

1 REQUEST FOR

- LOCAL LOOKOUT
- INTERSTATE TT
- ADMINISTRATIVE TT
- DETAIL - See Reverse

- 2 TYPE
- ORIGINAL
- EXPEDITE
- ADDITIONAL
- CANCEL
- CORRECTION
- REPEAT
- REPLY

3 COMPLAINT NUMBER

6 DATE OF REQUEST

4 UNIT NUMBER

7 REQUESTING ELEMENT

5 NOT FOR THE PRESS

8 FLASH TT REQUEST

THE FORCE

10 NAME OF WANTED PERSON

11 WANTED BY

12 CHARGE

13 COMPLAINANT'S NAME

14 COMPLAINANT'S ADDRESS

Page 1 of 4

Circular 02-13 published October 7th, 2002 described in detail the process for completing the PD 901-e (Use of Force Incident Report) by members of the department. Specifically, the circular stipulated that the form shall be completed in all cases in which force is used by a member (except cooperative or contact controls unless there has been a resulting injury or the subject complains of pain following the use of cooperative or contact controls), whenever a member is in receipt of an allegation of an excessive use of force, and in any case involving the drawing and pointing of a firearm at or in the direction of another person.

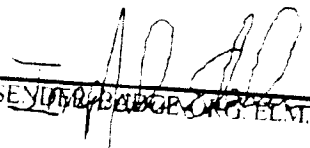
The circular further stipulated that "a member may decline to complete the Use of Force Incident Report immediately following an incident. However, the supervisor shall compel the member to complete the form following a USAO declination or the issuance of a Reverse Garrity warning."

Due to the anticipated considerable amount of declinations sought by chain of command officials, the following is a policy clarification with regard to obtaining both written declinations and verbal declinations for purposes of issuing Reverse Garrity warnings.

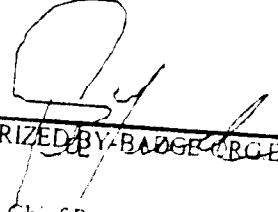
In every case in which a member uses force, he/she shall complete a UFIR. However, should a member refuse to do so until a written declination is returned or until Reverse Garrity is issued, the following measures shall be taken:

Serious Use of Force or Use of Force Indicating Potential Criminal Conduct

1. In all instances of a Serious Use of Force or a Use of Force Indicating Potential Criminal Conduct, the Force Investigation Team will respond to conduct the investigation. In these cases, the Force Investigation Team will ensure that a UFIR is voluntarily completed, or ensure that the UFIR is completed following a declination.

SENT BY:  BADGE OR C. ELM.

Inspector Joshua Ederheimer CRFID

AUTHORIZED BY:  BADGE OR C. ELM.

Assistant Chief Peter Newsham OPR

BUREAU HEAD'S APPROVAL
Executive Assistant Chief M. Fitzgerald
Operational Services

COMMUNICATIONS DIVISION USE ONLY

REMARKS

DATE AND TIME

FILE

TELETYPE NUMBER

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1 REQUEST FOR		2 TYPE		3 COMPLAINT NUMBER		6 DATE OF REQUEST	
<input type="checkbox"/> LOCAL LOOKOUT	<input type="checkbox"/> INTERSTATE TT	<input type="checkbox"/> ORIGINAL	<input type="checkbox"/> EXPEDITE	4 UNIT NUMBER		7 REQUESTING ELEMENT	
<input type="checkbox"/> ADMINISTRATIVE TT	<input type="checkbox"/> DETAIL (See Reverse)	<input type="checkbox"/> ADDITIONAL	<input type="checkbox"/> CANCEL	5		8	
		<input type="checkbox"/> CORRECTION	<input type="checkbox"/> REPEAT	<input type="checkbox"/> NOT FOR THE PRESS		<input type="checkbox"/> FLASH TT REQUEST	
		<input type="checkbox"/> REPLY					

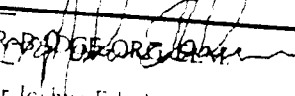
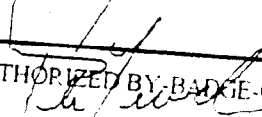
THE FORCE

11 NAME OF WANTED PERSON		11 WANTED BY		12 CHARGE	
13 COMPLAINANT'S NAME			14 COMPLAINANT'S ADDRESS		

Non-Serious Use of Force Where No Potential Criminal Conduct is Alleged

- Whenever a member of the department reports a Non-Serious Use of Force that requires a UFIR or the pointing of a firearm at or in the direction of another person, and there is no allegation of potential criminal conduct, the involved element watch commander shall respond to the scene and begin gathering preliminary information concerning the incident. Should the member refuse to fill out the UFIR, the element watch commander shall contact the SOCC and request that the on-call Force Investigation Team (FIT) manager be paged. The element watch commander shall provide the SOCC with a telephone number and location where he or she can be contacted.
- The SOCC shall cause the issuance of a page to the Force Investigation Team so that on-duty FIT personnel can respond to the scene, when applicable.
- The on-call FIT manager (lieutenant or above) shall review the merits of the case utilizing the criteria outlined in Page 3, Number 1 of this teletype and based on their assessment, have the authority to approve the issuance of Reverse Garrity, *thereby compelling the member to complete the UFIR*. Once the FIT manager approves the issuance of Reverse Garrity, the affected Watch Commander shall issue a Reverse Garrity warning to the member and ensure the UFIR is completed before the member is relieved from duty. (see page #4 of this teletype for example language).

If the on-call FIT manager determines that more information is needed, or that the case requires further review—the element watch commander shall be directed to complete a written request for review by the United States Attorneys Office for the incident and forward it through channels to the Office of Professional Responsibility.

SENDER:  Inspector Joshua E. Jerheimer CRFID	AUTHORIZED BY:  Assistant Chief Peter Newsham OPR	BUREAU HEADS APPROVAL Executive Assistant Chief M. Fitzgerald Operational Services
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1 REQUEST FOR

- LOCAL LOOKOUT
- INTERSTATE TT
- ADMINISTRATIVE TT
- DETAIL (See Reverse)

- 2 TYPE
- ORIGINAL
- EXPEDITE
- ADDITIONAL
- CANCEL
- CORRECTION
- REPEAT
- REPLY

REQUEST FOR TELETYPE MESSAGE

3 COMPLAINT NUMBER

6 DATE OF REQUEST

4 UNIT NUMBER

7 REQUESTING ELEMENT

5

NOT FOR THE PRESS

8

FLASH TT REQUEST

9 THE FORCE

10 NAME OF WANTED PERSON

11 WANTED BY

12 CHARGE

13 COMPLAINANT'S NAME

14 COMPLAINANT'S ADDRESS

1. Element watch commanders and investigating officials forwarding written declination requests in non-serious use of force incidents or in use of force incidents where no potential criminal conduct is alleged shall ensure that the following information is provided when applicable: Note—the United States Attorney's Office will not provide a declination without this information:

- i. Summary of the event
- ii. Officer utilizing force: if the officer declined to provide a statement, this should be documented in the report. If the officer provided a statement/interview, the voluntariness of such a statement should be documented.
- iii. All non-subject officers who were involved in the incident should be interviewed.
- iv. The first official on the scene and the first officer on the scene should be interviewed.
- v. All civilian eyewitnesses should be identified and interviewed.
- vi. A completed PD 313—to include the portion filled out by the hospital physician—should be obtained.
- vii. Any other documentation of injuries to the defendant should be documented and provided.
- viii. All arrest paperwork should be provided, such as the PD 163, PD 251, PD 252, PD 123.
- ix. If an officer is injured, provide a copy of the PD 42.
- x. All defendant's statements, remarks, or complaints of misconduct should be documented and provided.

SENDER-BADGE/ORG/ELM
 Inspector Joshua Ederheimer CRFID

AUTHORIZED BY-BADGE-ORG/ELM
 Assistant Chief Peter Newsham OPR

BUREAU HEAD'S APPROVAL
 Executive Assistant Chief M. Fitzgerald
 Operational Services

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2 TYPE
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3 COMPLAINT NUMBER

6 DATE OF REQUEST

LOCAL LOOKOUT
 INTERSTATE IT
 ADMINISTRATIVE IT
 DETAIL (See Reverse)

4 UNIT NUMBER

7 REQUESTING ELEMENT

TO
THE FORCE

5
 NOT FOR THE PRESS

8
 FLASH IT REQUESTED

9 NAME OF WANTED PERSON

10 WANTED BY

12 CHARGE

13 SUSPECT'S NAME

14 COMPLAINANT'S ADDRESS

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Upon the completion of the United States Attorney's Office review;

1. If the USAO issues a declination, they shall forward their declination to the Office of Professional Responsibility for transmittal to the affected element. The Office of Professional Responsibility shall transmit the declination to the affected element, and the element commanding officer shall ensure that the UFIR is completed by the member in a timely fashion.
2. If the USAO initiates a prosecution, they shall notify the Office of Professional Responsibility, who will handle the investigation.
3. The Office of Professional Responsibility shall ensure that all UFIR incidents are tracked in the PPMS system.

Example Reverse Garrity Language - ISSUED ONLY WITH FIT MANAGER AUTHORIZATION

The UFIR form concerns administrative matters relating to the official business of the Police Department. This form is not intended for the purpose of instituting a criminal prosecution against you. During the course of completing the form, even if you disclose criminal conduct, neither self-incriminating statements nor the fruits of any self-incriminating statements will be used against you in any criminal proceeding.

Since this is an administrative matter and any self incriminating information you disclose will not be used against you in a court of law, you are required to fill out the form fully and truthfully. (General Order No. 26, Series 201, members shall respond truthfully when questioned by supervisory officers about matters relating to official business of the police department...). Failure to fill out the form will result in Adverse Action.

SENDER/BADGE-ORG. ELM.

Inspector Joshua Ederheimer CRFID

AUTHORIZED BY-BADGE-ORG.ELM.

Assistant Chief Peter Newsham OPR

BUREAU HEAD'S APPROVAL

Executive Assistant Chief M. Fitzgerald
Operational Services

REMARKS

COMMUNICATIONS DIVISION USE ONLY

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