

EASTHAMPTON POLICE DEPARTMENT		Department Manual: Policy No. 1.07
Subject: POST FIREARMS DISCHARGE PROCEDURE		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS		GENERAL ORDER
REFERENCED: 1.3.5; 1.3.8; 22.2.3; 22.2.4; 22.2.6		
Effective 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

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that any action in an official capacity or an officer-involved shootings resulting in death or serious bodily injury to a citizen or a fellow officer may precipitate such stress disorders. It is the responsibility of this Department to provide all personnel with information on stress disorders and to guide and assist in their deterrence.

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer or employee involved shooting incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder while assisting the Northwestern District Attorney and all involved

police agencies in conducting a complete and impartial investigation.

II. POLICY

It is the policy of the Easthampton Police Department to:

- A. Provide immediate medical assistance after any action in an official capacity or officer/employee involved shooting incidents to ensure immediate medical attention to those involved while safeguarding the continued mental health of all involved personnel.
1.3.5
- B. It is the intention of the Easthampton Police Department to cooperate with the Northwestern District Attorney's Office in all investigations, to include Officer Involved Shootings.

III. Definitions

- A. **Stress Disorder**: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress. The person must have experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of one's self or others. The person's response to the event(s) will have involved intense fear, helplessness, or horror.
 - 1. **Acute Stress Disorder**: A category of stress disorder lasting for a minimum of two days and a maximum of four weeks occurring within four weeks of the event(s).
 - 2. **Post-Traumatic Stress Disorder**: A category of stress disorder in which the symptoms last more than one month.
- C. **Officer-Involved Shooting or Action Incident**: A line-of-duty or off duty incident where any action or shooting causes death or serious bodily injury to an officer or other person.
- D. **Shooting Team Investigators**: Investigators provided by the Northwestern DA to investigate an officer involved shooting where death has or may occur.
- E. **Public Safety Statement**: A statement to ascertain the threat level at the scene of the incident, to identify witnesses or other injured officers or civilians, and to facilitate the collection of evidence and preservation of the scene. This public safety statement is a brief explanation of what has transpired and what is presently happening. The Public

Safety statement may be given by the Patrol Supervisor or his designee who has gathered this information prior to the Shooting Team Investigators arrival. The Public Safety Statement should include the following in substance and where applicable:

- The identity of officers and other involved parties to the incident who discharged firearms and their approximate position at the time of the discharge.
- The direction and number of shots fired
- A description of any suspects and direction of flight
- The identity and location of any injured officers or civilians
- The identity of potential witnesses
- The location of any unsecured weapons or contraband at the scene.

IV. Procedure

A.

Initial Response

1. The patrol supervisor shall be immediately dispatched if not already responding to the scene of the incident and shall assume primary responsibility for maintaining, managing and securing the scene while caring for involved personnel. He should maintain this role until relieved by someone of higher rank who designates himself as the Incident Commander.
2. The supervisor shall make appropriate arrangements for all necessary medical treatment.
3. The supervisor shall insure that any law enforcement officer who has discharged a firearm or witnessed an officer involved shooting incident shall, unless medically incapacitated, remain on scene or at a predesignated safe area until the **Shooting Team Investigators** have arrived. The involved officer (/s) will not be expected to make any written statement until 24 hours have passed since the time of the incident.
4. The responding supervisor shall collect all firearms, spare magazines, ammunition, non-lethal or less than lethal weapons and any electronic devices from any law enforcement officer who has discharged a firearm or witnessed an officer involved shooting incident and secure said items for the Shooting Team Investigator. The involved officers would be allowed to retain their police radio and cell phone. *Where possible, the involved employee (/s) should be issued a replacement firearm as soon as possible.*
5. Involved personnel should notify their families about the incident as soon as possible. Where an officer or employee is unable to do so, an agency official

shall personally notify the officer(s) or employee(s) family and arrange for their transportation to the hospital.

6. At all times, when at the scene of the incident, the supervisor should handle the officer/employee and all involved personnel in a manner that acknowledges the stress caused by the incident.

B. Public Safety Statement:

1. Supervisors who respond to a report of an officer involved shooting incident shall obtain a Public Safety Statement from any officer who has discharged a firearm or witnessed an officer involved shooting incident, unless that officer is medically incapacitated, invokes his/her constitutionally protected right to remain silent, or requests to consult with legal counsel.
2. If an officer who has discharged a firearm or witnessed an officer involved shooting incident has been transported to the hospital prior to providing a Public Safety Statement, a Shooting Team Investigator shall, as soon as possible, respond to the hospital to obtain a Public safety Statement from that officer, unless that officer is medically incapacitated, invokes his/her right to remain silent or requests to consult with legal counsel.
3. Any officer who has discharged a firearm or witnessed an officer involved shooting incident shall be separated from any potential witnesses and ordered not to discuss the facts and circumstances of the shooting incident with anyone other than their legal counsel, medical/mental health professionals, or union representatives (Please note that the **only** Privileged information is between the involved officer and the union attorney. Any communication that occurs between union representatives or delegates or witnessed by union representatives or delegates is NOT privileged.)
4. Incident Commanders shall restrict access to the scene of an officer involved shooting incident to those law enforcement officers, forensic professionals and representatives of the Northwestern District Attorney's Office who are directly responsible for the investigation of the incident. All gathered information would be restricted to those who are directly responsible for the ongoing investigation.
5. Shooting Team Investigators shall not request and shall not receive a summary or "thumbnail" of the factual details of an officer involved shooting incident from a legal or union representative of the involved officer (/s).
6. Any information given to the press will be provided by The Northwestern

District Attorney's Office. The Chief of Police or the Easthampton PIO's are the only Easthampton Police Officers authorized to consult with the DAs office regarding press matters.

C. Formal Interview

1. The shooting Team Investigators shall be given access to all relevant video evidence from any police source as soon as they can be made available for review.
2. Any officers who have discharged a firearm or witnessed an officer involved shooting incident shall make themselves available to be interviewed by Shooting Team Investigators as soon as possible but not more than 72 hours from the times of the incident unless medically incapacitated unless all parties agree to extend the period beyond 72 hours.
3. Prior to the formal interview, the Shooting Team Investigator may request a "walk through" of the scene with the involved officer (/s). If there is more than one involved officer, only one involved officer at a time shall participate in the "walk through". During the pre-interview "walk through", the Shooting Team Investigator shall limit the questions solely to determine the approximate position of the involved officer (/s) and the other involved individuals at the time of the discharge.
4. A designee from the Northwestern District Attorney's office shall be present to monitor the formal interview of all officers who have discharged a firearm or witnessed the officer involved shooting incident.
5. Any officer who has discharged a weapon or witnessed an officer involved shooting incident shall not be permitted to review any investigative material including but not limited to reports, CAD sheets, recordings of radio transmissions, photographs, video surveillance footage unless authorized by the Northwestern District Attorney or his designee. Generally, such authorization will not be provided until the officer who has discharged a firearm or witnessed the officer involved shooting incident has given an initial narrative describing the incident under investigation.
6. Shooting Team Investigators will ensure that only the officer being interviewed, the legal counsel for the interviewee (/s) and the Shooting Team Investigators will be present in the interview room. Supervisors, command staff personnel, and/or internal affairs or anticorruption investigators shall not participate in the interview or be present in the interview room.
7. Prior to questioning, and where appropriate, the Shooting Team Investigator shall advise the interviewee of all Miranda rights and obtain a written and oral waiver. The advice of

rights shall be either audio or audio/video recorded. It is strongly preferred that all interviews be audio and video recorded.

D. Post-Incident Procedures

1. CISM Team Debriefings shall be held as soon as possible after the incident. The Department shall ensure that there are personnel on call or on-duty at all times so that someone is available shortly after an incident.
2. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from line-duty assignment, pending an administrative review of the incident, or such other period of time as the Chief of Police deems necessary, after the employee or officer has completed his/her report of the incident. **1.3.8**
3. All officers/employees directly involved in the shooting should contact a department designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist should advise the agency: **22.2.3, 22.2.6**
 - a. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned; and
 - b. What will be the best continued course of counseling
4. The Department strongly encourages the families of sworn members and civilians to take advantage of available counseling and CISM team services. **22.2.4**
5. Any Department or authorized outside agency investigation of the incident shall be conducted as soon and as quickly as practical.
6. The Department should privately brief other department members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officers their concern.
7. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. See Departmental policy on **Police Media Relations**.
8. In order to protect against harassing or abusive calls, personnel should be advised to have phone calls answered by another person for several days if their names are released to the public.

9. Personnel directly involved in a shooting incident shall be required to re-qualify with firearms as soon as practical.

E. Daily Stress Recognition 22.2.3; 22.2.6

1. Since some post-traumatic stress disorders may not arise immediately, or the officer/employee may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder. Easthampton Police Department CISM Team members are encouraged to check in with involved employees and officer diffusion & debriefing services when requested. The CISM/ POC should be kept updated.
2. Some symptoms of post-traumatic stress disorders include:
 - a. A feeling of being numb;
 - b. Feeling out of touch with what is going on around them;
 - c. A feeling that this is happening to someone else;
 - d. Withdrawing and avoiding anything to do with the traumatic situation or police work;
 - e. Avoiding other people, including one's family;
 - f. Intrusive and recurring thoughts of the event and feeling that it may be happening again;
 - g. Irritability;
 - h. Sleep problems;
 - i. Difficulty in concentrating; and
 - j. Hyper-vigilance.
3. The Chief of Police may order an officer or employee to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer or employee's job performance. **22.2.3; 22.2.6**

F

Training

The agency shall provide employees with training pertaining to post traumatic stress disorders and the uniform procedures contained in this policy on a regular basis.