

NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 09/03/2013	SUBJECT: USE OF FORCE: REPORTING AND INVESTIGATING	Number 122.10 (NYSLEAP A-20-7; A-21-2)
RESCINDS: 06/05/2012		Number of pages 21

I. Purpose:

To provide members of the Niagara Falls Police Department with guidelines and procedures for reporting and investigating use of force. It applies to all officers and civilians employees of the Niagara Falls Police Department regardless of duty status or geographical area of employment.

II. Policy:

It is the policy of the Niagara Falls Police Department that use of force incidents be reported on a Use of Force Report, and that all use of physical and deadly physical force be reported immediately to a supervisor, who will ensure that effective follow up investigations and notifications take place.

III. Definitions:

A. Definitions:

1. Active Resistance: Physically evasive movements to defeat an officer's attempt at control or custody, including bracing, tensing, pulling away, or pushing.
2. Authorized Weapons: All weapons approved, authorized and issued to officers who have been trained and met required proficiency standards by the Niagara Falls Police Department Firearms Training Unit, including firearms, impact weapons, chemical agents, and electronic controlled weapons.
3. Chemical Agent: Chemical Agent: Solid, liquid, or gaseous substance that produces an effect on a living organism by acting on the body tissue, or in an environment by interacting with air, water, and/or soil. Includes Department issued Oleoresin Capsicum (OC) containers, and Pepper Balls.
4. Command Presence: An officer projecting the appearance of being in control both of self and the situation in a manner that actually helps create such control.

5. Critical Firearm Discharge: When a NFPD officer discharges a firearm. Range and training discharges, and discharges at animals, are not included under this section.
6. Deadly Physical Force: Force which, under the circumstances in which it is used, can reasonably be expected to cause death or serious physical injury.
7. De-escalation of Force: A conscious reduction in the level of force used in response to a perception of decrease in the level of resistance or compliance.
8. Electronic Controlled Weapon: NFPD currently issues and deploys an electronic controlled weapon known as a Taser®, which is a non-deadly weapon that utilizes compressed nitrogen to shoot probes several feet toward a suspect. The probes are connected to the weapon by high voltage, insulated wires. When the probes make contact with the target, the ECW transmits an electrical pulse along the wires and into the body of the target. The ECW affects the sensory and motor nervous system causing electro-muscular disruption. The ECW is made of plastic and has an integral laser sight and low level illuminator.
9. Force: To compel by physical means; physical contact or action beyond mere restraint. Any physical strike or instrumental contact with a person, any intentional attempted physical strike or instrumental contact that does not take effect, or any significant physical contact that restricts the movement of a person, including: aiming a firearm, discharging a firearm, use of chemical agents, use of impact weapons, use of an electronic controlled weapon, acquiring a target with an electronic controlled weapon, the taking of a subject to the ground, and any physical contact that includes control techniques. The escorting or handcuffing of a person with minimal or no resistance shall not constitute the use of force. Use of force is lawful if it is objectively reasonable under the circumstances and the minimum amount of force necessary to affect an arrest or protect the officer or other person.
10. Hard Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

11. Harm: Injury inflicted upon a person, whether visible or not.
12. Impact Weapons: Devices used for striking, which may disable or cause temporary motor dysfunction; such as an expandable or straight baton approved by the agency. These devices are not fundamentally designed to cause death or great bodily harm.
13. Imminent Threat: An officer's reasonable perception of impending death, danger, or serious injury from any action or outcome which may occur during an encounter.
14. Non-Deadly force: Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.
15. Oleoresin Capsicum Spray: Also known as pepper spray, is a chemical compound that irritates the eyes to cause tears, pain, and even temporary blindness. Its inflammatory effects cause the eyes to close, taking away vision. This temporary blindness allows officers to more easily restrain subjects and control unruly crowds.
16. Objective Reasonableness: A balance between the rights of the person being arrested and the government interests that allows the use of force. Facts and circumstances make up what is objectively reasonable.
17. Passive Resistance: Physical actions that do not prevent the officer's attempt to control, for example, a person who does not cooperate with commands, but does not take action to prevent being taken into custody.
18. Pepper Ball System: Air-Powered launch device and projectiles that are plastic spheres filled with powdered Oleoresin Capsicum (OC). Projectiles burst on impact and release OC. Pepper Ball projectiles subdue by strongly irritating the nose, lungs, and breathing. Response to inhaling Pepper Ball projectile OC powder varies greatly among individuals. In most cases, the symptoms last for a few minutes. The Pepper Ball can deliver projectiles with enough kinetic energy to produce abrasions, bruises, and/or welts.
19. Physical Injury: Impairment of physical condition or substantial pain.
20. Reportable use of force: All force used above non-resistant compliant handcuffing with the exception of drawing a firearm at low ready position. While it does not include unresisted (cooperative) handcuffing, it does include handcuffing individuals to objects.

21. Resisted Handcuffing: When a person actively resists being placed in handcuffs and the officers must use “soft hand controls” to gain compliance by forcibly moving the subject’s wrists or arms, or to physically maneuver the subject’s body so the handcuffs can be applied. The “resistance” may range from an active struggle to a person simply “locking” his/her arms to prevent compliant handcuffing. Conversely, “unresisted (cooperative) handcuffing” occurs whenever the subject complies with the officer’s verbal commands and/or unresistingly allows the officers to position their arms in order to apply handcuffs, or the subject positions their arm as commanded for the application of handcuffs.
22. Serious Physical Injury: Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
23. Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees that are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.
24. Supervisor: A supervisor includes a Lieutenant who is assigned responsibility for supervising officers.
25. Tactical Communication/Verbal Commands: Communication consisting of verbal dialogue, requests, instructions, and commands.
26. Weapon: Any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious bodily injury.

IV. Procedure:

A. Responsibility for Reporting:

1. Officers shall, as soon as possible notify, their shift supervisor of any Level 1, 2 or 3 reportable use of force. In all cases, a supervisor shall immediately respond to the scene.

2. Officers shall, within 24 hours of a use of force incident, complete a Use of Force Report Form and submit it to the responding supervisor for review.
3. When completing the report, officers are also required to provide a signed, written narrative statement of the event and attach all incident reports and arrest reports. The following additional procedures shall apply:
 - a. Each officer who uses force shall submit a separate written, signed Use of Force Report. The officer must articulate, in specific detail, the facts and circumstances surrounding the force used.
 - b. Any officer who witnesses a reportable use of force shall advise a shift supervisor, or appropriate commanding officer, and shall submit required reports.
 - c. If an officer uses force on more than one subject during the same event, the officer shall complete one Use of Force Report Form.
 - d. If an officer is unable to complete the report due to injury, the officer's immediate supervisor will complete it to the extent possible.
 - e. A reportable use of force shall be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting officer), except investigations conducted by members of the Office of Professional Standards.
4. All use of force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer(s) used force, as well as any suspect or officer complaints of injury, medical treatment received, or refusal of medical treatment.
5. The arresting officer shall notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complains of pain.
6. Shift supervisors shall investigate and report any reportable use of force as directed in Section (D) of this policy.
7. Any officer(s) who engages in or witnesses a reportable use of force, but fails to notify a shift supervisor and/or fails to complete the form as outlined by this policy, shall be subject to disciplinary action.

8. A supervisor who uses force, authorizes the use of force, authorizes conduct leading to the use of force, or is a witness to the use of force shall not be allowed to conduct the investigation.
9. Officers who are the subject of an allegation of excessive force shall immediately notify a shift supervisor to document the incident as a citizen complaint. The supervisor shall investigate the incident in accordance with applicable policies.

B. Force Levels:

1. Level 1

- a. A firearm is intentionally pointed at a person and a target is acquired;
- b. An ECW is intentionally pointed at a person and a target is acquired;
- c. A weaponless defense technique is applied to a vulnerable area, excluding strikes (e.g., hair grab, pressure to mastoid or jaw line; and shoulder muscle grab).
- d. An on-duty firearm discharge to dispatch an injured animal; or
- e. A weaponless defense technique control hold is applied:
 1. Escort (elbow);
 2. Twist lock;
 3. Arm-bar; or
 4. Bent-wrist.

NOTE: Unresisted handcuffing is not considered a reportable use of force.

2. Level 2

- a. Chemical agent is applied to a person;
- b. The use of an Electronic Controlled Weapon involving any of the following circumstances;

1. When one or more probes impacts or penetrates the subject's clothing or skin;
 2. When the push stun arc touches the subject's clothing or skin; or
 3. An ECW is deployed at a person, but misses.
- c. Any impact weapon, including specialty impact munitions, or any other instrument is used in an attempt to strike another person but no contact is made; or
 - d. The impact weapon is used for a non-striking purpose (e.g., prying limbs, moving or controlling a person);
 - e. A weaponless defense technique, other than control holds. Examples include:
 1. Hand/palm/elbow strikes;
 2. Kicks;
 3. Leg sweeps; and
 4. Takedowns.
 - f. An on-duty firearm discharge at an animal, other than to dispatch an injured animal.
 - g. Any strike to the head (except for an intentional strike with an impact weapon);
 - h. Chokehold or neck restraint is applied that does not result in the loss of consciousness;
 - i. Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and contact is made, regardless of injury.
 - j. A police canine bites the clothing or the skin of a subject, or otherwise injures a subject.
 - k. Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.

Note: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency medical treatment.

3. Level 3
 - a. Any use of force resulting in death;
 - b. Any critical firearm discharge regardless of injury;
 - c. Any force which creates a substantial risk of causing death;
 - d. Any force which causes serious physical injuries as identified in Section III, A (22) of this policy.
 - e. Any intentional impact weapon strike to the head.
 - f. Any use of force investigation that is elevated to a Level 3 approved by a Supervisor.

C. Medical Considerations:

1. Arresting and transporting officers shall ask prisoners, against whom force was used, whether they are injured or ill.
2. A suspect shall be examined by a physician or qualified health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness or when, among other instances, the individual:
 - a. is struck on the head or other body parts with an impact weapon or other hard object;
 - b. is restrained about the neck or throat;
 - c. is sprayed with a chemical agent;
 - d. is subject to an ECW application;
 - e. is struck with any non-lethal weapon projectile such as an ECW dart or pepper ball; or
 - f. is bitten by a police canine.
3. An injured prisoner shall not be admitted to, or held in, detention without being examined and released by a physician or qualified health care provider.

- a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by a physician or qualified health care provider.
 - b. Refusal of treatment shall be documented and verified by the officers and attending physician or qualified health care provider.
- D. Supervisory Responsibilities:
1. Supervisor Response:
 - a. The Supervisor, after being notified of a Level 1, 2 or 3 use of force, shall immediately respond to the scene and conduct a preliminary investigation into the use of force. The supervisor, after being notified of a Level 3 use of force, will immediately notify the Superintendent of Police.
 - b. While at the scene of a Level 1, 2 or 3 use of force, the supervisor shall visibly inspect the subject(s) for injury, interview the subject for complaints of pain, and ensure that the subject receives needed medical attention.
 - c. While at the scene of a Level 1, 2 or 3 use of force the Supervisor, will ensure that all injuries or claims of injuries are photographed and/or videotaped, and all areas where the officer reports striking the subject. Photographs of the subject shall be taken even when there are no signs of injury.
 - d. Responding Supervisor shall:
 1. Document, as necessary, the scene of the incident;
 2. Secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;
 3. Identify witnesses, both officer and civilian, and insure that they are segregated for interview by investigating units;
 4. Ensure and coordinate the responses of specialized units, if necessary (i.e. detectives, Crime Scene Unit personnel)

5. Interview any physician or qualified health care provider concerning the injuries sustained and their consistency with uses of force reported;
- e. Additional Responsibilities; Level 3 Supervisor Response:
1. In cases involving a Level 3 or a serious use of force as defined by this policy, the supervisor shall assume the same responsibilities as outlined above for a Level 1 or Level 2 response and additionally:
 - a. Notify police communications that an officer has been involved in a confirmed Level 3 use of force;
 - b. As soon as possible, secure the weapon(s) used by the involved officer(s) and segregate involved officers and NFPD and civilian witnesses.
 1. Involved officers and witnesses should be kept segregated until their statements are taken.
 2. Responding supervisor shall ensure that the Superintendent of Police is immediately notified.
 3. Responding supervisor shall ensure that the Office of Professional Standards is immediately notified. An OPS investigation shall be initiated to determine whether the officer(s) followed NFPD policy and all local, state and federal laws.
 - a. The Investigation shall be conducted consistent with the Level 3 investigation protocol attached to this policy as Appendix A.
- f. At all Levels of Force, supervisors shall obtain and review completed Use of Force Report Forms, incident reports and arrest reports from each officer prior to the end of the tour of duty if possible, and in any event no later than 24 hours after incident.
2. Supervisor Reporting and Follow Up Investigation:

- a. After receiving the Use of Force Report from officers, responding supervisor shall document and include in the Use of Force Supervisory Review Report the following:
 1. his/her response to the scene;
 2. examination of the subject for injury;
 3. identification of all witnesses at the scene;
 4. identification of all officers at the scene;
 5. an indication of whether any injury occurred; and,
 6. whether medical care was provided and the extent of such care that was necessary.
- b. For Levels 1 and 2 use of force incidents, within three business days after a Use of Force Report is submitted, the responding supervisor or designated supervisor assigned by the Division Commander shall conduct a follow-up investigation and:
 1. Interview all witnesses to the incident, (unless OPS has been assigned this function)
 2. Prepare signed supplemental reports regarding the interviews,
 3. Ensure that all NFPD witnesses provide a signed narrative report concerning the incident.
- c. Supervisors shall evaluate the basis for the use of force and the type and amount of force used and determine whether the officer's actions were in compliance with NFPD policy.
- d. The supervisor's use of force review will include a precise description of the facts and circumstances that either justify or fail to justify the officer's conduct.
- e. Supervisors shall consider all relevant evidence including circumstantial, direct and physical evidence, and make credibility determinations, making all reasonable efforts to resolve inconsistencies between witness statements.

- f. Supervisor's conclusions shall be documented on the Use of Force Report Supervisory Review narrative section.
 - g. Responding supervisors shall forward a copy of the signed and completed Use of Force Report Forms, incident reports, arrest reports, supplemental reports and Use of Force Supervisory Review Report to the Shift Commander for review within three business days.
- E. Shift Commander Responsibilities:
- 1. Ensure that in every instance, a supervisor responds to the scene of a reportable use of force.
 - 2. Ensure that a supervisor is assigned to conduct a follow-up investigation as described in Section D, 2 above, unless the Office of Professional Standards has been assigned that responsibility.
 - 3. After receiving a Use of Force Report, Shift Commanders shall review, investigate, ensure corrections are made, comment on and return the NFPD Use of Force Report no later than 5 calendar days after receiving the report from the investigating lieutenant.
 - a. This time period shall not be extended unless extreme or unusual circumstances exist. In that event, the Commander must submit a request in writing to the Superintendent of Police to extend the time period before the expiration of the original 5 calendar days.
 - b. The Superintendent must approve all extensions in writing.
 - 4. The Shift Commander's responsibility shall consist of reviewing Use of Force Reports, accompanying incident and arrest reports, and the Use of Force Supervisory Review Reports submitted by the investigating supervisor, and:
 - a. Verifying that all applicable Use of Force Reports/Supervisory Review Reports and accompanying paperwork were submitted within the specified timelines;
 - b. Ensuring that the Use of Force Report Forms and accompanying paperwork were reviewed and signed by the responding supervisor; and

- c. Verifying that the use of force is reported accurately and completely, and that all information concerning the incident/arrest is consistent in all reports.
 - i. Where there are discrepancies between the reports, or the Shift Commander determines that further investigation is required, he/she shall return the investigation to the responding supervisor for corrections, clarification, and additional investigative steps as needed.
 4. Once the investigation is approved, determine the disposition for each allegation of use of force, unless the investigation has been assigned to OPS:
 - a. **Justified, Within Department Policy** – a use of force is determined to be justified, and during the course of the incident the subject officers did not violate NFPD policy.
 - b. **Justified, Policy Violation** – a use of force is determined to be justified, but during the course of the incident the subject officers violated a NFPD policy;
 - c. **Justified, Training Opportunity** – a use of force is determined to be justified, no NFPD policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training; or
 - d. **Not Justified, Not within Department Policy** – a use of force is determined to be not justified, and during the course of the incident the subject officer violated NFPD policy.
 5. The Shift Commander shall submit the completed package of reports, narratives and statements to the Office of Professional Standards within two business days of receiving the supervisor's reports, unless otherwise instructed by the Superintendent of Police.
 6. The Shift Commander shall hold supervisors strictly accountable for the quality of their performance reviews and investigations.
- F. Discipline:
 1. Officers who fail to submit complete, accurate and timely Use of Force Reports shall be subject to suspension and/or termination consistent with New York State Law and current collective bargaining agreements.

2. Supervisors who fail to respond to use of force incidents involving officers under their supervision, or who fail to conduct timely and complete reviews of Use of Force Reports, or who fail to complete follow-up investigations as stipulated in this policy, shall be subject to suspension or and/or termination consistent with New York State Law and current collective bargaining agreements.

G. Raid and Warrant Situations:

1. Each officer who uses force will fill out a separate reportable use of force report form including pointing of firearms at subjects during raids, or execution of search and/or arrest warrants.
 - a. Officers are advised that the reportable Use of Force Report does not take the place or substitute for the completion of a Incident Report. An incident report should be prepared and the incident report number must be included in the Use of Force Report Form.
 - b. The use of force investigations shall be conducted in accordance with and pursuant to applicable NFPD policies.

H. Training:

1. The NFPD shall coordinate and review all use of force policies and training to ensure quality, consistency, and compliance with applicable law and NFPD policy. NFPD shall provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough use of force investigations.

V. Office of Professional Standards:

- A. The Office of Professional Standards shall respond to all Level 3 use of force incidents and conduct the follow up investigation, unless otherwise instructed by the Superintendent of Police.
- B. The Office of Professional Standards shall review all Level 1 and 2 reports/reviews and conduct further investigations at the request of the Superintendent of Police.
- C. The Office of Professional Standards shall submit findings and conclusions to the Superintendent of Police within thirty (30) days after being assigned a case or receipt of the investigative case file from the Shift Commander.

- D. The OPS shall review all Use of Force Reports on a daily basis and also review all other submitted incident and arrest reports to ensure that Use of Force reports have been submitted as required by Department policy.
 - E. The Office of Professional Standards shall maintain a copy of all Use of Force reports and keep them in each officer's file for future investigative use and Risk Assessment System (RAS) detection.
 - 1. The OPS shall review each Use of Force Report and Supervisory Review Report and:
 - a. if necessary, return the reports to the Shift Commander to correct any identified deficiencies, or
 - b. approve the report and submit through normal administrative channels,
 - c. the OPS may, at their discretion, return a Level 1 use of force investigation to the Shift Commander for further review and investigation.
- VI. Use of Force Report
- A. The Use of Force Report shall include, but not be limited to, the following:
 - 1. Person upon which force was used.
 - 2. Witness to incident if not listed on report.
 - 3. Nature of injuries before force was used.
 - 4. Nature of injuries after force was used.
 - 5. How defendant was transported to hospital.
 - 6. Name of hospital.
 - 7. Doctor's name.
 - 8. If treatment was refused.
 - 9. Witness to treatment refusal.
 - 10. Charges
 - 11. Tech work performed.

12. Narrative – justification of force, who used force, what force was used, how force was used, type of equipment used (baton, handcuffs, etc.); indicate effectiveness of force used and name of other officers at scene.
- B. Any Incident Report and Use of Force Report relating to the discharge of a firearm should include, but not be limited to, the following:
1. Whether the member was on or off duty;
 2. Whether the member was in uniform or plainclothes;
 3. Names listed should include those who may have only seen part of the entire incident;
 4. Name of member and/or other police officers present at scene, with statement as to their involvement;
 5. Description of weapon(s) used, including:
 - a. whether or not department issued;
 - b. type (e.g., revolver, automatic, shotgun, rifle, etc.);
 - c. caliber;
 - d. serial number;
 - e. make;
 - f. number of rounds;
 6. Type of ammunition;
 7. Whether member was wearing bulletproof vest, and type;
 8. Type of holster and whether department-issued;
 9. Number of rounds fired by officer and adversary;
 10. Lighting and weather conditions;
 11. Nature of incident when dispatched

Appendix A

INVESTIGATION OF LEVEL 3 OFFICER INVOLVED DEADLY FORCE INCIDENTS INCLUDING IN-CUSTODY DEATHS.

INTRODUCTION

This procedure establishes responsibilities and duties concerning the investigation into the use of deadly force incidents, in which serious bodily injury occurs. This includes, but is not limited to, the use of firearms. If the actions of an officer are in question, the investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees.

A. Responsibilities and Duties of Involved Officer

1. When deadly force is used and results in an injury, upon first opportunity after the scene is secured, the officer shall immediately:
 - a. When a firearm is involved, holster the weapon, without unloading, or reloading it;
 - b. Determine the physical condition of any injured person and render first aid;
 - c. Request emergency medical aid;
 - d. Notify police headquarters of the incident and location; and
 - e. Detain all witnesses.

2. Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the Shift Supervisor at the scene shall have the authority to instruct the officer to move to another, more appropriate location.
3. The officer shall protect his/her weapon for examination and submit it to the appropriate supervisor or investigator. When a weapon is taken from an officer it will be replaced by supervisors as soon as practicable.
4. The officer shall prepare a detailed report of the incident and be interviewed not less than 24 hours after the Level 3 use of force.
5. The officer shall not discuss the case with anyone except:
 - a. Supervisory and assigned investigative personnel;
 - b. His/her attorney; and/or
 - c. Mental health professional.
6. Once police headquarters is notified, the police desk shall:
 - a. Dispatch requested medical aid;
 - b. Notify the Shift Commander; and
 - c. Notify the Superintendent of Police, and
 - d. Notify the Office of Professional Standards.

B. Shift Supervisor

1. The shift supervisor shall:
 - a. Proceed immediately to the scene;
 - b. Secure the scene;
 - c. Separate all NFPD involved witnesses until they can be interviewed by OPS or other authorized investigative unit.
 - d. Attempt to obtain a verbal account from involved personnel to help determine the general circumstances of the incident.

- e. Assess the need for resources and notifications;
- f. Help set the perimeter;
- g. Locate injured persons;
- h. Determine the nature of the evidence to seek;
- i. Identify the number of suspects involved;
- j. Identify the number of suspects outstanding; and
- k. The number and direction of shots fired, if any.
- l. Ensure a Crime Scene Log is maintained to record the time and identifying information of all persons entering and exiting the scene, unless relieved by the investigating agency, to include:
 - 1) Department personnel;
 - 2) Medical personnel;
 - 3) Fire Department personnel; and
 - 4) Other persons.
- m. Conduct a preliminary field investigation;
- n. Conduct a reasonable canvas in an effort to identify and obtain statements from witnesses in the proximity of the use of force incident;
- o. Coordinate the preliminary investigation with NFPD detectives, outside agencies involved, and OPS personnel, to include but not limited to:
 - 1) Identifying involved and witness personnel;
 - 2) Ensure all officers complete necessary reports ;
 - 3) Ensuring the preservation of evidence;
 - 4) Identifying other witnesses in accordance with the provisions of Section C; and
 - 5) Assisting investigators to ensure statements are taken.

- p. Assist the involved officer (s); and
- q. Submit a detailed written report including a Use of Force Supervisory Review Report.

C. Officers Who Witness Level 3 Use of Force:

1. Shall not discuss their observation with anyone except the first responding supervisors or investigators.
2. Officers who are both witnesses and involved in the incident should be immediately separated until interviewed by OPS or other authorized investigative unit.
3. Witness officers shall provide a statement and detailed report of their observations.

D. Investigative Responsibility:

1. Investigations of deadly force incidents in which injury occurs will require notification of the Niagara County District Attorney's Office. The Superintendent of Police will initiate an Internal Affairs Investigation through the Office of Professional Standards and shall utilize the services of any necessary NFPD personnel or those of other agencies..

E. Treatment of Officer:

1. In every instance in which an officer uses deadly force, where such use results in death or serious bodily injury to another person, the officer will be immediately placed on administrative duty.
2. The officer shall be available at all times after the incident and available for official interviews and statements regarding the case no less than 24 hours or when ready. The officer shall be subject to recall to normal duty at any time after the preliminary investigation as determined by the Superintendent of Police.
3. Assignment to an "administrative duty" status shall be non-disciplinary, with no loss of pay or benefits.
4. Relief from normal duty serves two purposes:
 - a. To address the personal and emotional needs of a officer involved in the use of deadly force in which injury or death occurs; and

- b. To assure the community that all the facts surrounding such incidents are fully and professionally explored and verified.
5. If the preliminary investigation discloses a question about the officer's actions regarding the incident, then the appropriate guidelines regarding the rights of the accused will be followed.

F. Superintendent's Responsibility

1. Shall respond to the scene and take command of the incident.
2. Monitor the incident to ensure good scene management and ensure the assigned supervisor coordinates and assists with a thorough and proper preliminary investigation.