

USE OF FORCE REPORTING

**MASSACHUSETTS POLICE ACCREDITATION STANDARDS:
1.1.2; 1.1.6; 1.1.7, 1.1.14**



Issuing Authority



John A. Annunziata
Chief of Police

ISSUE DATE: 02/10/2023

EFFECTIVE DATE: 02/17/2023

REVISION DATE:
(1) 06/07/2023

I. GENERAL CONSIDERATIONS AND GUIDELINES

The manner in which police department members use force is an extremely critical issue that generates intense public scrutiny. When these incidents occur, they demand a thorough and complete inquiry into all aspects of the incident. Only through an exhaustive inquiry can the facts of the incident evolve and public confidence be maintained.

A. POLICY

It is the policy of the Boylston Police department to require the submission of a written report, and a completed Boylston Police Department Use of Force Report Form any time an employee:

1. Discharges a department issued or authorized firearm, for other than training or recreational purposes. The intentional discharge of firearms for ballistic testing, or firearms maintenance shall be excluded from the reporting requirement. **[1.1.6(a)]**
2. Takes action that results in, or is alleged to have resulted in, the injury or death of another person;
3. Applies force through the use of a lethal or less-lethal weapon **[1.1.6(b/c)]**; or
4. Applies weaponless physical force at a level above non-resistive handcuffing. **[1.1.6(d)]**.

II. DEFINITIONS

- A. *Weaponless Physical Force*: The application of force and hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing non-compliant or resisting persons. These techniques include, but are not limited to: physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-along hold, handcuffing or other custodial procedures.
- B. *Employee*: For the purposes of the application of this policy, any person officially affiliated with the department whether full or part time, sworn, civilian, special or auxiliary police, crossing guard, volunteer, or other.
- C. *Reportable Use of Force*: A level of force used by a member of this department which would trigger a report as directed under this policy.
- Note**: The use of handcuffs as a restraint; physical removal of peacefully resisting demonstrators; the discharge of a weapon to euthanize an animal, the presence of police department personnel or animals, or the use of verbal commands are NOT considered a use of force for this policy.
- D. *Non-Lethal Force*: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
- E. *Lethal Force*: Any use of force that is reasonably intended or likely to cause death or great bodily harm.
- F. *Administrative Review*: A review conducted of each use of force report, by an individual who was not involved in the incident.

III. PROCEDURES

550 CMR 6.07 [1.1.6] [1.1.2(6)]

Law enforcement agencies shall develop and implement a policy and procedure for reporting the use of force. Such policy shall mandate reporting such incidents including, but not limited to, officer-involved injuries or deaths as described in 550 CMR 6.00 and include the use of a

standard use of force reporting form as approved by the Committee and the Commission which shall be completed by any officer who uses force.

1. Law enforcement agencies shall report to the National Use of Force Data Collection Database when actions by a law enforcement officer resulted in the death or serious bodily injury of an individual, or when a law enforcement officer, in the absence of death or serious bodily injury, discharged a firearm at or in the direction of a person.
2. Law enforcement agencies are not required to report the discharge of a firearm during training or qualification exercises, or for the purposes of animal destruction/euthanasia where necessary.
3. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report.
4. An officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a use of force report may be subject to decertification.
5. Law enforcement agencies shall develop and implement a policy and procedure for law enforcement personnel including, but not limited to, law enforcement officers, to report abuse by other law enforcement personnel including, but not limited to, law enforcement officers, without fear of retaliation or actual retaliation.
6. Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident or made, intended to make, or is required to make a report regarding the witnessed excessive force incident shall be reported immediately to an appropriate supervisor and will not be tolerated. Any such actions may result in decertification. **[1.1.2]**

7. Any retaliation against any employee who observes and reports an instance of using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances to include the discharge of the employee, any change to their official rank, grade or compensation, deny a promotion or take any other adverse action against an officer or employee or threaten to take any such action for providing information to the agency or POST or testifying in any POST, agency, or court proceeding resulting is strictly prohibited. **[26.0.4(9,10)]**

8. All use of force reports shall be retained and maintained by the law enforcement agency/department and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c.66.

A. Administrative Review:

1. The Chief of Police or designee shall be responsible for the following:
 - a. Ensuring that a thorough investigation was conducted and that all reports were prepared and submitted;
 - b. Conducting an administrative review of all reports submitted to determine whether the use of force was in compliance with department policy and procedures. Such review may not be conducted by any person who was involved in the incident. **[1.1.7]**; and;
 - c. If the review was completed by the designee, the designee shall prepare a report to the Chief regarding the incident, including any comments and recommendations for appropriate action.
2. The Chief of Police will conduct an administrative review of each report and shall take appropriate action.**[1.1.7]**
3. A review and analysis, by the assigned supervisor, of incidents involving the use of force used by the department personnel shall be conducted annually. Reports shall be complete and submitted to the Office of the Chief of Police no later than June 1st of the following calendar year. In the event the Chief conducts the review and analysis, he shall file it accordingly. **[1.1.14]**
 - a) Annual analysis shall review and summarize the following: **[1.1.14]**
 - i. Date and time of incidents

- ii. Type of force or type of weapon used
- iii. Type of encounter resulting in Use of Force
- iv. Race, age, & gender of subjects involved
- v. Injuries reported (to subjects, agency employees or others involved)
- vi. Reviewer's findings on patterns and trends & findings on changes needed to policies, practices, equipment, or training.

B. Use of Force Reports

1. The Chief of Police shall maintain a file of all Use of Force Reports. **[1.1.6]**
2. ANNUAL ANALYSIS: The Chief of Police shall conduct an annual analysis of all use of force reports and maintain a written report for their records. Such analysis and conclusions may indicate the need for training, equipment upgrades, or policy modification. The review should consider: **[1.1.7]**
 - a. A comparison of the total number of use of force incidents compared to previous years;
 - b. Type of force used;
 - c. Type of weapons used;
 - d. Effectiveness of the use of force techniques;
 - e. Nature of the incident that required force;
 - f. Intensity of attack or resistance;
 - g. Suspect demographics;
 - h. Day of the week, time of day, shift, squad involved;
 - i. Years of experience of employee(s) involved;
 - j. Uniform or plain clothed employee;
 - k. Severity of injuries to employee or suspect, if any; and
 - l. Summary breakdown of the disposition of the administrative reviews (justified/not justified, compliance with policy, etc.)