

EASTHAMPTON POLICE DEPARTMENT		Department Manual: Policy No. 1.03
Subject: Use of Force Reporting & Investigation Policy		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.3.5, 1.3.6; 1.3.7; 1.3.8; 1.3.11; 1.3.13; 11.4.1; 22.2.3, 22.2.6		GENERAL ORDER
Issue Date: 11-18-2014 Effective Date: 12-01-2014 Revision Date: 01-27-2021	Issuing Authority <i>Robert J. Alberti</i> Robert J. Alberti Chief of Police	

STATE POLICE EMPLOYEE ASSISTANCE UNIT 1-781-821-5496

STATE POLICE HEADQUARTERS 1-508-820-2121

I. General Considerations and Guidelines:

The manner in which police personnel use both lethal force and less-lethal force 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 the facts and circumstances surrounding the incident. Only through a comprehensive investigative inquiry can the complete and accurate facts of the incident evolve allowing for public trust and confidence to be maintained.

II. Policy:

It shall be the policy of the Easthampton Police Department to:

- A. Require a written report and to investigate every incident regarding the use of issued or authorized firearms or ammunition by any officer or employee, whether accidental or intentional and whether on or off-duty. (Obvious exceptions are during the lawful performance of duties and activities such as, but not limited to: Range Officers, Armorer, Ballistician, training, and hunting.); 1.3.6 a,
- B. Require a written report whenever an employee takes action that results in, or is alleged to result in, the injury (however slight) or death of another person; 1.3.6 b
- C. Require a written report whenever an employee applies force through the use of lethal or less-lethal weapons; or 1.3.6 c
- D. Require a written report whenever an employee applies weaponless physical force (using open or closed hand tactics) at a level required to be reported. 1.3.6 d
- E. In order to comply with this policy all sworn personnel are required to complete a separate Department Use of Force Reporting form in addition to any Incident or Arrest Report.
- G. The Officer in Charge (or shift designee) shall review and approve all Use of Force Reports.
- H. The Captain of Operations and the Internal Affairs Supervisor shall also review and approve all Use of Force Incidents for an additional level of review to ensure that the force that was utilized is in compliance and conformance with all federal, state and local law as well as department policy and established training protocols.
- J. All officers of the Easthampton Police Department should be aware of their personal responsibility during any use of force encounter. Officers shall have an affirmative duty to intervene should they observe a situation in which they perceive more than the necessary use of force is being deployed by a fellow officer or supervisor. Any observations of excessive force made by a fellow officer or supervisor shall be reported in writing through the chain of command or directly to the Captain of Operations.

III. Procedures:

A. OFFICER(S) INVOLVED in FIREARMS DISCHARGE:

1. At the scene the officer shall:
 - a. Immediately request emergency medical aid when it is safe to do so; **1.3.5**
 - b. Promptly notify the dispatcher, patrol supervisor 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 supervisors; and
 - i. If the circumstances are such that the continued presence of the officer at the scene might cause a more dangerous 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. The firearm should only be surrendered to another police officer, unless otherwise instructed by the officer-in-charge or appropriate supervisor.
2. The officer should refrain from speaking or discussing the incident with anyone except with those investigators/supervisors directly involved or legal counsel.
3. Prepare a detailed report of the incident in a timely manner. Due to the potential trauma involved, if needed the officer will be allowed one sleep cycle before the submission of the written report and will be allowed to submit the report the following day.
4. The officer should be available, at reasonable times, for interviews and statements regarding the incident by assigned investigators from the Easthampton Police Department and/or State Police.

B. DISPATCHER RESPONSIBILITY:

1. The dispatcher shall:
 - a. Immediately notify the patrol supervisor and the officer-in-charge;
 - b. Dispatch sufficient number of officers to secure the scene and ensure the

continued safety and security of those present;

- c. Make all appropriate, accurate and complete administrative computer entries; and
- d. Politely refer all media requests for information to the Public Information Officer (PIO), the Detective Lieutenant or the Chief of Police. (See Departmental Policy on *Police Media Relations 4.03*)

C. PATROL SUPERVISOR:

1. The Patrol Supervisor shall respond to the scene as soon as possible and render assistance to the officer(s) involved. A Supervisor involved in a UOF incident whose action(s) or use of force results in death or serious physical injury either directly or indirectly will not conduct an administrative review of the incident.
1.3.7
2. The Patrol Supervisor will initially determine whether the type of shooting shall be classified as the following:
 - 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 euthanize an animal from suffering.
2. The Patrol Supervisor will advise the officer-in-charge of the facts and circumstances of the shooting incident and will keep them informed of any and all developments.

D. OFFICER-IN-CHARGE:

1. In some circumstances, the officer-in-charge may be required to respond directly to the scene to render assistance to the assigned investigators.
2. The officer-in-charge shall:

- a. Make all resources, facilities, and personnel of the Department available to the assigned investigators (Massachusetts State Police, Easthampton Police Detectives, DA's Office);
 - 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 Public Information Officer (PIO). (See departmental policy on *Police Media Relations 4.03*)
3. Upon such notification, the officer-in-charge shall immediately institute an investigation by notifying the Chief of Police, the Detective Lieutenant, MSP Assigned to the Northwestern District Attorney's Office and the Internal Affairs Supervisor.
- a. If bodily injury has occurred, impound the service weapon involved immediately;
 - i. In doing so, the investigating supervisor shall preserve the firearm in the condition in which [s]he finds it.
 - ii. THE INVESTIGATING SUPERVISOR 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 crime lab personnel.
 - b. Direct the officer involved in the shooting to go to the police station or other suitable location to be allowed to collect their thoughts and debrief with a Union Representative or other Officer if he/she so chooses. If the officer has been injured in any way make arrangements that they are transported to the hospital for appropriate treatment. The officer will be instructed to prepare a detailed report of the incident in a timely manner. However, due to the potential trauma involved in the incident, if needed the officer will be allowed one sleep cycle before the submission of the written report and will be allowed to submit the report the following day.
 - c. Interview all injured parties, if possible, to ascertain all of the circumstances involved in the shooting incident;
 - d. Assign a sufficient number of officers to secure the scene of the shooting

to preserve all physical evidence and request the assistance of investigators and/or crime scene technicians as appropriate; and

- e. Make arrangements for stress counseling by calling the Mass. State Police Employee Assistance Unit @ 1-781-821-5496 or MSP Headquarters @ 1-508-820-2121, the Critical Incident Stress Management Team, or any other appropriate psychological assistance providers for the officer or members of his or her family, authorized by the Chief of Police. (See Department Policy on Post Firearm Discharge Procedures 2.21) **22.2.3; 22.2.6**
4. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury will, based on an abundance of caution of all parties involved, be temporarily removed from line-duty assignment and placed on Administrative Leave (with pay), pending a thorough administrative review of the incident by a supervisor and investigator(s) not directly involved in the incident or such other period of time as the Chief of Police deems appropriate based on information that is developed during the course of the investigation. **1.3.8**
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 MG.L. c. 38, s. 6, shall be notified forthwith and shall assume control of the investigation.
6. The Patrol Supervisor, members of the Detective Bureau and the IA Supervisor conducting the initial investigation shall file a preliminary report prior to the conclusion of their tour of duty. They shall also file a complete detailed investigative report to the Chief of Police upon the completion of the investigation.
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 the express authorization 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 4.03***)
8. The authority and responsibility for final departmental disposition of a firearms discharge incident rests with the Chief of Police.

F. CHIEF OF POLICE:

1. The Chief of Police through the Detective Lieutenant and the Internal Affairs Supervisor shall be responsible for the following: **1.3.7**

a. Ensuring that a complete and thorough investigation was conducted and that all reports were prepared in a timely manner and submitted through the appropriate channels;

b. Review all reports that have been submitted to determine whether the use of force was in compliance with all federal, state and local laws, department policy and procedures, and training protocols; and

c. The Internal Affairs Supervisor will review an **annual analysis** of all Use of Force Reports prepared by the Defensive Tactics Instructor. A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The review should consider: **1.3.11 a, b, c, 11.4.1 b, c, d,**

- A comparison of the total number of UOF incidents compared to previous years;
- Type of force used;
- Type of weapons used;
- Effectiveness of the UOF techniques;
- Nature of incident that required force;
- Intensity of attack or resistance;
- Suspect demographics;
- The month, day of week, time of day, inside or outside a building;
- Years of experience of officer(s) involved;
- Uniform or non-uniformed officer;
- Severity of injuries to officer or suspect;
- A summary breakdown of the disposition of the administrative review and compliance with departmental policies.

Such analysis and conclusions shall be documented annually to the Chief of Police and appropriate action taken. In the interest of full transparency they shall also be placed in the Annual Report and placed on the department website. **1.3.13, 11.4.1 e**

2. All reports concerning any use of force incidents shall be forwarded to the Internal Affairs Supervisor, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action.

3. All Use of Force reports shall be filed in the Internal Affairs Office. **1.3.6**