

CHAPTER: Internal Affairs			
SUBJECT: USE OF FORCE INVESTIGATIONS			
ISSUE DATE: 2/10/2015	EFFECTIVE DATE: 2/19/2015	REVISION NO.:	STATE ACCREDITATION NO.: 20.7, 21.1, 21.2

PURPOSE

To establish the framework for the proper investigation of firearms discharges by Members of the Department or in other instances where actions by Members have caused injuries or death.

BACKGROUND

The police are uniquely vested with the lawful use of force, a necessary but crucial responsibility in our democratic society. Departmental policy narrows the parameters of such authorized force, allowing full protection to the officers or others in their presence, but restricting otherwise lawful use of force and firearms in apprehension situations (see Use of Force/Weapons Sections, 106, in this Manual). A mechanism must be established to ensure compliance with that policy, and this Manual section creates the process and structure for the investigation of injuries caused by the use of force and the discharge of firearms.

POLICY

Whenever a Member discharges a firearm, other than during legitimate competition, practice, or ballistic testing, at approved sites, **OR** the actions of Members cause injuries and/or death, the following procedures will be carried out immediately.

PROCEDURE**THE INJURIOUS (VISIBLE OR NON-VISIBLE) USE OF NON-DEADLY FORCE**

1. When Sworn Members use Physical Force (other than guiding, escorting, or handcuffing/shackling where no injury occurs), including Deadly Physical Force, in the performance of their official duties:
 - a. They shall notify the Tour Commander as soon as is practical by telephone, in person, or by other means as will reasonably expedite notice to the Tour Commander, and
 - b. include the details of such use of Physical Force in the related Incident Report and supplementary report and related supplementary reports (i.e.: arrest report, case narrative, etc.).

NOTE: Any time a Member of the Department discharges a firearm either accidentally or in the performance of duty, whether on or off-duty, he/she shall prepare a complete and comprehensive report detailing circumstances involved and submit such report to the Tour Commander.

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2. Any Department Member on the scene at the time of occurrence, who is a witness to, or participates in the occurrence, will complete a written statement.
3. The Patrol Supervisor, or in his absence the Tour Commander, shall respond to the scene and determine which support services, if any, would be beneficial to the report and evaluation of the occurrence.
4. Copies of all reports and documentation shall be submitted to the Chief of Police for review.

NOTE: The Use of Force Review Board may be convened by direction of the Chief of Police to review and evaluate any use of non-deadly force incident.

TOUR COMMANDER/RESPONDING SUPERVISOR

5. The Tour Commander/Responding Supervisor assigned to an event involving the use of Physical Force shall, in addition to the Incident Report, prepare a Supervisor's Report (EPD100)

NOTE: Where an incident involving the use of force by a Sworn Member takes place in the jurisdiction of another law enforcement agency that is investigating same, the Tour Commander/Responding Supervisor shall cooperate and coordinate this Department's investigation with that of such other law enforcement agency.

6. At the responding Supervisor's discretion, the Supervisor should take, or cause to be taken, photographs of the subject of such Physical Force.

NOTE: (a) Persons not in custody have the right to refuse to be photographed.

(b) A photograph showing lack of injury may be as important as one that shows an injury.

7. In the event the subject has suffered a Serious Physical Injury or death, or a Firearm, rifle or shotgun has been discharged, whether on or off duty, except for training, ballistics testing, competition, legitimate recreational activity or the euthanizing of an animal pursuant to Department policy, the responding Supervisor should make or cause to be made notifications, by telephone or in person to:
 - a. Division Commander(s) of the Sworn Member(s) involved; and
 - b. The Chief of Police.

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NOTE: In the circumstance described in the preceding paragraph, primary responsibility for investigation of the use of force shall lie with the Chief of Police.

ACCIDENTAL OR INTENTIONAL FIREARMS DISCHARGES

8. When the discharge of a Firearm, rifle or shotgun, by a Sworn Member results in the physical injury or death of a person, the responding Supervisor shall remove all such weapons from the Sworn Member.
9. In the case of the euthanizing of an animal pursuant to Department policy, the Tour Commander/Responding Supervisor shall review the facts and circumstances so as to assure that the Sworn Member's actions have conformed to Department policy.
10. The Tour Commander/ Patrol Supervisor shall respond to the scene and initiate an investigation whenever the subject of the use of Physical Force has suffered a Serious Physical Injury or death, or whenever a Firearm, rifle, or shotgun has been discharged, whether on or off duty and whether the incident occurred in or outside the geographical area of employment, except for training ballistics testing, competition, legitimate recreational activity to Department Policy.
11. In all incidents involving the discharge of a firearm at a person but where no injury is sustained; and, in all cases involving the shooting of a person (including self-inflicted wound by accidental/intentional discharge); and in every case where any use of force by Members of this Department, has or is likely to result in death or serious physical injury, The following actions shall be taken:
12. The Desk Officer will take the following action:
 - a. Dispatch a Supervisor to the scene to take command of the scene;
 - b. Make all necessary notifications, including Administrative Personnel;
 - c. Dispatch investigative personnel to take investigative responsibility for the incident;
 - d. Notify the Chief of Police;
 - e. Dispatch the necessary technical personnel.
13. The Responding Supervisor shall:
 - f. Take command of the scene, protect evidence and detain all witnesses, if any;
 - g. Ensure that investigative personnel are dispatched if warranted;
 - h. Note general conditions in the area, such as lighting, pedestrian and vehicular traffic, etc;
 - i. If a firearm was used note the points of discharge and impact of the round(s) fired;
 - j. Direct the officer involved to complete and submit an incident/complaint report and related supplementary reports (i.e.: arrest report, case

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narrative, etc.)

14. The scene is to be treated as any crime scene. All unauthorized personnel are to be removed and unneeded police personnel relieved.

NOTE: In all cases listed above, the Special Investigations Unit will be enacted and notified forthwith by the Desk Officer.

15. All reports and documentation pertaining to the incident will be forwarded to the Special Investigations Unit.
16. The Special Investigations Unit will commence an immediate investigation of the event and submit a full report to the Chief of Police.
17. The Chief of Police shall designate three Members of the Department to act as a board to review the circumstances and determine if the incident is consistent with the policies of this Department for all cases involving the use of force.
18. This review will entail the following:
 - a. Whether or not the weapon was used lawfully and in accordance with Department rules, regulations, policies, and procedures;
 - b. Whether the circumstances of the Firearm, Rifle, or Shotgun, discharge indicate a need for additional training of either the Sworn Member or of all Sworn Members;
 - c. Whether there are any indications that the weapon or ammunition involved were inadequate; and
 - d. Whether or not policy may have to be changed or updated.
19. If the investigation determines any disposition other than, "Authorized on-duty incident" a Case report must be filed to report the findings of the Special Investigations Unit. For authorized on-duty incidents, a copy of the Incident/Complaint Report and/or Case report must be attached to the Supervisory Report (EPD 100) for filing.