
 <p>Cambridge Police Department</p>	POLICY & PROCEDURES		No. 401.1
	Subject/Title: Use of Force Reporting		
	Issuing Authority: 	Issue Date: <i>Introduced as part of the Firearms Qualifications Training for the Fall of 2007 & Reviewed at 2008 Training.</i>	
	Robert C. Haas Police Commissioner	Effective Date: Sept. 5, 2011	Review Date: Sept. 2, 2011
References/ Attachments:		Rescinds: Policy #: 2005-4 – Policy #401	
		Accreditation Standards: 1.3.6 & 1.3.7	

I. PURPOSE:

The purpose of this policy and set of procedures is to outline the protocols that must be followed whenever an officer exerts any degree of force in the performance of his or her duties. In addition, this policy outlines the evaluative process that occurs in every such instance to ensure that the exercise of force was done in a manner consistent with department policy (refer to *Policy #400.1 – Use of Force*).

Police officers have been entrusted with special powers and authority to achieve their mission of preserving the peace, providing protection and security to the public, and enforcing criminal laws. These powers are unique to the police, and are not possessed by the general public. With this grant of public trust, police officers are obligated to exercise their powers judicially, and with appropriate restraint.

Whenever a police officer exercises any degree of force in the execution of his or her duties, the burden is on the police department to prove that such force was used in the accordance with department policy and established state and federal law. Because the police department carries an affirmative burden to demonstrate that the exercise of force was necessary and appropriate, the department must conduct a complete and thorough review of all such incidents. Not only does such a review satisfy legal mandates, it also serves to validate the use of force as a legitimate exercise of police authority in the eyes of the public. To this end, the department has established a system of self-reporting and administrative evaluation. It is only through strict adherence to these guidelines that the department can adequately defend the actions of its officers and, at the same time, preserve public confidence.

II. POLICY:

In every instance in which a police officer uses a firearm or other police-issued defensive weapon while on duty, whether accidentally or intentionally, a report (as defined within this directive) shall be filed, and the incident shall be fully investigated. (Obvious

exceptions to this policy include firearms qualifications and training, recreational shooting, the destruction of animals for humane purposes, and hunting, provided no one is injured as a result of such activities.). Officers are required to prepare a written report whenever the following circumstances occur:

- Whenever an officer takes action that results in, or is alleged to have resulted in, the injury or death of another person;
- Whenever an officer discharges a firearm, regardless of whether there has been an injury;
- Whenever an officer applies force through the use of lethal or less-than-lethal weapons;
- Whenever an employee applies any type of weaponless physical force at a level that causes injury (or results in allegations of injury) or death; or
- Whenever an officer has to exert more than light or moderate physical force against another. For purposes of this policy, the exertion of more than light or moderate physical force is generally defined as the type of force where injuries do occur or are likely to occur.

III. PRELIMINARY INVESTIGATIVE PROCEDURES:

- A. Involved Officers:** Whenever an officer is involved in an incident where force is used against another, and where such force results in death or injury to another person (including any complaint of pain or injury), the officer will be responsible for carrying out the following steps:
1. At the scene the officer shall:
 - a. If necessary, request emergency medical aid;
 - b. Promptly notify the Sector Sergeant of the nature of the incident;
 - c. Unless injured, remain at the scene 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 (i.e., unruly/violent bystanders/crowd), that officer should be transported to another, more appropriate location.

- d. If the incident involved a shooting, 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 of the investigation.
2. The officer should refrain from speaking or discussing the incident with anyone except with those directly involved, or with legal counsel.
3. As soon as practical to do so, the initial investigating officer will prepare a detailed report of the incident, documenting his/her involvement, the actions that were taken, and all other relevant facts.
4. An officer whose use of force has resulted in the injury or death of another shall initiate the department's Use of Force/Show of Force/Discharge of Firearms Report form, as part of the department's reporting procedures.
5. Other officers who may have been involved in or witnessed the incident will be required to submit a supplementary report, documenting their involvement, their observations, and other relevant facts.
6. All officers who may have relevant information about a use of force incident shall be available, at reasonable times, to provide interviews and statements regarding the incident.

B. Duties of the Emergency Communication Center: Whenever the ECC is notified that an officer has used force against an individual, the ECC will do the following:

1. Immediately notify the Shift Commander;
2. Dispatch additional officers to the scene, if required;
3. Dispatch emergency medical personnel, if so requested;
4. Initiate a log entry, if one has not already been initiated, and continue to track all relevant activities that are associated with the incident; and
5. If contacted, politely refer all media requests for information to the Police Commissioner's Office. (See departmental policy entitled, **#300.2 – Media/Public Information Guidelines.**)

- C. Duties of the Patrol/Sector Sergeant:** Once learning that an officer has been involved in a use of force incident, the supervisor shall do the following:
1. Respond to the scene as soon as possible and render assistance to the officer(s) involved.
 2. If the incident involves the discharge of a firearm, the Sector Sergeant will determine the type of shooting incident that occurred and be guided by the department's policy entitled, **#402 – Post Shooting Incident Guidelines**. Shooting incidents shall be identified in the following manner:
 - 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);
 3. If the use of force incident does not involve the discharge of a firearm, the Sector Sergeant will make an initial determination as to the circumstances surrounding the use of force by the officer(s).
 4. The Sector Sergeant will fully brief the Shift Commander on what has transpired (if a shooting is involved, the type of shooting involved). If practical to do so, the Sector Sergeant will brief the Shift Commander in person or by telephone.
 5. The Sector Sergeant will be in charge of the investigation of a use of force incident, unless such responsibilities have been turned over to another investigator.
 - a. The Sector Sergeant may consider having the Supervisor of the Investigation Unit respond to the scene, depending upon the seriousness of the incident.
 - b. The Sector Sergeant may consider having the Middlesex District Attorney's State Police Investigative Unit assist with the investigation after consulting with the Shift Commander and Police Commissioner, and depending upon the seriousness of the incident.
 - c. Where there has been serious injury or death as a result of the discharge of a firearm, the Shift Commander shall immediately notify the District Attorney's Office.
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- D. Duties of the Shift Commander:** The Shift Commander on duty at the time of the use of force incident, or the Patrol Supervisor, if requested, shall have the following duties:
1. When appropriate, the Shift Commander will proceed directly to the scene and assist the assigned investigators.
 2. The Shift Commander (or Patrol Supervisor in the absence of a Shift Commander) will:
 - a. Make all resources, facilities, and personnel of the department available to the investigators;
 - 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 Police Commissioner's Office or the Public Information Officer. (See departmental policy entitled, **#300.2 – Media/Public Information Guidelines.**)
 3. Notify the Police Commissioner and the Professional Standards Section about any use of force incident resulting in serious injury or death.
 4. Take the following additional actions:
 - a. If bodily injury has occurred, impound the weapon involved immediately;
 - i. In doing so, the investigating officer shall preserve the firearm in the condition in which the investigator finds it.
 - ii. **THE INVESTIGATING OFFICER 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 or another law enforcement agency's crime lab personnel.
 - b. Order the officer involved in the shooting to go to the police station or other suitably private place. If possible, the officer is to complete a full report of the incident in writing. If the officer has been injured, the officer will file the required reports as soon as he/she is physically able;

- c. Interview all injured parties, if possible, to ascertain the circumstances involved in the shooting;
 - d. 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.
5. Make arrangements through the Peer Counselors to provide counseling support to the officer, and/or members of his/her family, in situations where the officer's actions resulted in serious injury or death to another individual.
 6. The Police Commissioner or other Commanding Officer has discretion to relieve the officer from duty for the remainder of the shift, or such other period as necessary, after the officer has completed his/her report of the incident, provided the officer is able to do so.
 7. In those incidents in which the use of deadly force results in death, the District Attorney's office, pursuant to the terms of G.L. c. 38, § 6, will be notified forthwith and will assume control of the investigation.
 8. The officer who initiated the use of force will be responsible for filing a preliminary incident report prior to the conclusion of his/her the shift and will complete a detailed investigative report. All associated reports will be submitted to the Police Commissioner as soon as possible after the completion of the investigation.
 9. During the course of the investigation, no police personnel will give any information concerning the incident to any members of the public or news media. Under no circumstances shall any information that is prejudicial to any party be released prior to the completion of the investigation. (See departmental policy entitled, **#300.2 – Media/Public Information Guidelines.**)
 10. The Police Commissioner possesses authority and responsibility for final departmental disposition of a use of force incident.

E. Duties of the Commanding Officer:

1. The Commanding Officer (Superintendent or, in his absence, a Deputy Superintendent) shall be responsible for the following:
 - a. Ensuring that a thorough investigation was conducted and 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; and
 - c. Ensure that all Use of Force/Show of Force/Discharge of Firearm Report forms are completed and channeled for review and recommendations.
2. All reports concerning any use of force incident shall be forwarded to the Police Commissioner, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action.

IV. USE OF FORCE INTERNAL REVIEW PROCESS:¹

A. Completion of the Use of Force Report: Whenever there has been an incident involving use of force as defined by this directive or within *Policy #400.1 – Use of Force*, the officer involved in the incident shall complete the cover page of the Use of Force/Show of Force/Discharge of Firearm Report form (hereinafter referred to as the Use of Force Report form) should a firearm be discharged (refer to attached forms). Any of the following situations will require an officer to complete a Use of Force Report:

1. A person is injured or complains of an injury as a result of the use of physical force.

Exception: Unless directed otherwise by a supervisor, completion of a Use of Force Report form shall not be required if an officer's conduct during the course of a normal arrest is limited to necessary manipulation and contact with an arrestee, including the use of handcuffs.

2. The use of force involved the employment of a PR24 control device, chemical agent or OC Spray.
3. The use of force involved the discharge of a firearm, whether or not a person was struck or injured by the projectile, in which case the Discharge of a Firearm Report form will be used in place of the Use of Force Report form.
4. The person is charged with the crime of resisting arrest.

¹ CALEA Std.: 1.3.6 – A written report is submitted whenever an employee:

- a. discharges a firearm, for other than training or recreational purposes;
 - b. takes an action that results in, or is alleged to have resulted in, injury or death of another person;
 - c. applies force through the use of lethal or less lethal weapons; or
 - d. applies weaponless physical force at a level as defined by the agency.
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5. The officer is directed to complete a Form 401A Use of Force/Show of Force/Firearm Discharge Report by a superior officer.
6. If more than one officer is actually involved in the use of force incident, each officer shall complete the "Use of Force Report" describing the force used by that officer.
7. Physical force used against crowds or unknown persons will be documented, recording all possible information.
8. If an officer is incapacitated, his/her Sector Sergeant shall prepare the use of force report based upon the supervisor's investigation of the incident.

B. Review of the Completed Use of Force Report Form: The Use of Force Report/Show of Force/Discharge of a Firearm form (hereinafter referred to as the Use of Force Report form) will be circulated among certain officers within the department as part of an internal review process. The intent of the review is to determine whether there are policy, training, weapon/equipment, or discipline issues that should be addressed.

1. Once the cover page portion of the Use of Force Report form has been completed, the Sector Sergeant will complete the first section of the Internal Review section of the report form (reverse side of the form).
2. Once the Sector Sergeant has completed the appropriate section of the Use of Force Report form, he/she will then forward the report form to his/her immediate supervisor. The Lieutenant will conduct a review of the case and make comments and recommendations in the appropriate section of the Internal Review portion of the Use of Force Report form (reverse side of the form).
3. Once the reviewing Lieutenant has completed the appropriate section of the Use of Force Report form, he/she will forward the form onto the Deputy Superintendent to whom he/she reports. The reviewing Deputy Superintendent will review the case and make comments and recommendations in the appropriate section of the Internal Review portion of the Use of Force Report form (reverse side of the form).
4. Once the reviewing Deputy Superintendent has completed the appropriate section of the Use of Force form, he/she will forward the completed forms to the Division Commander for review.
5. Once the Superintendent has completed his/her review, the completed Use of Force form will be transmitted to the Deputy Superintendent in charge of

Professional Standards Section for a thorough and complete review of the incident.

6. Once the internal review process has been completed, the Deputy Superintendent in charge of the Professional Standards Section will forward the completed Use of Force report along with the internal reports generated relative to the incident to the Police Commissioner.
 - i. The Police Commissioner will conduct a review of the case and determine the final disposition of the case, taking into consideration any recommendations or suggestions that were made by the other reviewing officers.
 - ii. The Police Commissioner will ensure that any necessary corrective action is taken with respect to the incident under review.
7. The Professional Standards Section shall maintain the completed Use of Force Report form and all related documentation.

C. Annual Analysis of Use of Force Incidents:² At the conclusion of every calendar year, the Deputy Superintendent in charge of the Professional Standards Section will conduct a thorough review of all incidents that involved officers' use of force for the preceding twelve-month period. Upon completion of that review, the Deputy Superintendent in charge of the Professional Standards Section will conduct an analysis of the completed reports for the purpose of detecting any patterns or trends that could indicate the need for additional training, equipment upgrades, or policy modifications.

1. The reviewing Deputy Superintendent in charge of the Professional Standards Section will consider all information that is contained within the Use of Force Reports and the associated incident reports.
2. At the completion of his/her analysis, the reviewing Deputy Superintendent will summarize each of the incidents in a detailed report. That report will determine the existence or absence of any patterns or trends, and make appropriate recommendations for training, needs, equipment upgrades, and/or policy modifications.
3. The Annual Analysis Report along with the Use of Force Reports will be forwarded to the Police Commissioner. The Police Commissioner will review the annual report and consider its recommendations, if any, take appropriate corrective action, if needed.

² CALEA Std.: **1.3.7** – *The agency has a written procedure for an administrative review of each report required by standard 1.3.6.*
