extremely critical issue 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

Reportable Use of Force: It is the policy of this department to require a written report any time an employee:

1. Discharges a department issued or authorized firearm, for other than training or recreational purposes. The intention discharge of firearms for ballistic testing, or firearms maintenance shall be excluded from the reporting requirement. [1.3.6(a)]
2. Takes action that results in, or is alleged to have resulted in, the injury or death of another person [1.3.6(b)];
3. Applies force through the use of a lethal or less-lethal weapon [1.3.6(c)]; or
4. Applies weaponless physical force which results in an injury to either the department member or another person. [1.3.6(d)].

III. DEFINITIONS

- A. *Weaponless Physical Force*: The application of force and hand control techniques that have little or no chance of producing injuries when

gaining control over, or subduing non-compliant or resisting persons. These techniques include, but are not limited to: physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-along hold, handcuffing or other custodial procedures.

- B. *Employee*: For the purposes of the application of this policy, any person officially affiliated with the department whether full or part time, sworn, civilian, special or auxiliary police, crossing guard, animal control officer, volunteer, or other.
- C. *Reportable Use of Force*: A level of force used by a member of this department which would trigger a report as directed under this policy.

Note: The use of handcuffs as a restraint; physical removal of peacefully resisting demonstrators; display of weapon (unholstering or handling of firearm or other weapon); discharge of a weapon to euthanize an animal, the presence of police department personnel or animals, or the use of verbal commands are not considered a use of force for this policy.

IV. PROCEDURES

A. *Employee Responsibilities*

1. Each employee who used reportable force as defined in this policy shall:
 - a. Immediately following a reportable use of force incident, employees shall notify a shift supervisor and submit a copy of the report to the Training Division.
 - b. Complete a Use of Force Report unless the requirement of such report would violate the officer's Fifth Amendment protections and/or if transactional immunity for said officer(s) would be triggered. The report shall be submitted in writing. At a minimum, the report shall include:
 - 1) Actions of the suspect that necessitated the use of force;
 - 2) Why the employee used force;
 - 3) What force was used by the employee;
 - 4) The effect of the force on the suspect;
 - 5) Injuries to the suspect, employees, or others;
 - 6) Complaints of injury by the suspect or others; and
 - 7) Medical treatment received or refused by the suspect or others.
 - c. The Use of Force Report shall be used for internal statistical and analytical purposes only, and shall not be part of the incident or arrest file for the particular incident.

- d. A more detailed narrative report must be completed if ordered by a supervisor.
- e. An injured employee shall submit the required reports as soon as practical.
- f. Any employee, whose action(s) or use of force results in death or serious physical injury, shall be removed from line-duty assignment, and reassigned to administrative duties pending an administrative review. [1.3.8]

B. Supervisors/Investigators Responsibilities

1. RESPONSE AND INVESTIGATION

- a. A supervisor shall respond to and investigate any incident where force results in death of serious bodily injury.
- b. A supervisor directly involved in an incident shall not investigate the use of force in that same incident. [1.3.8].
- c. In cases involving death or serious bodily injury Operations Lieutenant shall be notified and shall supervise or assign supervision of the investigation.
- d. In those instances where death has or is likely to occur, the District Attorney's office shall immediately be notified¹.
- e. In conducting the investigation, the supervisor shall:
 - 1) document the suspect's statements;
 - 2) document injuries sustained by the employee, suspect, or others;
 - 3) arrange medical treatment needed or requested;
 - 4) identify and interview witnesses;
 - 5) document, as necessary, the scene of the incident, injuries, property damage, etc.; and
 - 6) Interview any medical care provider concerning the injury and its consistency with the reported use of force.

2. EMPLOYEE STATEMENT/REPORTS

- a. The investigating supervisor may:
 - 1) Schedule a time by which an employee involved in the incident must meet with department investigators and submit a written report of the incident.
- b. The investigating supervisor conducting the investigation shall file a preliminary report prior to the conclusion of the tour of duty.

- c. The investigating supervisor will complete a detailed investigative report and submit it to the Operations Lieutenant as soon as practical after the completion of the investigation.
- d. For further information, see the department policies on ***Internal Affairs, Officer Involved Deadly Force Incident Investigations, and Post-Traumatic Stress Procedures.***

C. Administrative Review:

1. The Operations Lieutenant and the Training Division shall be responsible for the following:
 - a. Ensuring that a thorough investigation was conducted and that all reports were prepared and submitted;
 - b. Conducting an administrative review of all reports submitted to determine whether the use of force was in compliance with department policy and procedures. Such review may not be conducted by any person who was involved in the incident. [1.3.7]; and
 - c. Shall prepare a report to the Chief regarding the incident, including any comments and recommendations for appropriate action.

D. Use of Force Reports

1. The use of Force Reports shall be filed with the Training Division.
2. ANNUAL ANALYSIS: Lieutenant in charge of Training shall conduct an annual analysis of all use of force reports and submit a written report to the Chief. Such analysis and conclusions may indicate the need for training, equipment upgrades, or policy modification. The review should consider: [1.3.13]
 - a. A comparison of the total number of use of force incidents compared to previous years;
 - b. Type of force used;
 - c. Type of weapons used;
 - d. Effectiveness of the use of force techniques;
 - e. Nature of the incident that required force;
 - f. Intensity of attack or resistance;
 - g. Suspect demographics;
 - h. Day of the week, time of day, shift, squad involved;
 - i. Years of experience of employee(s) involved;
 - j. Uniform or plain clothed employee;

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- k. Severity of injuries to employee or suspect, if any; and
 - l. Summary breakdown of the disposition of the administrative reviews (justified/not justified, compliance with policy, etc.).

¹ M.G.L. c 38, §4