3-10/110.00 - Use of Force Review - Sergeant Responsibilities

The Department recognizes each use of force by its members requires a thorough, fair, and objective review.

Immediate Supervisor's Responsibilities

Responding to Force Incidents

The field sergeant or responding supervisor shall respond without unnecessary delay to any incident involving reportable force other than a Pointed Firearm at Person (PFP) Incident. Once at the scene, the field sergeant or responding supervisor shall ensure the safety and welfare of Department personnel, inquire from the subject any complaints of pain, visually examine the subject for injury, ensure the subject receives medical attention (excluding Non-Categorized Force Incident (NCFI) reports), and advise the watch commander or supervising lieutenant of any reportable force incident.

With respect to any Pointed Firearm at Person (PFP) Incident:

- Unless otherwise specifically directed by the watch commander/supervising Lieutenant or command staff, the field sergeant or supervisor shall ensure completion of the PFP report by each Department member who pointed a firearm at a person before going off duty and verify that the associated narrative is sufficiently detailed.

- The field sergeant or supervisor will review all available video footage of the incident as part of their review.

- The field sergeant or supervisor is not required to complete a "Supervisor's Report, Use of Force" or “Non-Categorized Force Incident Report.”

- The field sergeant or supervisor will address any concerns with the PFP report and associated narrative and return it to the involved Department member if necessary. Unless otherwise specifically directed by the watch commander/supervising Lieutenant or command staff, any revisions or additional review shall be completed within five days of the PFP Incident.

- If the PFP report is not returned to the Department member for revisions, or once all revisions are completed, the field sergeant or supervisor will note on the PFP report whether the Department member's pointing of a firearm appears to be consistent with Department policy. The field sergeant or supervisor shall also note any tactical or safety issues and refer the Department member for additional training if needed. The field sergeant or supervisor will then forward the PFP report to the watch commander or supervising lieutenant.

- If there is an allegation or evidence that the pointing of a firearm violated policy, or it appears that a Department member failed to make proper notifications of the PFP Incident, the field sergeant or supervisor shall consult with the watch commander or supervising lieutenant before proceeding further. PFP Incidents will be designated a Category 1 use of force if a person has complained or another Department member has alleged that the pointing of a firearm violated policy, including any alleged violations observed during a supervisor's review of video footage or any other evidence.

- The watch commander shall assume the responsibilities of the field sergeant or supervisor outlined in this section if that field sergeant or supervisor pointed a firearm at a person or directed other Department members to do so.

With respect to any Non-Categorized Force Incident, Category 1, or Category 2 Force incident, the field sergeant or responding supervisor shall do the following:

- Locate and interview all potential witnesses (and canvass for witnesses if necessary), including Department personnel and in-custody force cases, medical staff, chaplains, and any other civilians who may have been present, and document their statements, including those who could have witnessed but claim not to have witnessed the incident;

- Identify and collect all relevant evidence related to the use of force;

- Photograph and/or record the scene in conditions as near as possible to those at the time of the force incident, if appropriate;

- Determine if the force incident was recorded and secure any such recordings of the incident whenever able to do so;

- Direct any Department member who was unable or who did not activate their body-worn camera as required by MPP 3-06/200 et seq. to explain the reason for not activating the camera in their incident report, supplemental report, or other appropriate report;

- If video exists of the incident, sergeants are to follow Department policy. See MPP sections 3-10/115.00 Video Review and Advisement and MPP section 3-06/200.53, Viewing of Body Worn Camera; Recordings.

NOTE: Department members assigned to Custody Operations shall follow Custody Division Manual section 7-07/000.00 regarding the process for review of recordings.

- Determine if Department members who used force or witnessed force prepared required reports before going off duty;

- Review first reports and separate supplemental for adequacy, accuracy, and completeness, and to ensure that, consistent with this section, the reports describe in detail the actions of the subject necessitating the use of force and the specific force used in response to the subject’s actions. The reports should also include details regarding attempts to de-escalate prior to the use of force.

- In cases where a recording has been secured, if the supervisor determines, after their initial review of the video and the incident reports, that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the supervisor should consult with the watch commander or supervising lieutenant before proceeding further (refer to MPP 3-10/111.00, Use of Force Review - Watch Commander/Supervising Lieutenant’s Responsibilities).

- Complete a "Supervisor's Report, Use of Force" or “Non-Categorized Force Incident Report”

documenting each Department member who used force or witnessed force.

- Interview the attending physician or other qualified medical personnel when the subject is taken to a medical facility for examination as to the extent and nature of the subject's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported.

- If the subject is admitted to a medical facility or requires further medical treatment, it is the supervisor's responsibility to follow up with medical staff to ascertain if the injury was more serious than initially believed and make any necessary notifications in a timely manner; and

- Photograph and/or record the Department member's injuries, if appropriate.

In cases where the field sergeant or responding supervisor directed the use of force, the watch commander shall be advised of the supervisor's involvement, and a different supervisor shall be requested to respond and conduct the investigation. If no other supervisor is available, the involved supervisor shall document the reason why they were directed to conduct the inquiry/investigation and the name of the person who directed it.

If the force incident is a Category 3 Force that results in a response from the IAB Force/Shooting Response Team or Homicide Bureau, the field sergeant shall ensure that the injured have been cared for, all reasonable efforts have been made to apprehend subjects, and the scene is protected. After obtaining a public safety statement from the involved Department personnel, the field sergeant shall promptly notify the watch commander or supervising lieutenant of the force incident.

The field sergeant shall be limited to directing non-involved deputies to canvass for and obtain identifying information from witnesses and sequestering involved deputies if required.

NOTE: Refer to MPP 3-10/420.00 Supervisor's Responsibilities for additional information.

Force Packages: Sergeant Responsibilities

Sergeants/immediate supervisors reviewing reports regarding force incidents shall ensure that all pertinent information is contained in them. Particular attention should be given to the description of the use of force and the subject's actions that led to the use of force, as well as the Department member's attempts at de-escalation and the subject's responses to those attempts. The sergeant/immediate supervisor shall

ensure that copies of such reports are forwarded to the concerned watch commander or supervising lieutenant for inclusion in the force package.

NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.