

POLICY #1-6



USE OF FORCE REPORTING

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Issuing Authority: Richard Fuller

Accreditation Standards: 1.3.6; 1.3.7; 1.3.8; 1.3.13

GENERAL CONSIDERATIONS

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 surrounding the incident be made known and public confidence maintained.

DEFINITIONS

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 subjects. These techniques include but are not limited to physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come along holds, handcuffing or other custodial procedures. [1.3.6]

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 officer, crossing guard, animal control officer, volunteer, or other.

Reportable Use of Force: A level of force used by a member of this department that would trigger a report as directed under this policy.

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

POLICY

Reportable Use of Force: It is the policy of this department to require a written report any time an employee discharges a department issued or authorized firearm for other than training or recreational purposes (the

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intentional discharge of firearms for ballistic testing or firearms maintenance shall be excluded from the reporting requirement) [1.3.6(a)]; takes action that results in, or is alleged to have resulted in, the injury or death of another person [1.3.6(b)]; applies force through the use of a lethal or less lethal weapon [1.3.6(c)]; or applies weaponless physical force with injury as a means to defend themselves or another. (Physical touching, gripping or holding, frisking, distraction techniques, handcuffing or other custodial procedures are not included.) [1.3.6(d)].

PROCEDURES

1. Employee Responsibilities (Reportable Force)

- 1.1. Shall immediately notify a shift supervisor following a reportable use of force incident;
- 1.2. Shall 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 to the Chief of Police. [1.3.6] At a minimum, the report shall include:
 - 1.2.1. Actions of the subject that necessitated the use of force;
 - 1.2.2. Surrounding circumstances explaining why force was necessary;
 - 1.2.3. What force was used by the employee;
 - 1.2.4. The effect of the force on the subject;
 - 1.2.5. Injuries to the subject, employees, or others;
 - 1.2.6. Complaints of injury by the subject or others; and
 - 1.2.7. Medical treatment received or refused by the subject or others.
- 1.3. 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.
- 1.4. A more detailed narrative report must be completed if ordered by a supervisor.
- 1.5. An injured employee shall submit the required reports as soon as practical.
- 1.6. Any employee, whose action(s) or use of force results in death or serious physical injury, shall be removed from line-duty assignment, and placed on administrative leave pending an administrative review. [1.3.8]

2. Supervisors/Investigators Responsibilities

2.1. Response and Investigation

- 2.1.1. A supervisor shall respond to and investigate any incident where force results in death or serious bodily injury.
- 2.1.2. A supervisor directly involved in an incident shall not investigate the use of force in that same incident. [1.3.8]

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2.1.3. In cases involving death or serious bodily injury the Captain of Investigative Services shall be notified and shall supervise or assign supervision of the investigation.

2.1.4. In those instances where death has or is likely to occur, the District Attorney's office shall immediately be notifiedⁱ.

2.1.5. In conducting the investigation, the supervisor shall:

- document the suspect's statements;
- document injuries sustained by the employee, suspect, or others;
- arrange medical treatment needed or requested;
- identify and interview witnesses;
- document, as necessary, the scene of the incident, injuries, property damage, etc.; and
- Interview any medical care provider concerning the injury and its consistency with the reported use of force.

2.2. Employee Statement/Reports

2.2.1. Investigating supervisor may:

- Order the involved employee(s) to submit a full and complete report of the incident in writing; or schedule a time by which an employee involved in the incident must meet with department investigators and submit a written report of the incident.
- The supervisor conducting the investigation shall file a preliminary report prior to the conclusion of the tour of duty, if feasible.
- The investigating supervisor shall complete a detailed investigative report and submit it to the Chief of Police and the Captain of Field Services as soon as practical after the completion of the investigation.

3. Administrative Review [1.3.7]

3.1. The Patrol Supervisor shall ensure that a thorough investigation was conducted and that all reports were prepared and submitted.

3.2. The Watch Commander is responsible for 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 shall prepare a report to the Chief of Police regarding the incident, including any comments and recommendations for appropriate action. A copy of the report shall be forwarded to Captain John Perchard and the original to the Chief of Police.

4. Use of Force Reports

4.1. The use of Force Reports shall be submitted to the Chief of Police.

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4.2. Annual Analysis: The Captain of Administrative Services shall conduct an annual analysis of all use of force reports and submit a written report to the Chief of Police. Such analysis may indicate the need for training, equipment upgrades, or policy modification. The review should consider:
[1.3.13]

4.2.1. A comparison of the total number of use of force incidents compared to previous years;

4.2.2. Types of force used;

4.2.3. Types of weapons used;

4.2.4. Effectiveness of the use of force techniques;

4.2.5. Nature of the incidents that required force;

4.2.6. Subject information;

4.2.7. Days of the week, time of day, shifts/squads involved;

4.2.8. Years of experience of employee(s) involved;

4.2.9. Uniformed or plain clothed employees;

4.2.10. Severity of injuries to employees or subjects, if any; and

4.2.11. Summary breakdown of the disposition of the administrative reviews (justified/not justified, compliance with policy, etc.).

¹ M.G.L. c 38, §4

Richard M. Fuller, Jr.
Chief of Police