

METROPOLITAN POLICE DEPARTMENT

Force Investigation Team

December 1, 2001

Organizational Plan and Operations Manual

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Executive Summary

“Police departments everywhere have no greater responsibility than to ensure that our officers, who are entrusted by the public to use force in the performance of their duties, use that force prudently and appropriately. And when deadly force is used, police departments have a solemn obligation--to the public and to the officers involved--to investigate these cases thoroughly, accurately and expeditiously.” - Police Chief Charles H. Ramsey

The District of Columbia is a dynamic city that serves as a symbol of freedom and democracy throughout the world. The city also serves as a center of commerce, both internationally and regionally. Locally, the city is home to vibrant neighborhoods, commercial corridors, museums, educational institutions, and a plethora of other community elements. The city’s stakeholders, which include residents, visitors, government officials, businesses, and others employed here, proudly contribute to the quality of life in the District of Columbia.

The Metropolitan Police Department is also committed to enhancing the city’s quality of life through providing the highest level of police service to these stakeholders. As the primary law enforcement agency in the nation’s capital, our members have taken seriously the obligation to provide police service to our stakeholders. It is the mission of the Metropolitan Police Department to prevent crime and the fear of crime, as we work with others to build safe and healthy communities throughout the District of Columbia. One of the awesome responsibilities that our members are entrusted with is the authority to use force, including deadly force.

In the past, it had become clear that the Metropolitan Police Department had not met community expectations, nor police industry standards, as it related to use of force and subsequent use of force investigations. As a result, Chief of Police Charles H. Ramsey instituted a number of reforms to address major aspects of the department’s use-of-force practices and procedures. One of the Chief’s primary initiatives involved the establishment of an investigative body to monitor and scrutinize the use of deadly force. This is how the Force Investigation Team came into existence in January 1999.

One of the primary objectives of this investigative body was to provide the Metropolitan Police Department with a standard, comprehensive, neutral investigative response to use of deadly force incidents. Additional objectives included developing and maintaining internal reporting and investigative mechanisms that had to be in place to assure quality control and accountability. These mechanisms had to clearly chronicle the circumstances and document the volumes of information inherent in deadly force investigations. It was crucial that this neutral component monitor and evaluate deadly force investigations and ensure fair, impartial, and professional reviews. Additionally, this entity had to be the primary link to other local and federal agencies with interest in the conduct and activity of Metropolitan Police officers as it related to the use of force. Finally, the unit had to compile, track, analyze, and report all use of force data. The resulting advancements restored community confidence and enhanced the credibility of the Metropolitan Police Department.

Since its inception in January 1999, the Force Investigation Team has evolved into the new national model for police use of force investigations. The team, which took a business-related perspective to force investigations, has been recognized for its high quality investigations and unique approach to use of force issues. Law enforcement agencies from throughout the United States and abroad have studied the team's operations in efforts to improve their own organization's force investigation practices. In 2000, the Force Investigation Team was named one of the top ten quality law enforcement units in the world by the International Association of Chiefs of Police and Motorola. Moreover, the team has been nominated for the 2001 IACP Civil Rights Award in Law Enforcement.

Also in January 1999, District of Columbia Mayor Anthony A. Williams and Chief Charles H. Ramsey requested the Department of Justice to review all aspects of the Metropolitan Police Department's use of force practices. This unprecedented request indicated the City and the Chief's commitment to minimizing the risk of excessive use of force in the Metropolitan Police Department and to promoting police integrity.

In March 2001, the Department of Justice concluded its review of the Metropolitan Police Department's policies, practices and procedures, and entered into a Memorandum of Agreement with the District of Columbia and the Metropolitan Police Department. They joined together in order to minimize the risk of excessive use of force, promote the use of best available practices and procedures for police management, and to build upon the improvements the Force Investigation Team has initiated to manage police use-of-firearm investigations. Accordingly, the agreement called for the expansion of the Force Investigation Team's duties to include incidents of less than lethal uses of force.

The Force Investigation Team will continue to promote the professionalism, values, and ethics associated with the finest traditions of the Metropolitan Police Department. Fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers will remain our primary goal. We take their obligation seriously--to the public and police officers--to thoroughly, accurately, and expeditiously investigate force incidents. We strive to maintain our status as the national model of how to investigate use-of-force incidents. We continually create, welcome, and support the leadership skills and expertise of all members of the team, and through teambuilding techniques, maintain open communication, and mutual respect. We are committed to professional development, and maintain unbiased and respectful treatment of all people. We are committed to

cultural sensitivity and seek to keep the confidence, trust, and support of the community that we have earned since the team's inception.

Statement of Problem

Egon Bittner, in his pioneering classic *The Functions of Police in Modern Society*, argues that “the role of the police is to address all sorts of human problems when and insofar as their solutions do or may possibly require the use of force at the point of their occurrence. The use of force by police is an ever present challenge to the men and women who commit their lives to the profession. Many scholars, like Bittner, have argued that the legitimate use of coercive force is the critical factor distinguishing policing from all other professions and distinguishes police officers from all other citizens.

Karl Klockers, in 1985, said “no police anywhere has existed, nor is it possible to conceive of a genuine police ever existing, that does not claim a right to compel other people to forcibly do something. If it did not claim such a right, it would not be a police.”

It is therefore reasonable to expect that our police officers may use force as an everyday part of their job. The challenge to our officers is how much force is used. Any use of force by our police officers must be constrained by the laws of the land. When those laws are violated, the public support and the credibility that the police need to function is effectively undermined.

Police officers have in their arsenal a continuum of force they can use in the cause of discharging their duties, including the most deadly one, use of firearms. In the past, reports revealed that Metropolitan Police Department officers had used deadly force more than any department in the nation. This led Chief of Police Charles H. Ramsey to institute several reforms, including the creation of the Force Investigation Team.

This Document contains the operational plans for the Force Investigation Team. The ultimate goal of this unit is simple; to conduct fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers.

Office of Professional Responsibility

The Office of Professional Responsibility acts as the guardian of the Metropolitan Police Department's reputation in the community, which we have vowed to serve. The Assistant Chief of the Office of Professional Responsibility reports directly to the Chief of Police. Thus, we have been charged with the accountability, implementation and maintenance of the department's anti-corruption programs. It is an office of unparalleled integrity that provides effective corruption control and behavior accountability through comprehensive proactive and reactive investigation, inspection and adjudication of misconduct and corruption. The Office of Professional Responsibility also conducts extensive statistical data collection for review, assessment and trend analysis.

It is the vision and goal of the Office of Professional Responsibility to ensure the integrity of the Metropolitan Police Department through a system of internal investigations and adjudications where objectivity and fairness are assured. We will conduct fair, impartial, and highly professional investigations, audits, inspections, and adjudications of corruption and misconduct allegations and occurrences.

Force Investigation Team Vision/Value Statement

The Vision/Value Statement of the Force Investigation Team serves as the cornerstone of the team's philosophy. Every action made by a member of the Force Investigation Team must comport with at least one aspect of this Vision/Value statement. This statement is updated annually to ensure that the team's focus remains on the cutting edge of our industry.

The Metropolitan Police Department Force Investigation Team will:

- **Promote the professionalism, values, and ethics associated with the finest traditions of the Metropolitan Police Department**
- **Conduct fair, impartial, and highly professional reviews of use-of-force incidents involving Metropolitan Police officers.**
- **Take our obligation seriously--to the public and our officers--to thoroughly, accurately, and expeditiously investigate these incidents.**
- **To remain the nation's model as it relates to police use-of-force investigations.**
- **Create, welcome, and support the leadership skills and expertise of all members of the team.**
- **Encourage team building, open communication, and mutual respect.**
- **Constantly strive to improve our ability to conduct investigations through professional development. Aspire to become a "learning organization."**

- **Maintain unbiased and respectful treatment of all people.**
- **Be committed to cultural sensitivity.**
- **Continually strive to enhance the confidence, trust, and support of the community.**
- **Accept accountability and responsibility for our duties and responsibilities**

Organizational Chart

The Metropolitan Police Department Office of Professional Responsibility Force Investigation Team comprises of two operational squads each composing of investigative response teams (called Force Review Teams). These teams are available for on-duty or callback response on a twenty-four hour seven day-a-week basis. The operational squads are divided by area of investigative responsibility; one squad focuses on primarily use of deadly force (firearms), while the other focuses primarily on less lethal uses of force. Additionally, a Force Review Operations Liaison provides specialized support including data collection, analysis, and reporting. The liaison provides support to the MPD Office of the General Counsel and the D.C. Office of the Corporation Counsel. as it relates to civil lawsuits, and handles informational requests from federal and other organizations. Finally, the Force Investigation Team provides administration duties for the Use of Force Review Board.

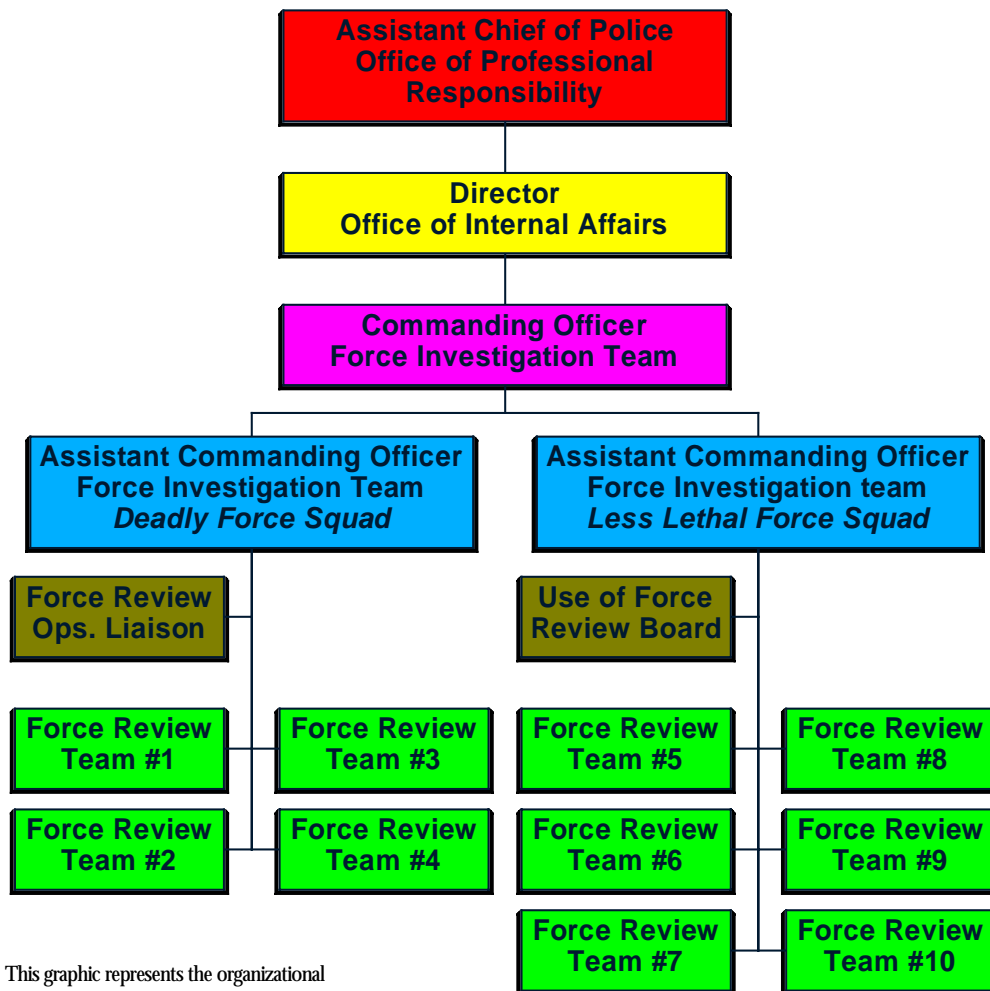


FIGURE 1.1 This graphic represents the organizational structure of the Force Investigation Team

Identified Customers

One of the most important aspects of the Force Investigation Team is its business-related perspective. Accordingly, the Force Investigation Team endeavored to identify its primary stakeholders, or “customer base.” The identification of these customers help members of the Force Investigation Team focus on who they are conducting an investigation for. This concept helps keep the Force Investigation Team accountable to its customers, while fostering quality at every level of its operations.



FIGURE 1.2 This graphic represents the customer base of the Force Investigation Team. The customers were identified after a series of brainstorming sessions with team members.

Definitions

Use of Force:

The term “use of force” means any physical coercion used to effect, influence, or persuade an individual to comply with an order from an officer. The term shall not include unresisted handcuffing.

Less Lethal Force:

The term “less lethal force” means use of force that is neither likely nor intended to cause death or serious physical injury.

Deadly Force:

The term “deadly force” means any use of force likely to cause death or physical injury, including but not limited to the use of a firearm or a strike to the head with a hard object.

Serious Use of Force:

The term “serious use of force” means lethal (deadly) and less than lethal actions by MPD officers including:

- (1) All firearms discharges by a MPD officer (with the exception of range and training incidents and discharges at animals.
- (2) All Uses of force by a MPD officer resulting in a broken bone or an injury requiring hospitalization.
- (3) All head strikes with impact weapons.
- (4) All uses of force by a MPD officer resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ.
- (5) All other uses of force by a MPD officer resulting in death, and all incidents where a person receives a bite from a MPD canine.

Mission and Authority

The mission of the Metropolitan Police Department Force Investigation Team is to conduct fair, impartial, and professional reviews of use of force incidents involving sworn Metropolitan Police officers. The Force Investigation Team is a component of the Office of Professional Responsibility, thus team operational procedures and related requests for assistance have the full authority of that office.

The Force Investigation Team is the primary use of force investigative entity within the Metropolitan Police Department. The Force Investigation Team conducts three types of force investigations as follows:

- (1) The Force Investigation Team conducts a criminal investigation of an officer's actions as it relates to the use of force.
- (2) The Force Investigation Team will conduct a criminal civil rights investigation of an officer's actions as it relates to the use of force. This in no way precludes federal agencies from opening their own investigations.

Once a criminal declination or a criminal prosecution is completed by the United States Attorney's Office for the District of Columbia, the Force Investigation Team will:

- (3) Conduct a policy review of an officer's actions as it relates to the use of force. The policy review will include:
 - a. A determination of whether the use of force was consistent with MPD policy and training.
 - b. A determination of whether proper tactics were employed.
 - c. A determination of whether lesser force alternatives were reasonably available.

Additionally, a criminal investigation of the incident that *led* to the use of force will be initiated, where applicable. This investigation will be handled by members from the Violent Crime Unit, Office of the Superintendent of Detectives. Since the facts related to this investigation are the same as those in the force review, the lead Force Investigation Team investigator and the lead Violent Crime Unit investigator will liaison.

The Force Investigation Team will also conduct investigations of use of force incidents occurring *outside the District of Columbia*. In these instances, the primary criminal investigation of the incident rests with the law enforcement authority of the jurisdiction of occurrence, and the Force Investigation Team will conduct only the policy review.

Members of the Force Investigation Team reserve the right, and have the authority, to assume full control of any criminal investigation related to any force incident.

The Force Investigation Team will coordinate, transmit, and consult with the United States Attorney's Office for the District of Columbia regarding all instances of serious use of force.

The Force Investigation Team will compile, track, analyze, and report all of the data related to use of force by Metropolitan Police Department officers.

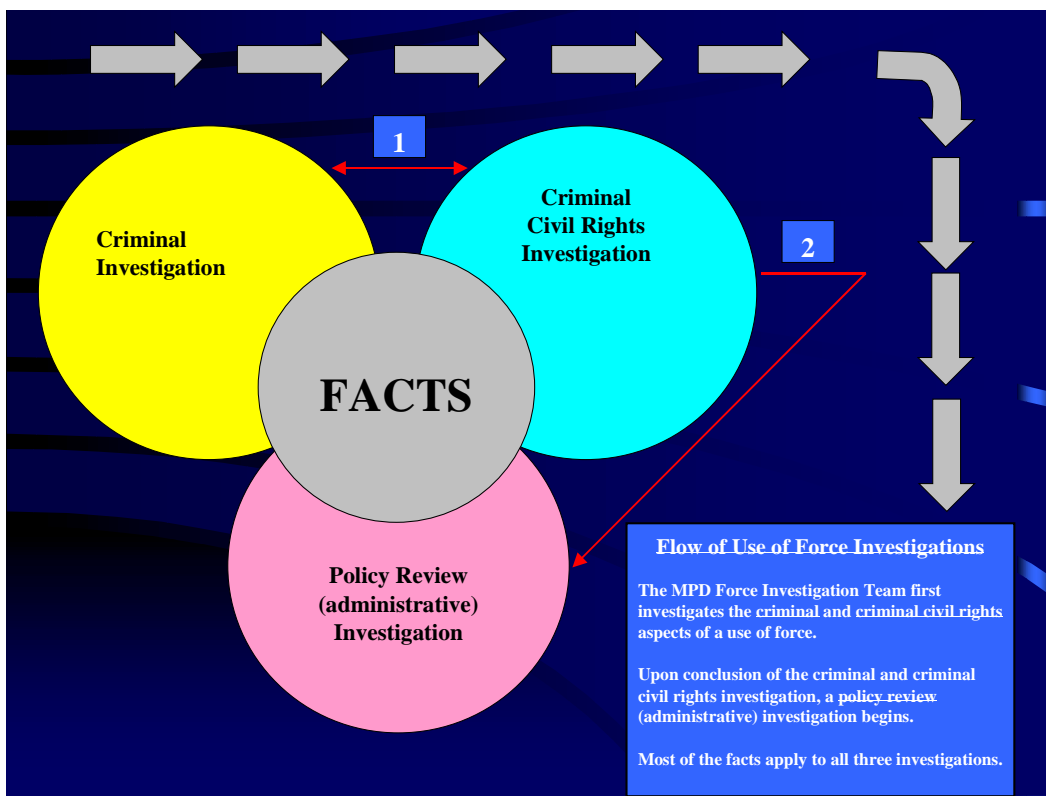













FIGURE 2.1 This diagram demonstrates the responsibility flow of Force Investigation Team investigations. Note that the policy review investigation is not initiated until a prosecutorial decision is made. The figure shows that while the Force Investigation Team conducts several investigations, the facts, circumstances, and evidence pertain to all three of the investigations.

Operations

Operations of the Force Investigation Team

I C O N K E Y	
	General Information
	Deadly Force Investigations
	Less-Lethal Force Investigations
	Investigations by Chain of Command Officials
	Emergency Response Team Investigations
	Report & Evidence Processing
	Consulting the United States Attorney's Office
	Statistical Analysis
	Stakeholder Education and Outreach
	Training Philosophy
	Miscellaneous

This organizational plan and operations manual is designed to be an easy reference guide to the processes of the Force Investigation Team. As such, each category has been organized into the following sections: **General Information, Deadly Force Investigations, Less-Lethal Force Investigations, Investigations by Chain of Command Officials, Emergency Response Team Investigations, Report & Evidence Processing, Consulting the United States Attorney's Office, Statistical Analysis, Stakeholder Education and Outreach, Training Philosophy, and Miscellaneous.** While the manual will provide a baseline of the team's processes, it should be understood that the process in itself is fluid. Therefore, revisions and updates will continue to ensure the highest level of quality and customer service.



General Information

The Force Investigation Team comprises of two operational squads each composing of investigative response teams. These teams are available for on-duty or callback response on a twenty-four hour seven day-a-week basis. The operational squads are divided by area of investigative responsibility; one squad focuses on primarily use of deadly force (firearms), while the other focuses primarily on less lethal uses of force. Squad responsibilities are divided as follows:

Deadly Force Squad:

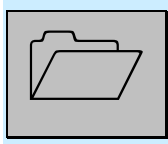
The deadly force squad will be responsible for:

- Firearm discharges (except range and training incidents and discharges at animals)
- Uses of force resulting in death
- In-custody deaths
- Officer Suicides (with service weapon)

Less Lethal Force Squad:

The less lethal force squad will be responsible for:

- Uses of force resulting in a broken bone
- Injuries requiring hospitalization as a result of a police use of force
- Head strikes with impact weapons
- Uses of force resulting in a loss of consciousness, risk of death, serious disfigurement, or disability or impairment of the functioning of any body part or organ
- Incidents where persons receive a bite from an MPD canine
- Serious Use of Force related referrals from the Office of Citizen Complaint Review that are forwarded to the United States Attorney's Office for review
- Criminal allegations of police use of excessive force



Deadly Force Investigations

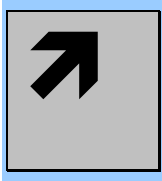
The following processes and procedures shall apply to deadly force investigations:

1. When a Metropolitan Police officer discharges a firearm, or becomes aware of an in-custody death, the first responsibilities of the officer(s) shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. Police District Watch Commanders and Supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified.
3. If the firearm discharge occurs outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The Force Investigation Team will only conduct a policy review in this circumstance.
4. The Force Investigation Team will also investigate all negligent firearm discharges by Metropolitan Police Department officers with a service weapon or authorized off-duty weapon.
5. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager or via telephone.

6. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives based at the local police district shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that led up to the use of force. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
7. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
8. The Force Investigation Team is responsible for handling any arrests of police officers in regards to a use of force.
9. Members from the Forensic Science Services Division (Mobile Crime Lab) shall respond and be responsible for evidentiary crime scene processing.
10. The Forensic Science Services Division and/or District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the Force Investigation Team throughout the duration of the investigation.
11. At least two on-call members, one lead investigator, and one management official from the Force Investigation Team shall respond to the scene of the use of force. Additional members of the Force Investigation Team shall respond as determined by the Force Investigation Team management official.
12. The lead Force Investigation Team investigator and the Violent Crime Unit investigator shall liaison and coordinate their respective aspects of the investigation.
13. Members of the Force Investigation Team will jointly take statements from the officer(s) who used force, as well as from the subject who received the force, if available. Violent Crime Unit investigators will take statements from other witnesses.
14. Force Investigation Team investigators will tape record or videotape interviews of involved officers, subjects who received force, and specific material witnesses. If a non-police officer witness refuses to be tape recorded or videotaped, then investigators shall prepare a written narrative of the statement to be signed by the witness.
15. A Force Investigation Team management official will consult with the affected element Watch Commander or Commanding Officer relative to the duty status of an officer immediately following a use of force incident. The final decision as to the duty status of an officer will be made by the Commanding Officer of the involved police officer's organizational element, in conjunction with executive police management.
16. Members of the Force Investigation Team will complete:

- Preliminary report of investigation, to the Chief of Police, through the chain of command. The preliminary report will normally be completed within twenty-four hours.
 - Transmittal document to the Mayor of the District of Columbia from the Chief of Police. The document will summarize the incident and the status of the investigation.
 - Final investigative report with conclusions and recommendations. This report shall be submitted within thirty (30) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented). While it is noted that the MPD-DOJ agreement allows up to 90 days to complete this task, the Force Investigation Team shall document any delays that exceed the unit's internal thirty-day parameter.
 - The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include:
 - A determination of whether the force was consistent with MPD policy and training
 - A determination of whether proper tactics were employed
 - A determination whether lesser force alternatives were reasonably available.
17. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
- Incident Report Forms (PD-251, 252)
 - Temporary change of duty status reports (PD-77).
 - Adherence to Medical Services Division and Employee Assistance program follow-up.
 - Medical/Injury Reports (PD-42 & Certification)
 - Property Damage Reports (PD-43 & Certification)
 - Service weapon replacement.
 - Processing of the injured/arrested person (where applicable)
 - Guard details
18. The Force Investigation Team will consult with the United States Attorney's Office for the District of Columbia about deadly force incidents and in-custody deaths involving Metropolitan Police Department officers.
19. When evidence of criminal wrongdoing is determined as a result of a member's use of force, the Force Investigation Team shall coordinate prosecutorial needs between the

U.S. Attorney's Office, and serve as a liaison with other applicable local and federal law enforcement agencies.



Less-Lethal Force Investigations

The Force Investigation Team less lethal squad will conduct investigations of police use of force incidents as defined in the DOJ/MPD Memorandum of Agreement. Additionally, the Force Investigation Team less lethal squad will investigate serious use of force related referrals from the Office of Citizen Complaint Review that are forwarded to the United States Attorney's Office. Finally, this squad will handle criminal allegations of police use of excessive force

Non-Serious Use of Force Reviews

All uses of force could potentially cross the threshold and meet the criteria of a serious use of force (see definition). However, initial workload analysis indicates that the majority of force used by Metropolitan Police Department officers do not fall into that category. However, all use of force incidents must be investigated. Accordingly, the Force Investigation Team will be available to assist chain of command officials with non-serious use of force incidents.

Therefore, to ensure an appropriate response to less-lethal force incidents, the Force Investigation Team Less-Lethal Force Squad will staff all watches to ensure 24-hour personnel availability.

When a less-lethal force incident occurs that does not immediately appear to fall into the *serious use of force* category:

1. When a Metropolitan Police officer is involved in a less-lethal force incident, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.

Serious Use of Force Defined

(i) All firearms discharges by a MPD officer (with the exception of range and training incidents and discharges at animals), (ii) All Uses of force by a MPD officer resulting in a broken bone or an injury requiring hospitalization, (iii) All head strikes with impact weapons, (iv) All uses of force by a MPD officer resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ, (v) All other uses of force by a MPD officer resulting in death, and all incidents where a person receives a bite from a MPD canine.

FIGURE 3.1 Definition of Serious Use of Force as indicated in the DOJ/MPD Memorandum of Agreement

2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations.
3. Police District Watch Commanders and Supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified.
4. An official from the element in which the involved officer is assigned shall be responsible for investigating the incident. Copies of all investigations shall be forwarded to the Force Investigation Team for statistical tracking.
5. When applicable, the Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that *led up to* the use of force. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
6. For the purposes of this manual, *hospitalization* means a subject admitted to the hospital, not simply hospital treatment.
7. The District of occurrence is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
8. An official from the District of occurrence shall be responsible for all use of force reports falling that do not fall into the *serious use of force* category.
9. If it is determined that the use of force falls into *the serious use of force* category, the Watch Commander shall immediately notify the Force Investigation Team via the Communications Division and/or the Synchronized Operations Command Center.
10. Members from the Forensic Science Services unit, based in the police district of occurrence, shall respond and be responsible for evidentiary crime scene processing.
11. Officials from the District of occurrence will complete the:
 - Preliminary report of investigation to the affected Regional Operations Command Assistant Chief, with a copy forwarded to the Office of Professional Responsibility. The report will be completed within twenty-four hours.
 - Final investigative report with conclusions and recommendations within ninety (90) days from the conclusion of the incident. (absent special circumstances which must be documented).

15. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
- Incident Report Forms (PD-251, 252)
 - Temporary change of duty status reports (PD-77).
 - Adherence to Medical Services Division and Employee Assistance program follow-up.
 - Medical/Injury Reports (PD-42 & Certification)
 - Property Damage Reports (PD-43 & Certification)
 - Service weapon replacement. (i.e.: ASP, OC Spray canister)
 - Processing of the injured/arrested person (where applicable)
 - Guard details

Force Investigation Team Less-Lethal Force Reviews

The Force Investigation Team Less-Lethal Force Squad will investigate *serious use of force* incidents that are not investigated by the Deadly Force Squad (as defined in figure 3.1 on page 15).

The following processes and procedures shall apply to less-lethal force investigations that fall into the *serious use of force* category:

1. When a Metropolitan Police officer becomes involved in a less-lethal use of force that is classified as a *serious use of force* in the District of Columbia, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The Force Investigation Team will only conduct a policy review in this circumstance.
3. Police District Watch Commanders and Supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) is notified.
4. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager.
5. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that led up

- to the use of force. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
6. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.
 7. The Force Investigation Team is responsible for handling any arrests of police officers in regards to a use of force.
 8. Members from the Forensic Science Services Division (Mobile Crime Lab) shall respond and be responsible for evidentiary crime scene processing.
 9. The Forensic Science Services Division and/or District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the Force Investigation Team throughout the duration of the investigation.
 10. At least two on-call members, one lead investigator, the initial responding force investigator, and one management official from the Force Investigation Team shall respond to the scene of the use of force. Additional members of the Force Investigation Team shall respond as determined by the Force Investigation Team management official.
 11. The lead Force Investigation Team investigator and the Violent Crime Unit investigator shall liaison and coordinate their respective aspects of the investigation.
 12. Members of the Force Investigation Team will take statements from the officer(s) who used force, as well as from the subject who received the force, if available. Violent Crime Unit investigators will take statements from other witnesses.
 13. Force Investigation Team investigators will tape record or videotape interviews of involved officers, subjects who received force, and specific material witnesses. If a non-police officer witness refuses to be tape recorded or videotaped, then investigators shall prepare a written narrative of the statement to be signed by the witness.
 14. A Force Investigation Team management official will determine the duty status of an officer immediately following a serious use of force incident. However, the final decision as to the duty status of an officer will be made by the Commanding Officer of the involved police officer's organizational element, in conjunction with executive police management. In this instance, the Force Investigation Team will make a duty status recommendation.
 15. In cases of serious use of force, members of the Force Investigation Team will complete:
 - Preliminary report of investigation, to the Chief of Police, through the chain of command. The preliminary report will normally be completed within twenty-four hours.

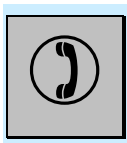
- Transmittal document to the Mayor of the District of Columbia from the Chief of Police. The document will summarize the incident and the status of the investigation.
- Final investigative report with conclusions and recommendations. This report shall be submitted within ninety (90) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented).
- The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include:
 - A determination of whether the force was consistent with MPD policy and training
 - A determination of whether proper tactics were employed
 - A determination whether lesser force alternatives were reasonably available.

16. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Incident Report Forms (PD-251, 252) • Temporary change of duty status reports (PD-77). • Adherence to Medical Services Division and Employee Assistance program follow-up. • Medical/Injury Reports (PD-42 & Certification) | <ul style="list-style-type: none"> • Property Damage Reports (PD-43 & Certification) • Service weapon replacement. • Processing of the injured/arrested person (where applicable) • Guard details |
|--|---|

17. The Force Investigation Team will consult with the United States Attorney's Office for the District of Columbia about serious use of force incidents involving Metropolitan Police Department officers.

18. When evidence of criminal wrongdoing is determined as a result of a member's use of force, the Force Investigation Team shall coordinate prosecutorial needs between the U.S. Attorney's Office, and serve as a liaison with other applicable local and federal law enforcement agencies.



Use of Force Investigated by Chain of Command Officials

Chain of Command managers and supervisors from organizational elements still have some force and injury investigative responsibilities. Managers and supervisors shall conduct these investigations in accordance with the department's administrative handbook. However, templates and examples of investigative reports are available from the Force Investigation Team.

- An injury to a suspect as a result of open hand force.
- A complaint of injury as a result of open hand force.
- Firearm discharges at animals
- Firearm discharges related to range and training incidents
- Use of ASP or OC Spray that is not categorized as serious use of force.

Chain of command district supervisors shall investigate force incidents except those investigated by the Force Investigation Team. At the discretion of the Chief of Police or his designee, any incident that may be investigated by chain of command supervisors may be assigned to the Force Investigation Team. No supervisor who was involved in the incident shall be responsible for the investigation of the incident.

FIGURE 3.2 Examples of Chain of Command force and injury investigations.

1. When a Metropolitan Police officer is involved in a force incident not investigated by the Force Investigation Team, or a suspect is injured not originating from a use of force, the first responsibilities of the officer(s) involved shall be to ensure that the scene is safe, render first aid if applicable, secure the scene's integrity, and notify a supervisor.
2. If the use of force occurred outside the District of Columbia, officers shall make notifications in accordance with General Order 901.1, to include the SOCC. An official from the involved officer's organizational element shall respond to the scene. In such cases, the appropriate law enforcement authority of the jurisdiction of occurrence will handle all criminal investigations. The chain of command official will only conduct a policy review in this circumstance.
3. Police District Watch Commanders and Supervisors shall respond immediately to the scene of the use of force, and ensure that the Communications Division and the Synchronized Operations Command Center (SOCC) are notified.
4. The Communications Division and the SOCC shall ensure that the Force Investigation Team is immediately notified via departmental pager. While the Force Investigation Team may not investigate these specific occurrences, the Force Investigation Team will track this data.
5. The Violent Crime Unit (VCU) from the Office of the Superintendent of Detectives, based at the local police district, shall immediately respond to begin their investigation and secure evidence, witnesses, and other information related to the crime that *led up to* the use of force. A Violent Crime Unit official shall designate a lead investigator for the crime that led up to the use of force.
6. The Violent Crime Unit is responsible for handling the arrest and prosecution of any individual charged as a result of the offense leading up to the use of force.

7. A chain of command supervisor will respond to the scene and conduct an investigation.
8. Members from the Crime Scene Search unit based in the police district of occurrence shall respond and be responsible for evidentiary crime scene processing. The District Crime Scene Search Technician handling the scene shall be required to coordinate all evidentiary information with the chain of command supervisor.
9. The District or Organizational Element Watch Commander will make a duty status recommendation for the involved officer(s) to the. However, the final decision as to the duty status of an officer will be made by the involved officer's Commanding Officer in conjunction with executive police management.
10. The District Watch Commander shall complete:
 - A preliminary report of investigation to the element Commanding Officer within 24 hours. Copies of the preliminary report should be forwarded to the Force Investigation Team.
 - A final investigative report with conclusions and recommendations shall be submitted within ninety (90) days from the conclusion of the incident. (absent special circumstances which must be documented).
11. It is the responsibility of the involved officer's organizational element to handle routine administrative follow-up duties. They include but are not limited to:
 - Incident Report Forms (PD-251, 252)
 - Temporary change of duty status reports (PD-77).
 - Adherence to Medical Services Division and Employee Assistance program follow-up.
 - Medical/Injury Reports (PD-42 & Certification)
 - Property Damage Reports (PD-43 & Certification)
 - Service weapon replacement. (i.e.: ASP, OC Spray canister)
 - Processing of the injured/arrested person (where applicable)
 - Guard details
12. If there are any criminal allegations associated with any force investigated by chain of command officials, then the Force Investigation Team shall be notified and will handle the force investigation.



Emergency Response Team Investigations

The Metropolitan Police Department Emergency Response Team is a specialized tactical unit that responds to handle highly dangerous situations. In order to reduce the risk of serious injury, the Emergency Response Team employs various specialized less-lethal tactics and service weapons. Accordingly, management officials from the department's Emergency Response Team will investigate less lethal uses of force by members of the unit, when the force occurs as part of specific Emergency Response Team duties (i.e. barricades, high risk warrants, etc).

However, any firearm discharges, in-custody deaths, or serious use of force (as defined) involving members of the Emergency Response Team will be investigated by the Force Investigation Team. In these circumstances, Emergency Response Team managers and supervisors shall follow the protocols for Deadly and Less-Lethal Force Investigation Team protocols enumerated earlier in this section.



Report & Evidence Processing

Coordination for the completion of an incident's final investigative report and evidence processing is an integral part of the Metropolitan Police Department's desire for efficient management and quality control of use of force investigations and reviews. Therefore, it is imperative that all members of the department cooperate with the Force Investigation Team to help achieve this agency's goals as it relates to use of force incident management. Insomuch as these investigations are a critical component to the department, several elements are necessary:

1. The Force Investigation Team has developed uniform Preliminary and Final Use of Force investigative report templates for the Metropolitan Police Department. To ensure that these templates remain contemporary, they will constantly evolve through many methods. They include:
 - Benchmarking with other law enforcement agencies.
 - Interaction with established law enforcement research & development organizations.
 - Reviewing CALEA and similar industry standards
 - Examining police-industry publications, periodicals, and Internet sites.
 - Conferring with educational institutions.
2. In instances of serious use of force, the Force Investigation Team preliminary report of investigation will be forwarded, to the Chief of Police, through the chain of command, within twenty-four hours. A transmittal document to the Mayor of the District of Columbia from the Chief of Police will also be completed.

3. In instances of a serious use of force, the Force Investigation Team will complete a final investigative report with conclusions and recommendations within ninety (90) days from the criminal declination or conclusion of a criminal prosecution (absent special circumstances which must be documented).
4. The final investigative report will include a description of the force incident and any other uses of force identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings and analysis supporting those findings. The proposed findings shall include: a determination of whether the force was consistent with MPD policy and training, a determination of whether proper tactics were employed, and a determination whether lesser force alternatives were reasonably available.
5. To ensure comprehensive and timely completion of investigations by the Force Investigation Team, the Lieutenant, Violent Crime Unit, Office of the Superintendent of Detectives, housed at the local police district, shall liaison and provide full cooperation with members of the Force Investigation Team.
6. The VCU Lieutenant shall ensure that a duplicate copy of all reports, communications, and information related to an enumerated use-of-force incident are provided to the Force Investigation Team immediately.
7. The Forensic Science Services Division (to include the Mobile Crime Lab and Firearms Examination Unit) shall ensure that a duplicate copy of all reports, communications, diagrams, lab results, and other related information are provided to the Force Investigation Team immediately.
8. The Director, Communications Division, shall ensure that duplicates of all related radio communication tapes of a use-of-force incident are immediately provided to the Force Investigation Team.
9. The Director, Information Technology, shall ensure that computer related communications (MDC Terminals) concerning to a use-of-force incident are immediately provided to the Force Investigation Team.
10. The Force Investigation Team *Force Review Operations Liaison* will maintain a repository of electronic and paper copies of Preliminary and Final Investigative Reports completed by the Force Investigation Team. In addition, the liaison will ensure coordination with the department's Use of Force Board.
11. Force Investigation Team final investigative report findings shall reflect both the criminal and policy findings. They shall be classified as follows:
 - **Justified, Within Departmental Policy** – this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident the subject officer did not violate department

Justified, Within Departmental Policy

Justified, Policy Violation

Justified, Tactical Improvement Opportunity

Not Justified, Not Within Departmental Policy

policy.

- **Justified, Policy Violation** - this classification reflects a finding in which a police use of force is determined to be justified, but during the course of the incident the subject violated a department policy.
- **Justified, Tactical Improvement Opportunity** - this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident no departmental violations occurred. However, the investigation revealed tactical errors that could be addressed through non-disciplinary and tactical improvement endeavors.
- **Not Justified, Not Within Departmental Policy** - this classification reflects a finding in which a police use of force is determined to be not justified, and during the course of the incident the subject officer violated a department policy.

FIGURE 3.3 Force Investigation Team final report finding classifications.

The threshold of review in a criminal investigation is *probable cause*. The threshold of review in a policy review (administrative) investigation is a *preponderance of the evidence*.

12. When allegations of excessive force or misconduct are made, the Force Investigation Team or the Office of internal Affairs (whichever is applicable), shall make one of the following dispositions:
 - a. **Unfounded:** Where the investigation determined no facts to support that the incident complained of actually occurred.
 - b. **Sustained:** Where the person's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper.
 - c. **Insufficient Facts:** Where there are insufficient facts to decide whether the alleged misconduct occurred.
 - d. **Exonerated:** Where a preponderance of the evidence shows that the alleged conduct did occur, but did not violate MPD policies, procedures, or training.

Use of Force Evidence Considerations

Use of force incident scenes shall be handled and processed as a crime scene. All accepted rules of evidence and evidence processing apply to use of force investigative scenes. The fact that a use of force occurred adds an additional dimension to the scene processing, and it is imperative that members adhere to all departmental protocols, as it relates to use of force scene processing. Accordingly, the following evidentiary actions shall occur in addition to regular crime scene processing:

1. Responding police officials *shall not* assume control over any service weapon that has been deployed (excepting unusual circumstances that must be documented). Service weapons that have been used shall be secured in the holster or holder which it is kept.

2. Responding officials shall assign a supervisor to stay with the officer(s) that have used force.
3. Responding officials shall not conduct questioning of the involved police officer about the use of force.
4. Responding officials shall ensure that the crime scene is protected, and shall control, limit, and restrict access to the area. Responding officials shall ensure that a crime scene access log is completed.
5. In every case when a police officer uses force, a Forensic Science Services Division Technician shall photograph the involved police officer, as well as the subject of the force (when practicable).
6. In every case when a police officer uses force, a Forensic Science Services Division Technician shall photograph the involved officer's equipment belt (where applicable), and all service weapons and equipment in the officer's possession.
7. Police equipment shall only be seized by a Forensic Science Services Division Technician in conjunction with members of the Force Investigation Team.
8. Forensic Science Services Division Technicians, in conjunction with members of the Force Investigation Team, shall account for all rounds fired during a discharge, and shall count all ammunition remaining in an officer's magazine.
9. Forensic Science Services Division Technicians, in conjunction with members of the Force Investigation Team, shall determine whether an officer involved in a use of force is carrying authorized weapons, and where applicable, authorized ammunition.
10. When a service weapon reportedly incurably malfunctions during an officer's attempt to fire, the weapon shall be taken out of service and evaluated by the Firearms Examination Section and an MPD armorer. Following the evaluation, the armorer shall document, in writing, whether the weapon had an inherent malfunction and was removed from service, malfunctioned because it was poorly maintained, or if the malfunction was officer-induced and a determination of the causes.
11. A use of force crime scene shall remain secured and protected until the scene is released by members of the Force Investigation Team.

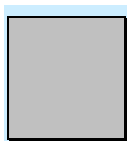


Consulting the United States Attorney's Office

It is imperative that the public and the identified Force Investigation Team “customer base” have trust and confidence in the Metropolitan Police Department, especially in the department's ability to investigate police use of force.

Accordingly, in order to ensure the integrity of force investigations in the District of Columbia, the Metropolitan Police Department will consult regularly with the United States Attorney's Office for the District of Columbia (USAO).

1. The Force Investigation Team shall be the sole element of the Metropolitan Police Department to consult with the USAO about incidents involving deadly force, serious use of force, or force with potential criminal conduct.
2. The Force Investigation Team will telephonically notify the USAO immediately, in no case later than the next business day, following a deadly use of force or a serious use of force by a MPD officer, or following any use of force indicating potential criminal conduct involving an officer.
3. The Force Investigation Team shall consult by meeting with the USAO regarding the investigation of an incident involving deadly force, a serious use of force, or any other force indicating potential criminal conduct by an officer. The Force Investigation Team shall consult with the USAO within four (4) business days of the occurrences, absent exceptional circumstances.
4. The term "consult," means an exchange of information in a timely manner between the parties intended to consider the parties' respective positions. This exchange of information shall include, but not limited to, preliminary investigative files, reports, statements, photographs, and radio runs, as such items become available.
5. If the USAO indicates a desire to proceed criminally based on the on-going consultations with MPD, or MPD requests criminal prosecutions in these incidents, any compelled interview of the subject officer(s) shall be delayed. Additionally, subject officers will not be compelled to make a statement if the USAO has not yet issued a criminal declination.
6. The USAO shall respond to a written request by MPD for charges, declination, or prosecutorial opinion within three business days of the written request, by either filing charges, providing a letter of declination, or indicating the USAO's intention to continue further criminal investigation.
7. The USAO will also handle the prosecution of any offenses that *led up to* the use of force, where applicable.



Statistical Analysis

The Force Investigation Team is the Metropolitan Police Department's central repository for use of force statistical data. The Force Investigation Team will compile, track, analyze, and report all use of force data. The Force Investigation Team will maintain up-to-date force statistics to allow for real time management review and analysis for trend analysis.

The following procedures will apply to Force Investigation Team statistical analysis;

1. The Force Investigation Team Force Review Operations liaison will be responsible for compiling, tracking, analyzing, and reporting use of force data.
2. The Use of Service Weapon Review Board administrator shall act as the back-up to the Force Review Operations Liaison as it relates to statistical tracking and analysis.
3. All use of force data shall be updated the next business day following the occurrence of any use of force incident.
4. Monthly statistical reports shall be submitted to the Chief of Police through the Assistant Chief, Office of Professional Responsibility.
5. The Force Investigation Team shall constantly seek out information and processes to study use of force data in order to identify trends. Once trends are indicated, the information will be analyzed to determine causation and effect. The Force Investigation Team shall prepare written reports documenting such trends for review by executive police management and the Institute of Police Science.
6. The Force Investigation Team shall prepare an Annual Report summarizing the activities of the Force Investigation Team for the previous year, as well as various charts and tables documenting use of force statistics.



Stakeholder Education and Outreach

Media scrutiny of law enforcement's use of force policies has raised awareness of these issues with the general public and all of the Force Investigation Team's customers. The reforms instituted by the Chief of Police, including the creation of the Force Investigation Team, has advanced the department and improved the public's trust. Nonetheless, the initiatives have caused some uncertainty and apprehension among the department's stakeholders. It is important for members of the department and other stakeholders to understand the mission, purpose, and procedures of the Force Investigation Team. Subsequently, a proactive approach to informing stakeholders about the Force Investigation Team is necessary. They include but are not limited to;

1. Members of the Force Investigation Team will address citizen groups and community organizations to explain use of force investigation policies and procedures.
2. Members of the Force Investigation Team will periodically attend element roll calls to introduce themselves and explain the team's mission, policies, and procedures.

3. The Force Investigation Team will address recruit officers, experienced officers, and other students to disseminate information relative to the responsibilities and operations of the Force Investigation Team.
4. The Force Investigation Team will meet periodically with appropriate labor organizations, including the Fraternal Order of Police and the Metropolitan Police Official's Association.
5. The MPD Office of Corporate Communications will assist the Force Investigation Team in developing appropriate presentations to members of the community and other stakeholders.
6. The Force Investigation Team will publish an Annual Report and post it on the department's web site.



Training Philosophy

Use of force incidents involving police officers are some of the most volatile aspects of policing today. As scrutiny of various departments force incidents have shown, it is imperative that the Metropolitan Police Department constantly upgrade its ability to manage and understand these complex situations.

The Force Investigation Team will always seek to enhance its operations through training, research, and development. Members will constantly strive to improve their ability to comprehend and investigate use of force scenarios. The sophistication of these investigations and the complexity surrounding related processes require training and education at unprecedented levels. The Force Investigation Team must become a *“learning organization.”*

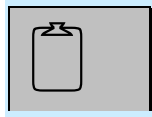
Accordingly, it is expected that the department will support, and team members will engage in, constant and earnest education and learning. Methods will include but are not limited to;

- Seminars and Training Sessions.
- Familiarity of current events through various print, electronic, and Internet outlets.
- Examination of police-industry publications, periodicals, and Internet sites.
- Benchmarking with other law enforcement agencies.
- Interagency coordination and collaboration.
- Interaction with established law enforcement research & development organizations.
- Consultation with educational institutions and industry experts.
- Knowledge of CALEA standards.
- Understanding of legal rulings and labor decisions

Additionally, the Force Investigation Team shall identify and evaluate training opportunities and programs. Recommended training programs that are endorsed by the Force Investigation Team shall be forwarded to the Chief of Police and the Institute of Police Science.

Finally, minimum Force Investigation Team training topics include but are not limited to:

- Basic Investigative Techniques
- Business Practices/Theories
- Civil Rights Law & Investigations
- Crime Scene Processing
- D.C. Code
- Deadly Force/Less Lethal Force Processes & Investigations
- Force-related Court Decisions
- Homicide Investigations
- Human Rights
- Interview & Interrogation
- MPD General Orders
- Policy (administrative) Investigations
- Post-Traumatic Stress Syndrome
- Prosecution processes/methods
- Trends in Force Investigations
- U.S. Code



Miscellaneous Section

There are several subjects that need to be addressed in this section. This section contains an assortment of subjects that relate to Force Investigation Team policies and practices. It is anticipated that this section will grow as new subjects arise.

Use of Force Involving Members of the Force Investigation Team

In the rare instance that a member of the Force Investigation Team becomes involved in a use of force incident, the following process will occur:

1. Designated Agents from the Office of Professional Responsibility, Office of Internal Affairs, will be responsible for investigating uses of force involving members of the Force Investigation Team.
2. The Office of Professional Responsibility, Office of Internal Affairs, will cross-train two Agents in use of force investigation techniques.
3. The designated Office of Internal Affairs Agents will investigate use of force in accordance with the guidelines established in this Operational Manual.
4. Management officials from the Force Investigation Team will provide investigative guidance and assistance to the OIA Agents. However, Management Officials from the Force Investigation Team will not review or approve investigative packages regarding uses of force by members of the Force Investigation Team.

College Internship Program

The Force Investigation Team recognizes the importance of imparting law enforcement knowledge to future law enforcement practitioners and stakeholders. Moreover, the Force Investigation Team realizes that there is value in seeking and sharing ideas with those striving to expand their education through college study. Accordingly, the Force Investigation Team sponsors a college internship program. The program adheres to the following guidelines;

1. The Force Investigation Team Force Review Operations liaison is designated as the College Intern Coordinator.
2. The Use of Service Weapon Review Board administrator shall act as the back-up to the College Intern Coordinator.
3. The Force Investigation Team will host college interns during all semesters; fall, spring, and summer.
4. Job descriptions and job description updates for college intern responsibilities will be drafted and updated by the College Intern Coordinator.
5. The College Internship Coordinator will ensure that the Force Investigation Team college intern job description is posted on the college internship web site *JobTrak*.
6. College interns must receive college credit for their involvement with the Force Investigation Team.
7. The number of interns selected will be based on workload needs and intern availability.
8. All college intern candidates shall be interviewed.
9. Selected college intern candidates shall be subjected to a background check by the MPD Office of Auxiliary Services, Office of Organizational Development.
10. Selected college interns shall be required to sign a confidentiality agreement.

Responsibility Centers

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External Liaisons

Local Law Enforcement Agencies:

- | | |
|-----------------------------|--------------------------------|
| -Alexandria Police | -Loudon County Police |
| -Anne Arundel County Police | -Metro Transit Police |
| -Arlington County Police | -Montgomery County Police |
| -Calvert County Police | -Prince George's County Police |
| -Charles County Police | -U.S. Capitol Police |
| -Fairfax County Police | -U.S. Park Police |
| -Howard County Police | |

Office of the Corporation Council for the District of Columbia
 United States Attorney's Office
 Office of the Medical Examiner
 Law Enforcement Agencies Nationally

Management Procedures

Rules and procedures, as well as established policies, give direction and coordination to a use of force investigation. The on-scene Force Investigation Team manager directs and coordinates the team's efforts based on established policies. However, as a manager, he/she has the authority to allow for variations of the guidelines when needed. The flexibility is based on necessity and common sense.

The management function requires the manager to actively participate in the investigation. This does not mean engaging in operational tasks such as interrogation of suspects, crime scene collection, interviews of witnesses, etc. However, active participation means sharing an interest in the investigation, intelligently directing activities and utilizing investigative critiques to properly establish priorities. In addition, it enables the manager to assess the case and provide the necessary resources to effectively investigate the case.

The management of use of force investigations can be separated into five segments:

- Managing the preliminary investigation at the scene
- Directing specific investigative duties
- Managing the Crime Scene Search/Mobile Crime
- Providing effective documentation of events
- Conducting an investigative critique (an information conference of participants in the investigation, which can take place anytime during the investigation)

On-Scene Management

Once notified of a police involved use of force, it is imperative that Force Investigation Team managers record the following information:

- a. Date and time received
- b. How initial report was received
- c. Name of involved officers
- d. Complete details

At this point, the Force Investigation Team manager will respond to the scene. The Force Investigation Team manager is responsible for maintaining communication with command level personnel, including making follow-up notifications to the Commanding Officer of the Force Investigation Team, the Director of OIA, and at their request, the Assistant Chief of the Office of Professional Responsibility. In addition, the Force Investigation Team manager shall make notifications to the USAO of all deadly and serious uses of force or allegations of excessive force as soon as possible.

In addition to maintaining communications with command level personnel, the Force Investigation Team manager is responsible for ensuring the following:

- Recording the exact time of their arrival
- Record the exact address
- Record police units present
- Determine whether a VCU investigator is needed for the case, and if so, confer with the Watch Commander, Office of the Superintendent of Detectives, to assign one to the case.
- Confer with the patrol supervisor to establish cooperation
- Confer with the first arriving Force Investigation Team Investigator for a quick debriefing
- Make a visual inspection of the crime scene and the crime in order to get a feel for the case and establish parameters.
- Solicit opinions and/or theories from police supervisors on the scene.
- Determine investigative needs and make assignments.
- Implement an assignment sheet. (This sheet shall be used to recall who is performing what assignment.)

The Force Investigation Team manager's assignment sheet should detail exactly who has been assigned specific tasks. This enables the Force Investigation Team manager to properly assign members and record exactly what has transpired at the crime scene. As members report back, the manager should record a brief description of their results.

The Force Investigation Team manager will ensure that an investigative canvass is conducted, which is simply a door-to-door inquiry for witnesses.

If the involved officer or the subject of the force has been transported to a hospital, the Force Investigation Team manager shall assign a Force Investigation Team investigator, district supervisor, and/or VCU investigator to respond to the hospital to ensure proper evidence collection procedures are undertaken. Further, the Force Investigation Team manager shall direct that video and/or photos be taken of the involved officer and the subject of the force. If applicable, video shall also be taken of crowds that may have gathered as a result of the force incident.

Direct that ambulance or EMS personnel be interviewed. Their activities at the scene, as well as people that they may have seen or things they overheard, could be important.

Specific Duties

Regarding the suspect in custody:

1. Establish whether the use of force appears justified and/or if policy violations exist.
2. Determine the scope of the preliminary investigation
3. Advise field supervisors to instruct patrol officers to document their observations regarding any comments, statements, and information provided by informants and/or witnesses.

Regarding interviewing and interrogation of a suspect in custody

1. Direct FIT & VCU investigators to document Miranda warnings
2. Ensure that the interview is videotaped or that the statement is recorded, when possible

The formal interrogation should be conducted in the station, and no one should interfere with an investigator in the process of taking a statement from the suspect. This includes supervisors.

Regarding the officer (s) using force:

1. Establish whether members adhered to departmental policy
2. Determine the scope of the preliminary investigation
3. Advise field supervisors to instruct patrol officers to document their observations regarding any comments, statements, and information provided by informants and/or witnesses.

Regarding interviewing an officer involved in a use of force

1. Separate involved officer(s) to ensure integrity of statement(s)
2. Ensure involved officer(s) has opportunity to consult with their union representative and/or attorney, as well as members of the MPD Employee Assistance Program.
3. Direct FIT investigators to document Garrity warnings
4. If the involved officer(s) are cooperative, have FIT investigators conduct a walk-through with the officer(s) and take a preliminary statement at the scene, which may be used to assist in the recovery of any evidence or witnesses.
5. Ensure that the interview is videotaped or that the statement is recorded, when possible.

If the incident is classified as a *Deadly Force* or *Serious Use of Force*, the interview of the involved officer(s) should be conducted by the Force Investigation Team, and no one should interfere with the FIT investigator in the process of taking a statement from the suspect.

Dying Declarations

In those rare instances when a suspect is so seriously injured as a result of a use of force and the individual knows that he is going to die, Force Investigation Team investigators shall expedite to the hospital, obtain witnesses if possible, and attempt to obtain a statement from the subject of the force. Force Investigation Team investigators are not required to utilize a predetermined set of questions. However, they shall establish that the subject of the force is competent, lucid, and does believe that he or she is about to die.

Mental State/Behavior

Evaluation of the mental state/behavior of the subject of the force is important. Force Investigation Team investigators should assess whether mental state/behavior of the subject of the force contributed to the use of force. Members shall document the subject's actions and mental capacity at the time of arrest. This procedure is necessary to determine if the subject suffered from diminished capacity.

Crime Scene

One of the most important functions of a use of a force investigation is the processing of the scene. The purpose of crime scene processing is to obtain and secure evidence. Force Investigation Team managers should consider warrant exceptions:

1. Emergency
2. Plain view
3. Consent
4. Search of a suspect after arrest
5. Individual Standing (as per *Douglas Bey v. US 490 A.2d 1137,1139 n.6 (DC 1985)*)

Any search method can be utilized and is usually determined by the size, location, and complexity of the scene. It doesn't matter which method is selected as long as the search is systematic and complete.

The scope of the search is determined by a theory or hypothesis arrived at by involved investigators based on their initial observations and assessment. This theory, which is provisional, is based on simple objectively reasonable assumptions, witness statements, and physical evidence. One primary duty of the Force Investigation Team manager is to ensure that district supervisors have isolated and secured the crime scene.

Investigative Conferences

The investigative conference is an important part of any investigation. These conferences should be a formal meeting with investigators to discuss all aspects of the other four phases. Directed by the lead Force Investigation Team investigator, the purpose of the conference is to assess the investigation at each critical point of the investigative process by gaining an overall synopsis. Each member of the team

relates his/her progress and ideas; everyone is kept abreast of all developments. The meetings will be held weekly with the team and after each force incident with the on-call investigators.

Investigative Procedure Checklist

All members of the Force Investigation Team contribute to the process of investigating use of force incidents, whether as a lead investigator or a supporting investigator. Teamwork is necessary to ensure efficient and thorough force investigations. While not all inclusive, it is necessary that the following procedures be adhered to when conducting on-scene force investigations:

Lead Force Investigation Team Investigators (Less Lethal Squad)

- Locate the official in charge
- Obtain a debriefing from the official in charge
- Conduct initial scene assessment
- Brief assisting FIT investigators
- Coordinate FIT responsibilities
- Notify CSSO or Mobile Crime Lab, if not on scene
- View injuries
- Video or photograph injuries (Officer & Suspect)
- Take accurate notes
- Ensure that legal representation has been provided for members
- Conduct “Walk-Through” of scene with officer(s)
- Conduct a Walk-through with CSSO or Mobile Crime Lab members
- Prior to clearing the scene, conduct Walk-Through with FIT investigators
- Prior to being relieved from duty, submit Preliminary report

Supporting Force Investigation Team Investigators

- Assist with the identification, transport, and interview of witness officers and citizens
- Conduct a canvass of the immediate area to locate witnesses or information.
- Video or photograph the scene without audio.

- Take accurate and detailed, and complete notes
- Assist with other specific tasks as designated by the lead investigator or supervisor
- Prior to being relieved from duty, ensure that the Lead has all reports and statements relative to the incident
- Assist the lead in any other investigatory matters

Hospital Responsibilities

A FIT investigator shall respond to the hospital in all cases involving a hospitalization of an officer or suspect.

- Obtain information from the patrol officers at the hospital
- Locate any other witnesses or family members
- Identify and interview medical personnel
- Notify CSSO or Mobile Crime Lab technicians of any available evidence
- Photo injuries, medical documents
- Take audio recordings of witness statements
- Take accurate and detailed, and complete notes
- Prior to being relieved from duty, ensure that the Lead has all reports and statements relative to the incident.
- Assist the lead in any other investigatory matters

Resource Attachments

- i. Force Investigation Team Investigative System Flowcharts
- ii. Use of Force Reporting Matrix
- iii. Use of Force Reporting Form
- iv. Preliminary Report Template
- v. Final Report Template
- vi. Force Investigation Team On-Scene Worksheets
- vii. Officer Legal Protection Advisory Statement
- viii. Memorandum of Agreement between the U.S. Department of Justice and the Metropolitan Police Department
- ix. Related Metropolitan Police Department General Orders
- x. Summary of Relevant Supreme Court Cases
- xi. 2000 & 1999 Force Investigation Team Annual Reports
- xii. 2000 Less-Lethal Force Workload Analysis
- xiii. Grant Proposal Operational Costs