

# OFFICER-INVOLVED USE OF DEADLY FORCE INVESTIGATIONS

WILLIAMSTOWN POLICE POLICY & PROCEDURE NO. <b>2.20</b>	EFFECTIVE DATE: 12/10/2021
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## I. GENERAL CONSIDERATIONS AND GUIDELINES

It is the purpose of this policy to provide guidelines for the investigation of officer-involved use of deadly force incidents.

Although thankfully very few officers become involved in deadly force situations, all officers should have an understanding of steps that must be taken following such an event and the impact it will have on those officers involved. The initial response of the involved officers and the steps taken thereafter by first responders, supervisory and investigative personnel may be critical in conducting an accurate and complete investigation.

The reputation and career of involved officers and the agency's reputation within the community depend upon a full and accurate investigation to determine the circumstances that precipitated the event and the manner in which it unfolded. The critical nature of these investigations is also underscored by the frequency with which these incidents result in civil litigation.

Failure to take appropriate measures can lead to the loss of indispensable evidence, inaccurate investigative findings, inappropriate assignment of responsibility or culpability for wrongdoing, and even the filing of criminal charges against officers who acted responsibly and lawfully.

## II. POLICY

It is the policy of this department to investigate officer-involved deadly force incidents with the utmost thoroughness, professionalism and impartiality to determine if an officer's actions conform to the law and this agency's policy on use of force.

### **III. PROCEDURES**

#### ***A. On-Scene Responsibilities***

##### A.1. GENERALLY

- a. For officers involved in a deadly force situation, there are four general areas of concern that should be addressed after the initial confrontation has been quelled:
  - 1) The welfare of officers, innocents, and others at the scene;
  - 2) The apprehension of suspects;
  - 3) The preservation of evidence; and
  - 4) The identification of witnesses.
- b. The safety and well-being of the officer(s) and any innocent bystanders is the first priority.

##### A.2. ACTIONS IMMEDIATELY FOLLOWING AN OFFICER INVOLVED DEADLY FORCE INCIDENT

- a. Eliminate Hostile Threats: Initially, the officer should ensure that the threat from the suspect has been terminated.
  - 1) This includes but is not limited to handcuffing or otherwise securing the suspect.
    - a. If not handcuffed or otherwise secured during the application of emergency first aid, an armed officer must be present at all times and tasked with overseeing the security of the suspect and safety of emergency service providers.
    - b. One should never assume that because a suspect has been shot or otherwise incapacitated that he or she is unable to take aggressive action.
      - 2) Secure and separate suspects.
      - 3) Conduct a protective sweep of the scene.
      - 4) Remove the suspect and others from the immediate crime scene;
  - 5) If the suspect cannot be immediately removed and firearms or other weapons are in the vicinity of the suspect, they should be collected and secured.
- b. Obtain Additional Assistance: Request a supervisor, additional back-up, and any other assistance required immediately.
  - c. Provide for Medical Attention to the Injured
    - 1) If injured, administer emergency first aid to oneself first, if possible.

2) Administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.

3) Summons medical assistance.

A.3. APPREHEND SUSPECTS: Relay information on fleeing suspects to the dispatch center and other field units and work with them to establish a containment area or locate and arrest suspects.

A.4. PRESERVE EVIDENCE

- a. Assess the Situation: Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects, and suspect vehicles.
- b. Firearms: Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms.
- c. Secure the scene, establish a crime scene perimeter, and limit access to authorized persons necessary to investigate the shooting and assist the injured.
- d. Protect evidence from loss, destruction or damage that is likely to occur. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
- e. For further information, see the department policy **1.05 - Preliminary Investigations**.

A.5. IDENTIFY WITNESSES: Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

## ***B. Supervisory Responsibilities at the Scene***

B.1. OFFICER-IN-CHARGE

- a. The first supervisor to arrive at the scene of an officer-involved deadly force incident will normally be designated as the officer-in-charge (OIC) until such time as he/she is relieved from this responsibility by another appropriate senior officer.
- b. The Chief of Police or a member of the Command Staff shall be notified and shall assume overall command of the incident.
- c. The Chief of Police will supervise the agency's investigative efforts and coordinate with outside investigative entities (District Attorney's Office, Medical Examiner, etc.).
- d. A supervisor, if available, shall coordinate patrol support of the investigation.

**B.2. IMMEDIATE ACTIONS**

- a. Ensure that the scene is safe and secure from other hostile persons.
- b. Determine the condition of officers and others at the scene.
- c. Ensure that emergency medical care has been summoned if necessary and emergency first aid is being provided if needed in the interim.
- d. Ensure that the crime scene has been protected and, to the degree possible, that it is kept intact and undisturbed until criminal investigators arrive.
- e. Ensure that staffing is adequate to handle the incident and conduct the investigation. The supervisor may consider calling in off duty personnel or mutual aid, including additional dispatchers.
- f. Ensure that those issues ordinarily addressed by patrol officers, if such officers at the scene were not able to do so, have been addressed.
  - 1) Broadcast lookouts for suspects;
  - 2) Request backup and related support services;
- 3) Identify persons who may have been at or within close proximity to the scene of the incident, as well as identify witnesses and request their cooperation.

**B.3. NOTIFICATIONS:** The on-scene supervisor shall ensure that notifications are made as appropriate:

- a. Chief of Police or Lieutenant;
- b. District Attorney's Office: The District Attorney or his/her representative shall have the authority to direct and control the criminal investigation of a death;<sup>i</sup>
  - c. Investigator (if position is filled);
  - d. Legal advisor, if applicable.
- e. Officer(s) Family: If a police officer has been shot or severely injured, the officer's family shall be notified. For further information, see the department policy **4.16 - Line of Duty Deaths and Serious Injuries**;

**B.4. CARE OF INVOLVED OFFICERS**

- a. Officer Injuries
  - 1) If an officer has been shot or severely injured, ensure that another officer accompanies the injured officer to the hospital and remains with the officer until relieved.
  - 2) The accompanying officer shall be responsible for ensuring that the clothing and other personal effects of the injured officer are recovered and turned over to the police department as evidence.

b. Officers not Injured

- 1) Officer(s) should be moved away from the immediate shooting scene and placed in the company of a fellow officer.
- 2) Ensure that all necessary steps are taken consistent with this agency's policy **2.21 - Post-Traumatic Stress Procedures**.

B.5. INCIDENT COMMAND: Establish command and control.

- a. Establish a command post if necessary.
  - b. Appoint command post staff.
- c. Designate a recorder to make a chronological record of activities at the scene, to include:

- 1) persons present,
  - 2) actions taken by police personnel; and
- 3) the identity of any personnel who entered the incident/crime scene, to include emergency medical and fire

B.6. PRELIMINARY INVESTIGATION

- a. Ensure that the incident scene has been secured and the size of the secure area is adequate for the investigation. Make necessary adjustments.
- b. Begin a preliminary investigation. For further information, see the department policy **1.05 - Preliminary Investigations**.
- c. Create a preliminary diagram of the scene and photograph it if a camera is available.
  - d. Note the location of and ammunition casings.
  - e. Locate the suspect's weapon(s), ammunition and expended cartridges.
- f. Do not disturb weapons, ammunition, or the crime scene pending the arrival of investigators.
- g. Collect information about the suspect, including name, physical description, domicile and other pertinent information.
- h. Locate and secure as evidence any clothing that may have been removed from the suspect by emergency medical personnel or others.
- i. Determine the original position of the officer(s) and the suspect at time of shooting.

B.7. MEDIA

- a. The Chief or Lieutenant should ensure that a press release or media statement is prepared outlining basic facts of the incident.

- b. Basic information concerning the incident should be provided to the press as soon as possible if it will not inhibit or undermine the department's investigative process.
  1. Timely release of such information will serve to discourage the press from speculation or uninformed or misdirected commentary that could be harmful to the officers and the department.
  2. The Chief or Lieutenant may consider a review of the statement by the District Attorney's Office prior to release, particularly in the event that a death has resulted.
- c. For further information, see the department policy **4.46 - Police Media Relations**.

### **C. Investigation Responsibilities**

- C.1. Investigation of officer-involved deadly force incidents shall be the responsibility of the District Attorney's Office/State Police Crime Prevention and Control Unit.
- C.2. INVOLVED EMPLOYEES
  - a. Although the investigation of police involved deadly force incident is essential, for the employees directly involved, the investigation can be one of the more stress-provoking activities following such an incident.
    1. Officers involved in these situations are acutely aware of how they are perceived, and the manner in which such investigations are conducted can heighten or diminish feelings of alienation and isolation.
    2. Complete and professional investigation can be conducted while also showing consideration for an employee's emotional well-being.
    3. It is not necessary to subject an officer to insensitive, non-supportive, or impersonal treatment.
- C.3. INCIDENT SCENE PROCESSING
  - a. To be conducted by M.S.P. Crime Scene Services Unit.
- b. Additional guidance for crime scene processing is available in the department policies **2.01 - Follow-Up Investigations**, **6.01 - Collection and Preservation of Evidence**, **1.09 - Search Warrant Affidavits**, and **1.18 - Executing Search Warrants**.
- C.4. POLICE WEAPONS
  - a. Secure officers' firearms or other weapons if the use of such a weapon was involved.
    1. Locate and secure loose weapons;

2. Collect involved officers' firearms and replace them with other firearms if feasible. Be sure to record the serial number of each firearm collected and the name of the officer from whom the firearm was collected; or
3. Order officers to secure firearms in their holsters and not to remove them unless :
  - a. Instructed to do so by a supervisor;
  - b. Instructed by an investigator tasked with inspecting the firearms; or
  - c. If needed for another deadly force situation.
- b. Conduct an inspection of firearms only if it is not feasible to wait for the arrival of a ballistics investigator. In such a case a supervisor and an armorer, firearms instructor, or other designated person should conduct the inspection jointly and record:
  1. The serial number, make, model and caliber of each firearm;
  2. The officer having possession of the firearm;
  3. The officer who had possession of the firearm during the incident;
  4. The firearm status including:
    - a. Whether the firearm is cocked or un-cocked;
    - b. The position of any safety (on, off, burst, full-auto, etc).
    - c. If the slide is closed or locked open;
    - d. If the firearm was jammed, and if so, how;
- e. Whether a magazine is present or not. If present, the number of rounds remaining in the magazine;
- f. Whether a live round is in the chamber. In the case of a revolver, the cylinder should be opened carefully, and a diagram made, if necessary, to show the location of live and fired rounds in relation to the position of the cartridge which was under the hammer when the cylinder was closed. This can be easily done by viewing the status of the primer in each cartridge, noting dented or undented primers.
  5. Extra magazines, speed loaders, or other ammunition storage devices carried by the officer should be inspected and the number of live rounds noted.
- c. If a firearm is known to have been discharged in the incident, or if it is believed to have been discharged, the firearm shall be seized as evidence

and a replacement provided to the officer as quickly as possible, unless circumstances dictate otherwise.

### ***D. Check-list of individual's responsibilities***

#### 1. PATROL OFFICERS CHECKLIST

- a. Eliminate Hostile Threats
  - 1. Secure Suspects
  - 2. Protective sweep of incident scene
- b. Request back-up
  - 1. Additional patrols
  - 2. Supervisor
  - 3. Detectives
- c. Administer first aid to yourself and others
- d. Request emergency medical assistance
- e. Broadcast B.O.L.O.'s
- f. Secure your firearm
- g. Secure the scene
  - 1. Set up crime scene inner perimeter
  - 2. Set up crime scene outer perimeter
  - 3. Implement Crime Scene Access Log
- h. Protect evidence
- i. Identify persons at or leaving the scene
- j. Identify witnesses and request cooperation

#### 2. OFFICER IN CHARGE CHECKLIST

- a. Ensure the scene is safe and secure from hostile persons.
- b. Determine condition of officer and others
- c. Ensure that medical support has been notified as necessary.
- d. Ensure the crime scene is being protected and the perimeter is adequate.
  - e. Obtain additional staffing, as necessary
    - 1. Patrol Officers
    - 2. Additional Dispatchers
  - f. Ensure witnesses have been identified or detained.
  - g. Notify command/specialized units or personnel as appropriate:

1. Chief of Police
  2. Lieutenant
  3. Sergeant(s)
  4. Town Manager
  5. District Attorney's Office
  6. Internal Investigations
- h. Notify officer's family
  - i. Assign officer to family
  - j. If officer is shot, transport to hospital with support officer.
    1. Collect officer's clothing and equipment as evidence
  - k. Move immediately involved officers away from the area
  - l. Don't release officer's name
  - m. Establish command post if required
    1. Appoint a recorder to document police actions at the scene.
    2. Appoint command post staff
  - n. Brief personnel
    1. Investigations Supervisor
    2. Chief of Police or Lieutenant
  - o. Preliminary diagram and photograph overall scene
  - p. Locate and secure officer's weapons
  - q. Begin gathering information on incident

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M.G.L. c. 38, § 4.