DEPARTURE AT DE CORRESPONDE DE LA CORRESPONDE DE CO	Massachusetts Department of Correction STANDARD OPERATING PROCEDURE	Effective Date 10/28/2025 Annual Review Date 10/28/2025	Responsible Division Deputy Commissioner, Prison Division
Policy Name STANDARD OPERATING PROCEDURE TO 103 CMR 505, USE OF FORCE ADMINISTRATIVE PROCEDURES AND REVIEW OF A USE OF FORCE		M.G.L. Reference: DOC Policy Reference: 103 CMR 505; 103 DOC 522 ACA/PREA Standards: 5-ACI-1D-19; 1 CTA-3A-18; 1 CTA-3A-20	
Attachments Yes □ No ⊠	Library Yes ⊠ No □	Applicability: Staff	
Public Access Yes ⊠ No □ PURPOSE:		Location: Department Central Policy File Superintendent/Division Head Policy Files	

PURPOSE:

This Standard Operating Procedure (SOP) establishes internal guidelines consistent with 103 CMR 505, *Use of Force*, for screening and review of all uses of force by Department of Correction (Department) staff members.

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

Deputy Commissioner, Prison Division

Assistant Deputy Commissioners, Northern and Southern Sectors

Director, Operational Services Division

Chief, Professional Standards Unit

Superintendents

CANCELLATION:

103 CMR 505 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, or regulations regarding Internal Regulations/Policies which are inconsistent with this document.

SEVERABILITY CLAUSE:

If any part of 103 CMR 505 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

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I. CONCLUSION OF A USE OF FORCE FOR USE OF FORCE PACKAGES

- A. In accordance with 103 CMR 505, *Use of Force*, a use of force incident is considered complete for the purpose of the Use of Force Package once the inmate is placed in a secure cell/area and:
 - 1. The inmate has been searched in accordance with 103 DOC 506, Search Procedures and 103 DOC 540, Body Worn Cameras;
 - 2. The inmate has been seen by a Qualified Medical Professional in accordance with 103 CMR 505, *Use of Force*;
 - 3. Photographs of the inmate shall be taken;
 - a. Photographs shall be taken of each inmate after a Use of Force, whether or not the inmate has visible injuries upon arrival at the Health Services Unit (HSU) or other designated area in which medical care is being provided.
 - b. Photographs shall be taken of, including but not limited to, each inmate's face, torso, back, and extremities, as well as any area on the body where the inmate claims injury, both before and after medical treatment. All photographs shall be included with the Use of Force Package(s).
 - c. If an inmate refuses to be photographed, such refusal shall be recorded in an incident report and included with the Use of Force Package(s).
 - d. Inner Perimeter Security (IPS) officers shall be responsible for taking photographs when they are on duty. When IPS officers are not available, the Shift Commander, in their discretion, will assign the appropriate staff to take photographs.
 - 4. The inmate has been offered and given (if compliant) a decontamination shower (if applicable) in accordance with 103 CMR 505, *Use of Force*; and
 - 5. The secure cell/area is the inmate's pre-determined housing location (e.g., BAU) and their restraints are removed, unless:
 - a. Exigent Circumstances prevent removal of restraints due to other policy requirements (i.e., foreign body watch). In such circumstances, once the inmate is secured the use of force is considered complete. Such Exigent Circumstances shall be documented by the OIC in writing via their incident report; or

- b. The inmate is transitioned into Four-Point Humane Restraints (if applicable, provided the inmate does not physically resist). Once the transition is complete the use of force is considered complete; or
- c. The inmate is transitioned to transportation restraints (if applicable, provided the inmate does not physically resist).

II. PROCEDURE FOR ADMINISTRATIVE JOINT REVIEW BY THE SPECIAL OPERATIONS DIVISION & PROFESSIONAL STANDARDS UNIT

- A. All Use of Force (UOF) Packages submitted in accordance with 103 CMR 505, *Use of Force* to the Special Operations Division (SOD), shall be jointly reviewed and screened by the Director of Operational Services/designee and the Chief of the Professional Standards Unit (PSU)/designee. The review and screening shall include a review of all UOF Package materials. The review shall also include, but not be limited to, consideration of what circumstances led to the UOF, and if the amount of force used was objectively reasonable.
- B. If during the joint review the UOF Package is found to be incomplete, insufficient, or additional information is needed, the UOF Package may be returned to the institution/division for further processing. The institution/division shall have an additional ten (10) business days to provide the requested information and resubmit the UOF Package to SOD.
- C. If, upon return of the UOF Package there remain incomplete incident reports that affect a determination of objective reasonableness, the Director of Operational Services/designee shall utilize 103 CMR 505, Attachment #3, Incomplete Use of Force Report Notice and return the UOF Package to the institution/division for further processing. The institution/division shall have an additional ten (10) business days from the date of the notice to provide the requested information and resubmit the UOF Package to SOD.
 - 1. The 103 CMR 505, Attachment #3, <u>Incomplete Use of Force Report Notice</u> shall be completed by the Director of Operational Services/designee and shall specify the incomplete reporting requirements within an incident report in accordance with 103 CMR 505.18(a-h).
 - 2. The 103 CMR 505, Attachment #3, <u>Incomplete Use of Force Report Notice</u> shall be served, in hand, through the responsible Superintendent/Division Head by the responsible Shift Commander to the employee whose incident report is incomplete. The employee shall sign for receipt.
 - 3. The responsible Shift Commander shall print and sign their name, as well as record the date and time the 103 CMR 505, Attachment #3, <u>Incomplete Use of Force Report Notice</u> was served in hand.

- 4. The responsible Shift Commander shall attach the completed 103 CMR 505, Attachment #3, <u>Incomplete Use of Force Report Notice</u> to the corresponding UOF Package, as well as upload any additional completed incident reports.
- 5. The Superintendent/Division Head or their designee shall utilize the "Notes" section of the UOF Package to document what action was taken, if a complete report was submitted, or if not, the reason(s) why before returning the UOF Package to SOD for further processing.
- D. After this joint review, if there is no indication of misconduct, or a violation of regulations or policies, the matter may be recommended as "Reasonable with No Further Action" upon agreement between the Director of Operational Services/designee and the Chief of the PSU/designee. The UOF Package shall be forwarded to the Director of Operational Services for review consistent with the process outlined in 103 CMR 505, *Use of Force*.
- E. After this joint review, if there are violations of regulations or policies; however, such violations may not rise to the level of misconduct and do not affect the ability to determine objective reasonableness, the matter may be recommended as "Reasonable with Further Action" upon agreement between the Director of Operational Services' designee and the Chief of PSU's designee. The UOF Package shall be forwarded to the Director of Operational Services for review consistent with the process outlined in 103 CMR 505, *Use of Force*.
- F. Whenever a UOF incident involves the following, the incident shall be referred to the UOF Joint Triage Committee (JTC), together with all pertinent information, for further review and consideration:
 - 1. A death;
 - 2. Serious Bodily Injury (as defined by 103 CMR 505, *Use of Force*) to inmate(s) or staff members because of the UOF;
 - 3. Criminal/Administrative investigation involving potential staff misconduct related to the UOF (unless already under investigation);
 - 4. Incomplete incident reports in accordance with 103 CMR 505.18(a-h), after 103 CMR 505, Attachment #3, <u>Incomplete Use of Force Report Notice</u> has been served upon an employee; and/or
 - 5. Upon recommendation by the Director of Operational Services/designee and/or Chief of PSU/designee.

III. PROCEDURE FOR ADMINISTRATIVE REVIEW BY THE USE OF FORCE JOINT TRIAGE COMMITTEE

- A. The UOF JTC shall consist of the following members or their designees:
 - 1. Director of Operational Services;
 - 2. Chief of the PSU;
 - 3. Director of the Policy Development and Compliance Unit (PDCU);
 - 4. Director of the Division of Staff Development (DSD); and
 - 5. The responsible Assistant Deputy Commissioner of the Prison Division (for the purpose of the JTC, only an ADC or higher may be considered as an ADC's designee).
- B. The UOF JTC shall review the referred UOF Packages in their entirety to determine whether the UOF should be considered:
 - 1. Reasonable with No Further Action: Where the force used is objectively reasonable and proportionate considering the totality of the circumstances. The UOF package shall be forwarded to the Director of Operational Services for review, consistent with the process outlined in 103 CMR 505, *Use of Force*.
 - 2. <u>Reasonable with Further Action</u>: Where force used is objectively reasonable and proportionate considering the totality of the circumstances, but there are components that require additional attention, e.g., the UOF package was submitted one (1) day late without an approved extension request. The UOF package shall be forwarded to the Deputy Commissioner, Prison Division or Commissioner's designee with recommended further action.
 - 3. <u>Referred for Further Investigation</u>: Where additional information is required to determine if the force used is objectively reasonable and proportionate considering the totality of the circumstances. The UOF package shall be forwarded to the Chief of PSU for investigation in accordance with 103 DOC 522, *Professional Standards Unit*.

NOTE: Whenever a UOF incident is referred for investigation, the investigator shall use the Director of Operational Services/designee as a subject matter expert regarding the UOF via an audio recorded interview. This interview shall take place at the end of the investigative process.

C. Results of all UOF JTC reviews shall be forwarded to the Deputy Commissioner, Prison Division/designee in writing.

IV. <u>DOCUMENTATION</u>

All findings and conclusions made during administrative review and screening, whether by the SOD, PSU, UOF JTC, or Deputy Commissioner, Prison Division, shall be documented in writing.