

# USE OF FORCE

<p style="text-align: center;"><b>POLICY &amp; PROCEDURE NO.</b></p> <div style="display: flex; justify-content: center; align-items: center;"> <p style="margin: 0;"><b>1.01</b></p> </div> <p style="text-align: center; margin-top: 10px;"><b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b></p> <p style="margin-top: 10px;"><b>REFERENCED: 1.1.0; 1.1.1; 1.1.2; 1.1.3; 1.1.4; 1.1.5; 1.1.6; 1.1.7; 1.1.8, 1.1.9; 1.1.10; 1.1.11; 1.1.12; 1.1.13; 1.1.14 11.4.1; 16.3.5; 22.2.3; 22.2.4; 22.2.7; 33.1.1; 33.5.1; 33.6.1; UOF-01, UOF-01, UOF-03, UOF-04, UOF-05, UOF-06, UOF-07, UOF-08, UOF-09, UOF-10, UOF-11, UOF-12</b></p>	<p style="text-align: center;"><b>ISSUE</b></p> <p style="margin-top: 5px;">DATE: Feb. 21, 2017</p> <hr/> <p style="text-align: center;"><b>EFFECTIVE</b></p> <p style="margin-top: 5px;">DATE: July 1, 2024</p> <hr/> <p style="text-align: center;"><b>REVISION</b></p> <p style="margin-top: 5px;">DATE: July 1, 2024; 2/1/2021; 9/3/2019; 4/2/2018; 3/9/2018</p>
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## TABLE OF CONTENTS

**POLICY** ..... 2

**DEFINITIONS** ..... 2

**PROCEDURES** ..... 7

I. FORCE OPTIONS ..... 7

II. ENCOUNTERS WITH MINORS, EMOTIONALLY DISTURBED, MENTALLY ILL AND  
PHYSICALLY DISABLED PERSONS ..... 9

III. LESS-LETHAL FORCE ..... 10

IV. DEADLY FORCE / LETHAL FORCE ..... 19

V. SPECIAL WEAPONS ..... 22

VI. DUTY TO INTERVENE ..... 23

VII. USE OF FORCE CONSIDERATIONS INVOLVING PLANNED MASS DEMONSTRATIONS  
..... 23

VIII. ADMINISTRATIVE RELIEF FROM DUTY AFTER FORCE RESULTING IN DEATH OR  
SERIOUS BODILY INJURY ..... 24

IX. POST USE OF FORCE INCIDENT PROCEDURES ..... 25

X. USE OF FORCE REPORTING ..... 33

XI. TRAINING ..... 36

Chief of Police:                     *Butt*                    

Select Board:                     *McGony*

## POLICY

In accordance with the “JAELE: Act of 2020 it is the policy of the Department that a law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to: (i) effect the lawful arrest or detention of a person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the commission and the municipal police training committee pursuant to subsection (d) of section 15.” [1.1.1]

This Policy requires strict adherence by all sworn personnel.

When exigent and unforeseen circumstances cause officers to deviate from the provisions of this Policy, officers are still expected to act with intelligence, sound judgment and in full conformity with both state and federal laws and constitutional provisions. Any such deviations from the provisions of this Policy shall be examined on a case-by-case basis.

In order to comply with this Policy, the attached Response to Resistance Report shall be utilized.

## DEFINITIONS

- A. **Actively Resistant Individual:** An individual who uses physical strength and/or body movement to resist a Department member. Examples of active resistance include pulling, turning, or walking away from an officer.
- B. **Aggravated Assaultive Individual (Serious Bodily Harm/Death):** An individual who engages in conduct that is likely to produce death or serious bodily harm to a member of the Department or another person.

- C. **Assaultive Individual (Bodily Harm):** An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person.
- D. **Chokehold: [UOF-01]** The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death.
- E. **Commission:** The Massachusetts Peace Officer Standards and Training Commission.
- F. **Compliant Individual:** An individual who is fully cooperative with a Department member.
- G. **Deadly Force / Lethal Force:** Physical force that can reasonably be expected to cause death or serious bodily injury. [UOF-02] Sworn personnel are authorized to use lethal force in accordance with the law and this Policy. [1.1.2]
- H. **De-escalation Tactics: [UOF-03]** Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, creating distance between the officer and a threat and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis.
- I. **Drive Stun Deployment:** In Drive Stun mode, the ECW is a pain-compliance facilitator rather than an electro-muscular disruptor. Drive stun occurs when the ECW is held against the subject, whether or not probes are deployed. Drive stun may be utilized in response to active resistance or assaultive behavior.
- J. **Electronic Control Weapon (ECW):** A weapon that uses electricity to override voluntary motor responses or applies pain in order to gain compliance or overcome resistance. ECWs are designed to incapacitate without causing serious bodily injury or death. [1.1.9 (a)]

- K. **ECW Activation:** Any time an ECW is turned on, exclusive of training and routine maintenance/readiness checks.
- L. **ECW Cycle:** Occurs when probe deployment delivers energy to an individual.
- M. **Force:** The amount of effort required by police to compel compliance by an unwilling subject.
- N. **Kinetic Energy Impact Projectiles:** Flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or serious bodily injury, when compared to conventional projectiles.
- O. **Laser Activation:** The ECW is turned on, activating the light and/or laser beam. Laser activation may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.
- P. **Less-Lethal Force:** Use of force that is not intended to cause serious bodily harm/serious physical injuries or death. Sworn personnel are authorized to use less-lethal force in accordance with the law and this Policy.
- Q. **Objectively Reasonable:** This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer, subject, and/or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are forced to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used.
- R. **Officer-Involved Injury or Death:** Any event during which an officer:
- 1) discharges a firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death to another;

- 2) discharges any stun gun as defined in said section 121 of said chapter 140, actually or proximately causing injury or death to another;
  - 3) uses a chokehold, actually or proximately causing injury or death of another;
  - 4) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
  - 5) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
  - 6) deploys a dog, actually or proximately causing injury or death of another;
  - 7) uses deadly force, actually or proximately causing injury or death of another;
  - 8) fails to intervene, as required by section 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
  - 9) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.
- S. **Passively Resistant Individual:** An individual who is uncooperative but does not use physical strength or body movement to resist a Department member.
- T. **Probe Deployment:** In Probe Deployment mode, the ECW uses electricity to override voluntary motor responses. Probe Deployment occurs when probes deploy from an ECW, whether or not the probes strike their intended target. This includes follow-up drive stuns when a single probe is attached to an individual. Probe deployment may be utilized in response to assaultive behavior.
- U. **Public Safety Statement:** A statement to ascertain the threat level at the scene of the incident, to identify witnesses or other injured officers or civilians, and to facilitate the collection of evidence and preservation of the scene. This public safety statement is a brief explanation of what has transpired and what is presently happening. The Public Safety statement may be given by the Chief of Police or his/her designee who has gathered this information. The Public Safety Statement should include the following in substance and where applicable:

- 1) The identity of officers and other involved parties to the incident who discharged firearms and their approximate position at the time of the discharge.
  - 2) The direction and number of shots fired
  - 3) A description of any suspects and direction of flight
  - 4) The identity and location of any injured officers or civilians
  - 5) The identity of potential witnesses
  - 6) The location of any unsecured weapons or contraband at the scene.
- V. **Reasonable Force:** Reasonable force is determined under the legal standard set forth in Graham v. Connor, 490 U.S. 386, 395 (1989). Reasonable force is defined as force which is objectively reasonable because it is necessary to overcome resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority.
- W. **Safety Priorities:** The Police Department safety priorities are established as follows:
- 1) Hostages and Involved non-subject civilians
  - 2) Police officers
  - 3) Subject (the person who is the focus of the police operation)
- X. **Serious Bodily Injury: [UOF-04]** Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss of impairment of a bodily function, limb or organ; or (iii) a substantial risk of death. This may also be referred to as "serious physical injury".
- Y. **Spark Display:** The ECW is activated and the arc switch is depressed, activating the electrical arc. Spark display may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.
- Z. **Stress Disorder:** An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress. The person must have experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of one's self or others. The person's response to the event(s) will have involved intense fear, helplessness, or horror.
- 1) **Acute Stress Disorder:** A category of stress disorder lasting for a minimum of two days and a maximum of four weeks occurring within four weeks of the event(s).

- 2) **Post-Traumatic Stress Disorder:** A category of stress disorder in which the symptoms last more than one month.
- AA. **Susceptible Population Groups:** Susceptible population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.
- BB. **Sworn Personnel:** An employee of a law enforcement agency who has sworn to carry out law enforcement duties and has full arrest powers. For the purposes of this Policy, the term “sworn personnel” and “officer” are used interchangeably.

## PROCEDURES

### **FORCE OPTIONS**

- A. The amount and degree of force, which may be employed, will be determined by the totality of circumstances including, but not limited to:
1. The nature and seriousness of the offense;
  2. The behavior of the subject against whom force is to be used;
  3. Actions by third parties who may be present;
  4. Physical odds against the officer;
  5. The feasibility or availability of alternative actions; and
  6. The opportunity to use de-escalation tactics at any time during the encounter.
- B. An officer should only use that amount of force that the officer feels would be reasonable in a particular situation to accomplish his/her lawful objective or to protect the officer or another from serious bodily injury or death. Officers should continuously evaluate the circumstances of the encounter with the goal of exploiting both verbal and tactical opportunities with the intent of de-escalating to a lower force level.

### **C. Equipment, Weapons and Ammunition Generally**

1. Only issued or authorized equipment will be carried on-duty and used when applying any level of less-lethal force. [**1.1.4**]
2. Only weapons and ammunition authorized by the Police Department will be used by agency personnel in the performance of their responsibilities (See policy **4.06 Authorized Weapons**) while on duty unless exigent circumstances compel the officer to utilize other options. [**1.1.9 (a); 1.1.9 (b)**]
3. An officer shall not alter or modify his/her firearm or ammunition in any way without the express permission of the Chief of Police.
4. Sworn personnel of the Department shall take all reasonable precautions to ensure that weapons issued to them by the Department are properly secured, protected from loss, misuse, or theft. Attention is drawn to G.L. c. 140, §§ 131C and 131L. [**1.1.9 (f)**]
5. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon that malfunctions shall be returned to the Department Armorer, Sergeant, or Chief of Police forthwith for the necessary repairs, and a replacement weapon shall be issued by the Chief of Police. The officer shall qualify with the replacement weapon prior to carrying it on duty. [**1.1.9 (d)**]
6. Prior to the issuance of any weapons to the officer, the Department Armorer, Sergeant, or Chief of Police shall review, inspect and approve each individual weapon. If any malfunctions or defects are found, or if the weapon is found to be unsafe in any manner, the deficiency shall either be rectified, or the weapon shall be returned to the manufacturer for a replacement weapon. [**1.1.9 (c); 1.1.9 (d)**]
7. The Department Armorer or Department Designee shall maintain a log for each weapon that is owned or authorized by the Department. This log should list the make, model, and serial number and shall indicate the condition of the weapon. A file shall also be maintained by the Training Coordinator or Department Designee documenting the make, model and serial numbers of the issued and authorized duty weapons to each member of the

Department and a log of each officer's qualifications and re-qualifications. [1.1.9 (e)]

**ENCOUNTERS WITH MINORS, EMOTIONALLY DISTURBED,  
MENTALLY ILL AND PHYSICALLY DISABLED PERSONS**

- A. Encounters may arise between law enforcement and those individuals who are known or suspected of being minors, emotionally disturbed, mentally ill or physically disabled. Such encounters may require special police skills and abilities to effectively and legally respond to the given situation. Officers should never, however, compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of emotional, mental and/or physical illness.
- B. Should the officer determine that an individual may be a minor, emotionally disturbed, mentally ill and/or physically disabled and a potential threat to himself/herself, the officer, or others; or may otherwise require law enforcement intervention for humanitarian reasons, the following responses should be taken, bearing in mind officer safety is most important:
1. Request a backup officer.
  2. Take steps to utilize de-escalation tactics. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts are not occurring, avoid physical contact, and take time to assess the situation.
  3. Move slowly and do not excite the person. Provide reassurance that the police are there to help and that he/she will be provided with appropriate care.
  4. Communicate with the individual in an attempt to determine the root of the person's actions. Relate your concern for his/her feelings and allow the person to express their feelings. Where possible, gather information on the subject from acquaintances or family sworn personnel and/or request professional assistance, if available and appropriate to assist in communicating with the person and/or de-escalating the situation.

5. Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.
  6. Avoid topics that may agitate the person and guide the conversation toward topics that may help ease the individual.
  7. Always attempt to be truthful. If the subject becomes aware of a deception, he/she may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.
  8. Consider containing the situation, establishing distance, waiting for additional help, and/or the arrival of trained medical staff.
- C. While the policies and guidelines regarding the use of force do not change due to a subject's mental or physical status, officers should take this status into account (where the status is known) in their approach of the subject in an effort to de-escalate the situation.
- D. Once a person is under control, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's age, mental, emotional or physical status, and consider available and appropriate reasonable accommodations.
- E. As with any use of force, officers should always provide an immediate medical response to individuals who are exhibiting signs or complaining of injury or illness following a use of force.

## ***LESS-LETHAL FORCE***

### **A. PROCEDURES FOR THE USE OF ALL LESS-LETHAL FORCE**

1. A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary: [UOF-12]
  - a. to effect the lawful arrest or detention of a person;
  - b. to prevent the escape from custody of a person;

- c. to prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force;
  - d. and is accordance with the regulations promulgated jointly by the Commission and the Municipal Police Training Committee pursuant to G.L. c. 6E, § 15(d).
2. It is preferred that less-lethal force not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same result. Officers should issue a verbal warning and allow a reasonable amount of time for response unless a warning could endanger the officer or others.
3. Each less-lethal force option is not intended to be a substitute for other options in situations in which the use of other force options are more appropriate.
4. Absent exceptional circumstances, officers shall not use less-lethal force on susceptible population groups, or for the sole purpose of protecting property.
5. The use of less-lethal force is not authorized for indiscriminate use, non-violent behavior or when an individual is handcuffed unless a threat to the officer or others exists.
6. A subject who is exposed to less-lethal force shall be actively monitored while in police custody after they have received medical care. If the subject requests further medical attention, they shall be transported immediately by EMS to a medical facility. **[1.1.5]**

## **B. LESS-LETHAL FORCE OPTIONS**

1. All officers shall be properly trained and certified, when appropriate, in the use of any less-lethal weapons before being authorized to carry such weapons. **[1.1.4; 1.1.10]**

### **2. CHEMICAL SUBSTANCES**

- a. Chemical substances or sprays (e.g. oleoresin capsicum, commonly known as "OC") may be used when physical force is necessary to:

- i. Protect an officer or other person from an assault;
  - ii. Subdue a person who actively resists arrest; or
  - iii. Control persons engaged in riotous or violent conduct.
- b. When a chemical substance is used, it should be aimed at the subject's face and upper torso. Officers are required to utilize only two (2), one second bursts from at least 3 feet away from the subject unless exceptional circumstances require otherwise. Each deployment of OC spray constitutes a separate use of force and must be justifiable.
- c. First aid shall be administered as soon as practicable under the circumstances. Upon arrival at the police station, the subject shall be given the opportunity to wash his/her face with warm water. Officers shall transport sprayed subjects to the hospital for treatment when they complain of continued effects after decontamination or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the application of chemical spray. **[1.1.5]**
- d. Once handcuffed, a contaminated subject should not be placed faced down. Officers shall monitor handcuffed subjects.

### **3. BATONS: EXPANDABLE BATON (ASP), STRAIGHT BATON**

- a. The Expandable Baton, or the straight baton may be used:
- i. As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile;
  - ii. As a defensive weapon to ward off blows;
  - iii. As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject. An officer is justified in using this type of force under the following circumstances:
    - a) To overcome the violent resistance of an arrestee;
    - b) To overcome an assault on an officer or a third party;

- c) To deter persons engaged in riotous or violent conduct.
- b. For guidance on the use of the baton, please refer to the MPTC/Monadnock chart for appropriate striking areas and descriptions of "Green," "Yellow," and "Red" target areas, a copy of which appears in the Appendix of this Policy.

#### 4. **ELECTRONIC CONTROL WEAPONS (ECWS)**

- a. Only those officers who have successfully completed the requisite ECW training are authorized to carry and use an ECW.
- b. Officers issued and authorized to use an ECW shall:
  - i. Ensure the ECW is carried in an approved holster on the side of the body opposite the service handgun;  
  
**Note:** members not assigned to uniformed duty may use other Department-approved holsters and carry the weapon consistent with Department training.
  - ii. Ensure the ECW is fully armed with the safety on in preparation for immediate use;
  - iii. Ensure cartridges are replaced following the manufacturer's expiration requirements;
  - iv. Ensure only manufacturer-approved battery power sources are used for the ECW;
  - v. Prior to each regular tour of duty shift, confirm that the ECW is functioning properly by performing all tests as defined in training; and
  - vi. Not make any modifications or repairs on the ECW unless authorized in writing by the Armorer.
- c. In accordance with the law, and this Policy, and when it is objectively reasonable to do so, Department members are authorized to utilize an ECW to arrest and/or detain an

individual that has and/or continues to exhibit behavior that leads the officer to believe the individual is actively resisting or assaultive and will resist being arrested or detained.

d. ECW Use of Force Response Table

<b>If the subject is:</b>	<b>Then the response may include:</b>
Actively Resistant	Laser Activation Spark Display Drive Stun
Assaultive – Bodily Harm	Laser Activation Spark Display Drive Stun Probe Deployment
Aggravated Assaultive – Serious Bodily Harm/Death	Laser Activation Spark Display Drive Stun Probe Deployment

NOTE: Department members are not required to use a weapon of less-lethal force if use of lethal force is objectively reasonable.

- e. Situations in which the ECW may be activated in accordance with the above table include but are not limited to:
- i. When an individual uses force or violence against the member or another person(s);
  - ii. When an individual exhibits violent, threatening, or potentially violent behavior;
  - iii. When an individual actively resists an arrest or detention;

- iv. When an individual flees in order to avoid arrest or detention in circumstances where the member would pursue on foot and physically effect the arrest or detention;
  - v. When an individual expresses intent and has the means to commit suicide or inflict serious bodily harm to themselves or others and ECW activation does not create additional risk;
  - vi. To protect officers or others against an aggressive animal; and
  - vii. In the course of Department-authorized training exercises or demonstrations.
- f. Officers shall:
- i. Give the individual a warning prior to activating the ECW, unless doing so would place any member or person(s) at risk;
  - ii. Adhere to the Department's training regarding warnings, which may include verbal warnings, display of the ECW, laser painting, arcing, spark display, or a combination thereof;
  - iii. When feasible, make an announcement to other officers or personnel on the scene that an ECW is going to be activated;
  - iv. Not intentionally activate more than one ECW at a time against an individual;
- Note:** Be aware that an individual subjected to an ECW Cycle may not be able to respond to commands during or immediately following an ECW Cycle exposure;
- v. Limit the number of ECW cycles to the least number of exposures and should last no longer than necessary to bring an individual under control. Each 5-second cycle is

considered an independent use of force and must be objectively reasonable and be documented in writing.

- vi. Avoid continued ECW use as an attempt to facilitate compliance if circumstances indicate that drive stun deployment is ineffective as a pain-compliance technique.

**Note:** Officers should be aware that pain compliance may not be effective against an individual in a mental health crisis state, under the influence of a mind-altering substance, or when extremely focused.

- vii. Consider potential risk(s) to third parties or bystanders when activating ECWs.
- viii. Be aware that a subject's heavy clothing may impede the effectiveness of ECWs.
- ix. Aim, to the degree possible, for the following target areas: (a) lower center mass below the chest; (b) back; or (c) legs.

**Note:** To the extent possible, Department members should avoid sensitive areas such as the eyes, face, head, throat, neck, breasts, groin and genitals.

g. Officers shall not use the ECW:

- i. On a passively resistant individual;
- ii. On a handcuffed or secured prisoner; except where the individual exhibits overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.
- iii. In any environment where the member reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, propane;
- iv. When the individual is located in water;

- v. In any situation where the member has a reasonable belief that the subject might fall resulting in death or serious bodily injury, and the circumstances presented do not justify that risk; or
  - vi. On individuals in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters) unless exigent circumstances exist.
- h. ECW Post-Activation
- i. After a probe deployment, officers shall seek medical attention for the individual and ensure that ECW probes are removed by qualified medical personnel or by a Department Member trained to do so.
  - ii. In any case of Drive Stun deployment or Probe deployment from an ECW on an individual, officers shall:
    - Transport the individual to an emergency care facility for evaluation and/or treatment if any of the following apply:
      - The individual requests medical attention or there is an obvious need for medical attention;
      - The ECW was deployed in a sensitive area (e.g., eye, face, head, throat, neck, breasts, groin, genitals);
      - The individual is part of a susceptible population group;
      - More than three ECW cycles were deployed on the individual or the ECW was deployed for continuous cycles amounting to 15 seconds or more; or

- More than one ECW device has been deployed on an individual.
- Use restraint techniques that minimize risk of impairing a subject's respiration.

## 5. KINETIC ENERGY IMPACT PROJECTILES

### a. Evaluation of Projectiles

Kinetic energy impact projectiles will be evaluated on the following criteria:

- i. *Accuracy*: This is the primary consideration, since proper shot placement greatly assists in controlling the other two evaluation criteria. This will be evaluated based on the anticipated ranges of deployment. A minimal standard of accuracy for such rounds is a 12-inch group at 15 yards in a secure rest.
- ii. *Effectiveness*: This is the potential of the round to cause incapacitation and reduce the subject's ability to continue their inappropriate behavior. The level of energy to cause incapacitation creates the potential for injury, but when properly deployed, with low probability for causing serious bodily injury or death.
- iii. *Potential for Causing Death or Serious Bodily Injury*: The potential for causing death or serious bodily injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back and abdominal cavities and the groin.
- iv. *Deployment Areas*: The less-lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

### b. Deployment

- i. Kinetic energy impact projectiles may be used by an officer to defend himself/herself or others from the threat of serious bodily injury.
- ii. The issued kinetic energy impact weapon [Remington 870 Magnum] will be dedicated to kinetic energy impact projectiles, and marked with ORANGE butt and barrel of the weapon. At NO TIME will lethal ammunition be stored with these weapons. Officers assigned will visually/physically inspect the chamber and magazine, each time the weapon comes under their control (i.e., beginning of the shift, and/or any time the weapon was out of their direct control), to ensure the total absence of lethal ammunition.
- iii. The use of the kinetic energy impact projectile weapon SHALL only be used when authorized by an individual of the rank of Sergeant or above.
- iv. The kinetic energy impact projectile weapon shall be secured in hard rifle or gun cases which are then secured in the assigned officer's cruiser.
- v. When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation are the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target and/or response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

## ***DEADLY FORCE / LETHAL FORCE***

### **A. PARAMETERS FOR THE USE OF LETHAL FORCE**

1. A law enforcement officer shall not use deadly force unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances, and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent

harm. [UOF-05] This may include situations in which there are no viable alternatives available and lethal force is necessary for the officer to:

- a. Defend himself/herself or another from unlawful attack which he/she reasonably perceives as an imminent threat of death or serious bodily injury;

OR

- b. Effect an arrest, **only** when:

- i. The arrest is for a felony; and
- ii. The officer reasonably believes that:
  - a) The force employed creates no substantial risk of injury to innocent persons; and
  - b) The crime for which the arrest is made involved the use or attempted use, or threatened use of lethal force; and
  - c) There is substantial risk that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed.

2. Where practical, and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force.
3. A law enforcement officer shall not use a chokehold. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow." [1.1.4, UOF-06]

## B. FIREARMS

1. In addition to those circumstances provided for in the PARAMETERS FOR THE USE OF LETHAL FORCE, a police officer may discharge a Department-issued and/or authorized firearm in the following instances:
  - a. At a firearms range for authorized training, target practice or competition; or
  - b. To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options shall be exhausted, however, before shooting the animal, and the officer shall adhere to the following guidelines:
    - i. Officers shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.
    - ii. Where feasible, ensure children are not present.

2. **Warning shots and signaling shots are strictly prohibited.**  
[1.1.3]

3. **MOVING VEHICLES**

- a. Officers shall not discharge a firearm **from inside any moving vehicle**.
- b. A law enforcement officer shall not discharge a firearm **into or at a moving vehicle** unless, based upon the totality of the circumstances, such discharge is necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a person and all of the following conditions have been met: [UOF-07]
  - i. The occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious bodily injury to themselves or another;
  - ii. There is no substantial risk to the safety of other persons, including risks associated with motor vehicle accidents;
  - iii. Officers have not positioned themselves in such a way as to create a likelihood of being struck by an occupied

- vehicle (e.g., surrounding a vehicle at close proximity while dismounted);
- iv. The officer is not firing strictly to disable the vehicle; and
  - v. The circumstances provide a high probability of stopping or striking the intended target.
4. **DRAWING & POINTING OF FIREARMS:** An officer shall not draw a firearm except when there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the officer should carry their firearm in a position that will facilitate its speedy, effective, and safe use. Officers shall not point firearms at persons in circumstances, which are clearly unjustifiable. **In the event it is necessary to point a firearm at a subject, officers shall note justification for the use of force within a Use of Force report.**
5. **OFF-DUTY FIREARMS**
- a. Any weapon that an officer carries while off-duty for protection or to enable them to take official action as a police officer, excluding the officer's issued service weapon, will be considered an off-duty weapon.
  - b. Any officer who desires to carry an off-duty weapon and be indemnified with that weapon must first obtain written permission from the Chief of Police by submitting a written request providing a complete description of the firearm, and must qualify with the weapon at the range, at least annually. **[1.1.9 (e); 1.1.10]**
  - c. All ammunition carried in an approved off-duty weapon must be of a type approved by the Chief of Police. **[1.1.9 (b)]**

## **SPECIAL WEAPONS**

- A. When not carried in the locked rack in the patrol vehicle, special weapons will only be issued, with the knowledge and permission of the Officer-in-Charge to officers who have qualified with them.

- B. Special weapons may be selectively issued by the Officer-in-Charge if, in his/her opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons shall use those weapons in accordance with the provisions of this Policy as well as any applicable policies and guidelines issued at the time.
- C. Prior to issuing any special weapon, the Officer-in-Charge of the police station shall inquire of any officer to whom he/she intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a police officer not to accept a special weapon unless he/she is qualified in its use.

### ***DUTY TO INTERVENE***

- A. An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, **shall intervene to prevent the use of unreasonable force unless** intervening would result in imminent harm to the officer or another identifiable individual. [UOF-9]
- B. **An officer who observes another officer using physical force,** including deadly force, **beyond that which is necessary or objectively reasonable** based on the totality of the circumstances **shall report the incident** to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with this Department's policy. The officer's written statement shall be included in the supervisor's report.[UOF-10]
- C. Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident, or made a report regarding the witnessed excessive force incident, shall be a violation of this Department policy and shall, upon a sustained internal administrative investigation, be subjected to the imposition of departmental discipline up to and including termination. [UOF-11]

### ***USE OF FORCE CONSIDERATIONS INVOLVING PLANNED MASS DEMONSTRATIONS [UOF-08]***

- A. When a police department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants.
- B. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.
- C. A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless:
1. de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
  2. the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.
- D. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Massachusetts Peace Officer Standards and Training Commission (POST) detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog.
- E. The Commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

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**ADMINISTRATIVE RELIEF FROM DUTY AFTER FORCE**

**RESULTING IN DEATH OR SERIOUS BODILY INJURY**

- A. In every instance in which any officer acting in an official capacity uses force which results in death or serious bodily injury to another person, the following steps shall be taken: **[1.1.8]**
1. Any employee whose action(s) or use of force in an official capacity results in death or serious bodily injury will be removed from line-duty assignment, pending an administrative review of the incident by a supervisor not directly involved in the incident or such other period of time as the Chief of Police deems necessary. **[1.1.8]**
  2. The officer will be given the opportunity to call his/her family as soon as possible.
  3. The officer shall not be allowed to talk to the press. All information regarding the incident will be disseminated through the Office of the Chief of Police or the Public Information Officer.
- B. Assignment to Administrative Leave status shall be with no loss of pay or benefits.
- C. Relief from operational assignment with full pay and benefits is intended to: (i) address the personal and emotional needs of an officer and his/her involved in the use of force which results in serious bodily injury or death; and (ii) assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- D. Officers on administrative leave shall remain available to the Department and/or State Police Investigators to assist in the investigation of the incident.
- E. Whenever an officer is involved in a use of force incident that results in death or serious injury the Chief of Police or his/her designee will make arrangements for stress counseling. For more information please see **Policy 2.21 Post Traumatic Stress Procedures**.

**POST USE OF FORCE INCIDENT PROCEDURES**

## A. INVOLVED OFFICER RESPONSIBILITY

In all incidents involving: (1) weaponless physical force where either the officer or the suspect is noticeably injured or claims to be injured at the time force is used; (2) the deployment of less-lethal force; or (3) the deployment of lethal force, the involved officer(s) shall: [**1.1.6 (c)**; **1.1.6 (d)**]

1. Notify the Chief of Police, if the Chief is unavailable notify the Sergeant;
2. Request that sufficient officers be dispatched to the scene;
3. Activate EMS, render medical assistance to the subject and arrange for transportation to a medical facility for evaluation and/or treatment;
4. Identify involved officers and witnesses;
5. Preserve any evidence;
6. Secure the scene until the Chief of Police or Sergeant has arrived;
7. File the appropriate incident or arrest report and Use of Force Report pursuant to this Policy.

## B. PATROL SUPERVISOR / OFFICER-IN-CHARGE RESPONSIBILITY

### 1. **LESS-LETHAL FORCE**

In any incident involving an officer's use of less lethal force including: weaponless physical force where either the officer or the suspect(s) are injured or claim to be injured; or a chemical substance; or less-lethal impact weapons, or an electronic control weapon (ECW), the Patrol Supervisor / Officer-in-Charge shall: [**1.1.5**; **1.1.6 (b)**; **1.1.6 (c)**; **1.1.6 (d)**; **1.1.7**; **1.1.14**]

- i. Immediately respond to the scene.

- ii. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. [1.1.5]
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. [1.1.5]
- iv. Conduct an initial review of the circumstances for the use of force.
- v. Identify and interview officers and witnesses.
- vi. Photograph the scene. Officers should make reasonable efforts to protect the subject's privacy.
- vii. Gather and collect evidence. For ECW deployments, take custody of the ECW and discarded cartridge that was deployed and submit the device to the Chief of Police or Sergeant for data downloading. The Patrol Commander or his designee will print the data and attach it to the Supervisor's After Action Report, as soon as practical thereafter.
- viii. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photographs, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.  
  
**NOTE:** A photograph showing no injury may be as important as one, which shows injury.
- ix. File a report prior to the conclusion of their tour of duty.
- x. If the subject is admitted to a medical facility for treatment, respond to the facility and document the condition or injuries. [1.1.5]
- xi. Ensure Incident or Arrest and Use of Force Reports are completed by the deploying officer prior to the conclusion of his/her tour of duty or immediately after their detail assignment.

- XII.** Complete the Supervisor After Action Report and submit the report with any evidence to the Chief of Police or Sergeant.

## 2. **LETHAL FORCE AND FIREARMS**

In any incident involving the use of lethal force; or discharge of firearms, including a kinetic energy impact projectile, the Patrol Supervisor / Officer-in-Charge shall: **[1.1.5; 1.1.6 (b); 1.1.6 (c); 1.1.6 (d); 1.1.7; 1.1.14]**

- i. Immediately respond to the scene.
- ii. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. **[1.1.5]**
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. **[1.1.5]**
- iv. Conduct an initial review of the circumstances for the deployment of force.
- v. Identify involved officers and witnesses.
- vi. **FOR INCIDENTS RESULTING IN DEATH OR EXPECTED DEATH:** In any incident involving the death or expected death of an officer or subject, the Chief of Police or Sergeant shall also notify the Massachusetts State Police CPAC Unit and the District Attorney as soon as possible, and secure the scene until such time that the CPAC Units arrives. In any incident involving the death or expected death of an officer or subject, the Chief of Police or his/her designee shall respond, assume control of the scene and conduct an investigation.
- vii. **FOR INCIDENTS NOT RESULTING IN DEATH OR EXPECTED DEATH:** In any incident not involving the death or expected death of an officer or subject, the Chief of Police or Sergeant shall respond, assume control of the scene and conduct an investigation, unless the Chief of Police or Sergeant is an active participant; if so, the Massachusetts

State Police shall respond and assume control of the scene and conduct the investigation.

- viii. **FOR OFFICER-INVOLVED SHOOTING INCIDENTS:** In any officer-involved shooting incident, obtain a Public Safety Statement from any officer who has discharged a firearm or witnessed an officer-involved shooting incident, unless that officer is medically incapacitated, invokes his/her constitutionally-protected right to remain silent, or requests to consult with legal counsel.

### C. OFFICER-IN-CHARGE/PATROL OFFICER RESPONSIBILITIES

1. The on-duty patrol officer or officer-in-charge may respond to the scene of any incident involving weaponless physical force or instances of less-lethal force.
2. The on-duty patrol officer or officer-in-charge shall respond to all incidents involving the use of lethal force, whether such force results in death or serious bodily injury.
3. The on-duty patrol officer or officer-in-charge shall make all resources, facilities, and personnel of the Department available to assigned investigators;
4. The on-duty patrol officer or officer-in-charge shall ensure that the involved officer(s) is provided with appropriate Federal/State civil rights protection.
5. The on-duty patrol officer or officer-in-charge shall politely refer all media requests for information to the Public Information Officer (PIO).
6. If the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, (unruly/violent bystanders/crowd), that officer should be transported to another, more appropriate location.
7. The Chief of Police or authorized investigator shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the Chief of Police, Sergeant, or if circumstances

merit, the Massachusetts State Police shall:

- a. Take custody of the weapon(s) in a discrete manner; and
  - b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
8. The on-duty patrol officer or officer-in-charge shall immediately institute an investigation into any incident involving the use of lethal force whether such force results in death, serious bodily injury or no injury at all, and shall notify the Chief of Police, Sergeant, or the Massachusetts State Police.

#### D. DEPARTMENT RESPONSE TO INCIDENTS RESULTING IN DEATH OR SERIOUS BODILY INJURY

In any event resulting in the death or serious bodily injury of an officer or subject, the following protocols shall be adhered to:

1. Involved officers shall refrain from speaking or discussing the incident with anyone except with those directly involved, medical or mental health professionals, legal counsel, or union representatives.
2. Involved officers shall remain available, at reasonable times, for interviews and statements regarding the incident.
3. During any period where the involved officers are required to remain on the scene, but have no immediate duties to fulfill, the officer(s) should be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive officer should remain with the involved officer, but should be advised not to discuss details of the incident.
4. If involved officers are not required at the scene, a supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting, such as police headquarters. The supervisor shall:
  - a. Require that involved officers abstain from ingesting caffeine or other stimulants or depressants unless administered by medical personnel.

- b. Conduct a brief interview of the involved officer consisting of only minimal, preliminary questions. The officer should be advised that a more detailed debriefing will be conducted later (but as soon as possible).
  - c. Advise all officers not to discuss the incident with anyone except a personal attorney, an attorney appointed by the Department, a union representative, a departmental or authorized investigator until the conclusion of the preliminary investigation.
  - d. Instruct involved officers to notify their families about the incident as soon as possible and assist them with the notification. Where an officer or officer is unable to do so, an agency official shall personally notify the officer(s) family, and arrange for their transportation to the hospital.
  - e. At all times, when at the scene of the incident, handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
5. Debriefings shall be held as soon as possible after the incident. The Department shall ensure that there are officers on-call or on-duty at all times so that someone is available shortly after an incident.
  6. Any Department or authorized outside agency investigation of the incident shall be conducted as soon and as quickly as practical.
  7. The Department should privately brief other department Sworn personnel concerning the incident so that rumors are kept to a minimum. Department Sworn personnel are encouraged to show the involved officers their concern.
  8. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident.
  9. In order to protect against harassing or abusive calls, personnel should be advised to have phone calls answered by another person for several days if their names are released to the public.

10. Personnel directly involved in a shooting incident shall be required to re-qualify with firearms as soon as practical.

## E. OFFICER WELLNESS CONSIDERATIONS

1. Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that any action in an official capacity resulting in death or serious bodily injury to a citizen or a fellow officer may precipitate such stress disorders. However, such disorders can also be created by accumulated stressors from seemingly minor incidents as well. Consequently, it is the responsibility of this Department to provide all personnel with information on stress disorders and to guide and assist in their deterrence.
2. This section is meant to provide guidelines that shall be uniformly applied following any officer-involved incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder. Moreover, officers are expected to monitor their peers with the goal of interdicting potentially debilitating and harmful stress disorders that can severely impact the fellow officer's career, family, and health.
3. Since some post-traumatic stress disorders may not arise immediately, or the officer/officer may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit personnel for symptoms of the disorder.
4. Some symptoms of post-traumatic stress disorder include:
  - a. A feeling of being numb;
  - b. Feeling out of touch with what is going on around them;
  - c. A feeling that this is happening to someone else;
  - d. Withdrawing and avoiding anything to do with the traumatic situation or police work;
  - e. Avoiding other people, including one's family;
  - f. Intrusive and recurring thoughts of the event and feeling that it may be happening again;
  - g. Irritability;
  - h. Sleep problems;
  - i. Difficulty in concentrating; and

- j. Hyper-vigilance.
5. The Chief of Police may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer or officer's job performance. [22.2.3; 22.2.7]
  6. Any officer whose action(s) or use of force in an official capacity results in death or serious bodily injury will be removed from line-duty assignment, pending an administrative review of the incident, or such other period of time as the Chief of Police deems necessary, after the officer or officer has completed his/her report of the incident. [1.1.8]
  7. All officers directly involved in a shooting incident should contact a department designated specialist for counseling and evaluation as soon as practical after the incident, even if they believe the incident did not impact them negatively. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. [22.2.3; 22.2.7]
  8. The Department strongly encourages the families of sworn personnel and civilians to take advantage of available counseling services, as well. [22.2.4]

## ***USE OF FORCE REPORTING***

### **A. FORM OF USE OF FORCE REPORT**

All Use of Force Reports filed in compliance with this Policy shall be on the Form attached to this Policy and accompany any incident or arrest reports filed by the officers involved.

### **B. USE OF WEAPONLESS PHYSICAL FORCE**

The handcuffing of a compliant detainee will not be construed to be a use of physical force. All officers shall complete a Use of Force Report if they are involved in any instance where physical force greater than handcuffing of a compliant detainee, such as "soft hand physical compliance techniques" or "come-alongs" are utilized, or where the

application of weaponless physical force results in an injury (either noticeable or complained of) to the officer or detainee. [1.1.4]

### C. USE OF LESS-LETHAL FORCE

1. In all incidents involving the use of less-lethal force, all involved officers shall prepare and submit a Use of Force Report. This includes spark displays of an ECW, except when a spark display check is conducted to test the device at the beginning of an officer's shift. [1.1.4; 1.1.6 (a); 1.1.6 (b); 1.1.6 (c); 1.1.6 (d)]
2. **If an ECW is deployed, including a spark display of an ECW**, the supervisor(s) of the officers involved must file an After Action Report (AAR). [1.1.6 (a); 1.1.6 (b); 1.1.6 (c); 1.1.6 (d)]
3. All Officers-in-Charge, subordinate supervisors and the Internal Affairs Supervisor will conduct a written review of all reports concerning each incident where less-lethal force has been utilized. [1.1.7]
4. The Department shall ensure that the Executive Officer of Public Safety and Security (EOPSS) *ECW Use Reporting Form* is completed and submitted as required by EOPSS in accordance with G.L. c. 140, section 131J and St. 2004, c. 170, section 2.

### D. USE OF LETHAL FORCE

1. All officers involved in the use of lethal force shall file a separate Use of Force Report. [1.1.6 (a); 1.1.6 (b); 1.1.6 (c); 1.1.6 (d)]
2. All supervisors shall file a report on the incident and his/her observations with the Officer-in-Charge (OIC) at Police Headquarters. [1.1.6 (a)]
3. It is not necessary to complete a Use of Force Report when a badly injured animal is destroyed. However, the officer shall submit an Incident Report according to current departmental procedures. [1.1.6 (b)]
4. All officers involved in any instance where a firearm was pointed at a subject shall file a separate Use of Force Report. [1.1.6 (a); 1.1.6 (b); 1.1.6 (c); 1.1.6 (d)]

## F. USE OF FORCE INCIDENT REVIEW

1. All reports concerning any use of force incidents shall be forwarded to the Internal Affairs function (Chief or designee), who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action. **[1.1.6]**
2. With respect to all instances of use of force, the Chief of Police or Sergeant shall be responsible for the following: **[1.1.7]**
  - a. Ensuring that a thorough investigation was conducted and that all reports were prepared and submitted; and
  - b. Reviewing all reports submitted to determine whether the use of force was in compliance with department policy and procedures.
3. The Department will adhere to at least the minimum standards for internal agency review of complaints of officer-involved injuries or deaths as established by the Commission.
4. The Department shall adhere to all reporting requirements established pursuant to G.L. c. 6E, and such further requirements as may be promulgated by the Commission.

## G. ANNUAL ANALYSIS

The Chief of Police, Sergeant, or Chief's Designee will conduct an annual analysis of all Use of Force Reports, activities, policies and practices. A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The review should identify: **[1.1.7; 1.1.11 (a); 1.1.11 (b); 1.1.11 (c); 1.1.14; 11.4.1 (b); 11.4.1 (c); 11.4.1 (d)]**

- Date and time of incidents;
- Types of encounters resulting in use of force;
- Trends or patterns related to race, age and gender of subjects involved;
- Trends or patterns resulting in injury to any person including employees; and

- Impact of findings on policies, practices, equipment, and training.

Such analysis and conclusions shall be documented annually to the Chief of Police and appropriate action taken. [**1.1.14; 11.4.1 (e)**]

## **TRAINING**

### **A. GENERALLY**

1. No officer of this Department will be authorized to carry any lethal or less-lethal weapon until he/she has: [**1.1.12; 16.3.6**]
  - a. Been issued a copy of this Use of Force Policy, received instruction and successfully passed a written examination on same; and [**1.1.13**]
  - b. Completed the necessary training and qualifications promulgated by the Municipal Police Training Committee (MPTC); and
  - c. Signed a receipt indicating that he/she has received a copy of this Use of Force Policy and has been afforded the opportunity to discuss it and ask questions regarding the policy, which shall be maintained by the instructor and Training Coordinator. [**1.1.12**]
2. All weapons qualification records and officer scores shall be documented and maintained by the Training Coordinator. [**1.1.11 (b)**]
3. All training in use of force shall be conducted by MPTC-approved instructors and shall comply with MPTC standards. [**1.1.11**]
4. At least annually, all officers authorized to carry weapons are required to receive in-service training on the Department's Use of Force Policy and demonstrate proficiency with all approved lethal weapons and ECWs that the officer is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially. [**1.1.11; 1.1.12**]

5. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

## B. DEFENSIVE TACTICS AND DE-ESCALATION

1. All recruit officers shall receive training on defensive tactics and de-escalation mandated by the Municipal Police Training Committee during the recruit officer training academy.
2. Annually, all officers shall continue to receive the in-service training on defensive tactics and de-escalation mandated by the Municipal Police Training Committee.

## C. ECW TRAINING

1. **Basic User Training:** Six (6) hour certification course is mandatory training for all officers. [**16.3.5; 33.1.1**]
2. **In-Service Training:** All officers who are certified to carry and deploy the ECW **shall complete annually a minimum of one (1) hour in-service documented proficiency and legal update training**, conducted by certified weapons instructor with remedial training available, if needed. [**1.1.11 (a); 1.1.11 (b); 1.1.11 (c); 33.1.1; 33.5.1; 33.6.1 (a); 33.6.1 (b)**]
3. **Instructor Training:** All department instructors are required to complete a sixteen (16) hour ECW manufacturer certification course, and an additional instructor training course from the Municipal Police Training Committee (MPTC). Instructors are required to be trained and re-certified biannually. [**33.1.1; 33.6.1 (a); 33.6.1 (b)**]

## D. FIREARMS TRAINING

1. All recruit officers shall receive training on firearms mandated by the Municipal Police Training Committee during the recruit officer training academy.

2. All personnel authorized to carry a Department-issued weapon shall qualify with their issued weapon and any other weapon they are authorized to carry while on duty at least annually. [**1.1.10**; **1.1.11 (a)**; **16.3.6**]
3. All approved lethal weapons shall be under the direction of the department's Training Coordinator and approved Municipal Police Training Committee (MPTC) weapons and tactics instructors. [**1.1.11 (a)**; **16.3.6**]
4. Following a period of training and practice, all officers will be expected to qualify in accordance with the standards established by the MPTC.
5. Only officers demonstrating proficiency in the use of Department-issued or authorized weapons will be authorized to carry or use those weapons. [**1.1.10**; **1.1.11 (a)**]
6. Qualification and proficiency shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
7. If the Chief of Police approves an off-duty weapon, the officer must qualify with the weapon at the range, at least annually. [**1.1.10**]
8. All officers authorized to use any of the Department's special weapons, such as shotguns, will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Municipal Police Training Committee (MPTC), the manufacturer, or the Department's Weapons and Tactics Instructor, at least annually. [**1.1.9 (a)**]
9. A listing of all officers who have qualified with each special weapon will be maintained with the weapons and with the Training Coordinator.
10. Training in the use of extended range kinetic energy impact projectiles will consist of an annual recertification by department firearms instructors.

#### E. POST TRAUMATIC STRESS DISORDER TRAINING

The Police Department shall provide officers with training pertaining to post-traumatic stress disorders and the uniform practices

contained in this Policy on a regular basis.

#### F. ADDITIONAL TRAINING

Any officer who requires additional training instruction will be given an additional amount of time to demonstrate proficiency and if necessary, remedial training, while removed from line duty assignment. If it becomes necessary, the officer will be sent to additional remedial firearms training until such time as he/she successfully passes the MPTC qualification course. [1.1.11 (c)]

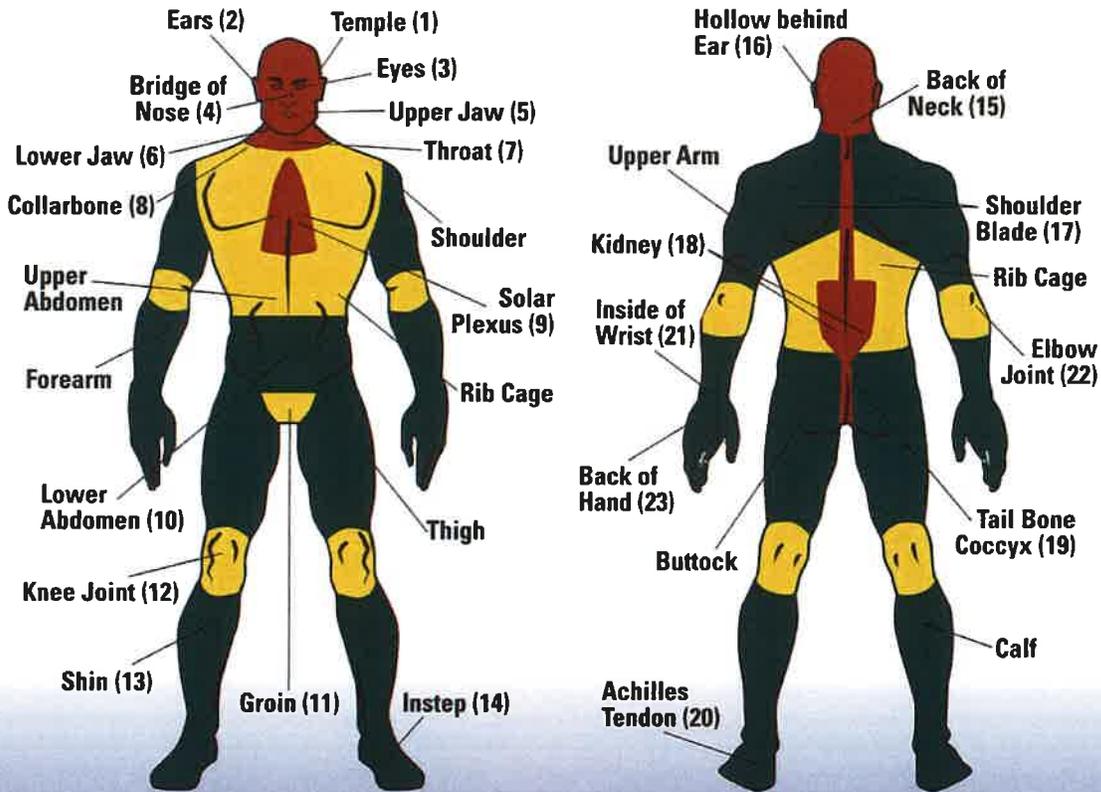
#### G. SPECIAL WEAPONS

Any officer authorized to carry or use any special weapon shall be complete training on such special weapon at least annually. [1.1.11]

## APPENDIX A

### BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



### STRIKING AREAS

GREEN	YELLOW	RED
<p><b>REASONING</b>                      Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p><b>REASONING</b>                      Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p><b>REASONING</b>                      Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

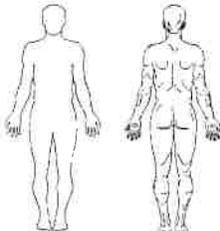
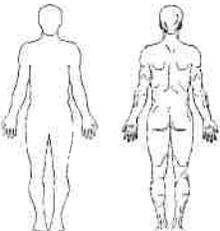
When performing Static / Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking / jabbing techniques.

## **APPENDIX B**

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## SUPERVISOR AFTER ACTION REPORT (ECW)

DATE	TIME	LOCATION	CASE #
SUBJECT'S NAME		DATE OF BIRTH	HEIGHT
		WEIGHT	PHONE NUMBER
<b>REASON THE USE OF FORCE WAS NECESSARY (check all that apply):</b>			
<input type="checkbox"/> TO EFFECT AN ARREST <input type="checkbox"/> TO DEFEND SELF <input type="checkbox"/> PREVENT ESCAPE			
<input type="checkbox"/> TO DEFEND ANOTHER OFFICER / PERSON <input type="checkbox"/> PROTECTIVE CUSTODY / SUBJECT SAFETY			
<input type="checkbox"/> TO DISPATCH ANIMAL <input type="checkbox"/> OTHER: _____			
CHARGES:			BOOKED? <input type="checkbox"/> YES <input type="checkbox"/> NO
DEPLOYING OFFICERS:		SUPERVISOR NOTIFIED / TIME / BY WHOM:	
<b>TYPE OF INCIDENT (check all that apply):</b>			
<input type="checkbox"/> CIVIL DISTURBANCE <input type="checkbox"/> SUICIDAL <input type="checkbox"/> SUICIDE BY COP <input type="checkbox"/> VIOLENT SUSPECT			
<input type="checkbox"/> BARRICADED SUSPECT <input type="checkbox"/> WARRANT SERVICE <input type="checkbox"/> EDP <input type="checkbox"/> OTHER - EXPLAIN: _____			
<b>AT THE TIME OF ARREST, THE SUBJECT WAS:</b>			
<input type="checkbox"/> SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> MENTALLY IMPAIRED / EMOTIONALLY DISTURBED			
<input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> OTHER: _____			
LIGHTING: <input type="checkbox"/> NATURAL <input type="checkbox"/> ARTIFICIAL EXPLAIN: _____			
LOCATION (check all that apply): <input type="checkbox"/> INDOOR <input type="checkbox"/> OUTDOOR <input type="checkbox"/> STATION <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/> HOSPITAL			
<b>FORCE USED PRIOR TO ECW DEPLOYMENT:</b>			
<input type="checkbox"/> VERBAL COMMANDS:			
<input type="checkbox"/> COMPLIANCE TECHNIQUES:			
(Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)			
<input type="checkbox"/> CHEMICAL SPRAY / CHEMICAL AGENT:			
Number of Bursts: _____ Duration of Bursts: _____ Distance from Subject: _____ Impact Location: _____ Time between application / decontamination: _____			
<input type="checkbox"/> IMPACT WEAPON / TEMP. INCAPACITATION:			
<input type="checkbox"/> FIREARM DISPLAY:			
<input type="checkbox"/> OTHER:			
<b>ECW DEPLOYMENT:</b>			
ECW MODEL:	ECW SERIAL #:	ECW AIR CARTRIDGE TYPE:	ECW AIR CARTRIDGE XP#:
ECW USE: <input type="checkbox"/> SUCCESS <input type="checkbox"/> FAILURE			
SUSPECT WEARING HEAVY OR LOOSE CLOTHING? <input type="checkbox"/> YES <input type="checkbox"/> NO			
NUMBER OF CARTRIDGES FIRED:			
NUMBER OF CYCLES APPLIED:			
USAGE (check all that apply): <input type="checkbox"/> ARC DISPLAY <input type="checkbox"/> LASER/LIGHT DISPLAY <input type="checkbox"/> DRIVE STUN <input type="checkbox"/> DART PROBE			
IF DART PROBE APPLICATION, APPROXIMATE DISTANCE TO TARGET (FEET):			

NEED FOR ADDITIONAL APPLICATION? <input type="checkbox"/> YES <input type="checkbox"/> NO		
DID DART PROBES PENETRATE SUBJECT'S SKIN? <input type="checkbox"/> YES <input type="checkbox"/> NO		
PROBES REMOVED ON-SCENE? <input type="checkbox"/> YES <input type="checkbox"/> NO		
PROBES REMOVED BY:		
DID THE ECW RESPOND SATISFACTORILY? <input type="checkbox"/> YES <input type="checkbox"/> NO		
IF DART PROBE DEPLOYMENT WAS UNSUCCESSFUL, WAS A DRIVE STUN APPLICATION USED? <input type="checkbox"/> YES <input type="checkbox"/> NO		
OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:		SHIFT SUPERVISOR(S):
OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:		SHIFT OFFICER(S):
AUDIO-VISUAL EVIDENCE: <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, explain: _____		SUPERVISOR(S) WHO RESPONDED TO SCENE:
<p><b>COMPLETING SUPERVISOR(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT; ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND FORWARD TO SHIFT SUPERVISOR PRIOR TO END OF TOUR OF DUTY</b></p>		
<b>CASE #</b>		
WAS SUBJECT(S) INJURED? * <input type="checkbox"/> YES <input type="checkbox"/> NO	OFFICER(S) TAKING PHOTOS	TOTAL # OF PHOTOS
* (Complete Diagram Below)		
DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM:		
	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
IF SUBJECT WAS INJURED, WAS THE SUBJECT PROVIDED MEDICAL TREATMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
IF YES, DESCRIBE THE MEDICAL TREATMENT PROVIDED:		
WAS OFFICER(S) INJURED? * <input type="checkbox"/> YES <input type="checkbox"/> NO * (Complete Diagram Below)		
DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM:		
	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:	ADDRESS:	PHONE #:

<b>SYNOPSIS:</b>		
<hr/> <hr/> <hr/> <hr/> <hr/>		
<b>POST ECW DEPLOYMENT:</b>		
<b>DESCRIBE SUSPECT'S DEMEANOR AFTER ECW DEPLOYMENT:</b>		
<hr/> <hr/> <hr/>		
<b>FORCE USED AFTER ECW DEPLOYMENT:</b>		
<input type="checkbox"/> <b>COMPLIANCE TECHNIQUES:</b> (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)		
<input type="checkbox"/> <b>CHEMICAL SPRAY / CHEMICAL AGENT:</b> Number of Bursts:                  Duration of Bursts:                  Distance from Subject: Impact Location:                  Time between application / decontamination:		
<input type="checkbox"/> <b>IMPACT WEAPON / TEMP. INCAPACITATION:</b>		
<input type="checkbox"/> <b>FIREARM:</b>		
<input type="checkbox"/> <b>OTHER:</b>		
<b>PHOTOGRAPHS TAKEN:</b>		<b>EVIDENCE SEIZED:</b>
<input type="checkbox"/> YES <input type="checkbox"/> NO   DESCRIBE:		<input type="checkbox"/> YES <input type="checkbox"/> NO   DESCRIBE:
<b>SUPERVISOR REVIEW (Print / Sign / Date):</b>		<b>OFFICER-IN-CHARGE REVIEW (Print / Sign / Date):</b>

**SUPERVISORS: REVIEW & CRITIQUE USE OF FORCE WITH INVOLVED OFFICER(S).**

**NOTE FINDINGS ABOVE AND FORWARD COMPLETED PACKET TO CHIEF OF POLICE**

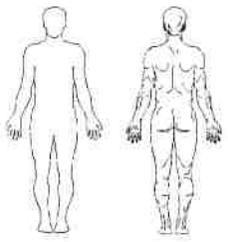
ECW deployment requires an ON-SCENE review, including a narrative report from the responding supervisor.

**APPENDIX C**

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### USE OF FORCE REPORT FORM

DATE	TIME	LOCATION	CASE #
SUBJECT'S NAME		DATE OF BIRTH	RACE / ETHNICITY
HEIGHT		WEIGHT	
<b>REASON THE USE OF FORCE WAS NECESSARY (check all that apply):</b>			
<input type="checkbox"/> TO EFFECT AN ARREST <input type="checkbox"/> TO DEFEND ANOTHER OFFICER / PERSON <input type="checkbox"/> TO DISPATCH ANIMAL		<input type="checkbox"/> TO DEFEND SELF <input type="checkbox"/> PROTECTIVE CUSTODY / SUBJECT SAFETY <input type="checkbox"/> OTHER: _____	
LIST MOST SERIOUS OFFENSE(S) AT TIME FORCE USED:			
WAS SUBJECT INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:	WAS REPORTING OFFICER INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:	MEDICAL TREATMENT PROVIDED TO/BY:	PHOTOS TAKEN BY:
SUBJECTS THAT RESISTED:	# OFFICERS PRESENT:	SUPERVISOR NOTIFIED / TIME / BY WHOM:	
AT THE TIME OF ARREST, THE SUBJECT WAS:			
<input type="checkbox"/> SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL OR DRUGS		<input type="checkbox"/> MENTALLY IMPAIRED / EMOTIONALLY DISTURBED <input type="checkbox"/> OTHER: _____	
<b>OFFICER'S PERCEPTION OF INDIVIDUAL'S ACTIONS (USE NARRATIVE TO DESCRIBE PERCEIVED THREAT(S) POSED BY INDIVIDUAL):</b>			
<input type="checkbox"/> <u>PASSIVE RESISTANCE –</u> (dead weight or non-compliance to Officer's lawful verbal direction, but offering no actively resistive movement)			
<input type="checkbox"/> <u>ACTIVE OR ESCAPE RESISTANCE –</u> (actions such as pushing, pulling, evasive arm movement, flailing, flight, muscle tension, etc. to avoid control)			
<input type="checkbox"/> <u>ASSAULTIVE / HIGH-RISK –</u> (agitated, combative state, physically assaultive actions and/or behavior that poses threat of injury to another – e.g. punching, kicking, etc.)			
<input type="checkbox"/> <u>LIFE THREATENING / SERIOUS BODILY INJURY –</u> (actions that may result in death or serious bodily injury)			
<b>OFFICER'S RESPONSE OPTION(S) (PROVIDE FURTHER DETAILS IN ATTACHED NARRATIVE REPORT(S)):</b>			
<input type="checkbox"/> <u>PRESENCE:</u> <input type="checkbox"/> FULL UNIFORM <input type="checkbox"/> PARTIAL UNIFORM <input type="checkbox"/> PLAINCLOTHES _____ NOTE: Officers not in full uniform, describe means of visual police identification (e.g. raid vest or jacket, displayed badge/ID, etc.)			
<input type="checkbox"/> <u>VERBAL COMMANDS (Describe details in Narrative Report):</u>			
<input type="checkbox"/> <u>COMPLIANCE TECHNIQUES (Describe details in Narrative Report):</u> (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)			
<input type="checkbox"/> <u>CHEMICAL SPRAY / CHEMICAL AGENT (Describe details in Narrative Report):</u> Number of Bursts: _____ Duration of Bursts: _____ Distance from Subject: _____ Impact Location: _____ Time between application / decontamination: _____			
<input type="checkbox"/> <u>IMPACT WEAPON / TEMP. INCAPACITATION (Describe details in Narrative Report):</u>			
<input type="checkbox"/> <u>ELECTRONIC CONTROL WEAPON / DEVICE (Describe details in Narrative Report):</u> <input type="checkbox"/> Laser Only <input type="checkbox"/> Spark Check <input type="checkbox"/> Drive Stun <input type="checkbox"/> Probe Deployment Impact Location: _____ Number of Cycles: _____ Unit #: _____ Serial #: _____ Cartridge Serial #: _____ Distance from Subject: _____			
<input type="checkbox"/> <u>POINT A FIREARM (Describe details in Narrative Report):</u>			

<input type="checkbox"/> <b>DEADLY FORCE – Firearm or other (Describe details in Narrative Report):</b> <input type="checkbox"/> <b>OTHER:</b>		
<b>RESTRAINT METHOD USED:</b> <input type="checkbox"/> HAND or FLEX CUFFS <input type="checkbox"/> LEG RESTRAINTS <input type="checkbox"/> BODY GUARD <input type="checkbox"/> SPIT SHIELD <input type="checkbox"/> NONE <input type="checkbox"/> OTHER:		
<b>OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:</b>	<b>SHIFT SUPERVISOR(S):</b>	
<b>OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:</b>	<b>SHIFT OFFICER(S):</b>	
<b>AUDIO-VISUAL EVIDENCE:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, explain: _____	<b>SUPERVISOR(S) WHO RESPONDED TO SCENE:</b>	
<b>COMPLETING OFFICER(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT;          ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND          FORWARD TO SHIFT SUPERVISOR PRIOR TO END OF TOUR OF DUTY</b>		
<b>DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM:</b>		
	_____ _____ _____ _____ _____	
<b>WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:</b>	<b>ADDRESS:</b>	<b>PHONE #:</b>
<b>OFFICER'S NARRATIVE:</b> Did Officer prepare a detailed incident report describing facts and circumstances leading to the use of force? <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>SUPERVISORY / COMMAND REVIEW</b>		
<b>REPORTING SUPERVISOR (Name and Badge #)</b>	<b>DATE AND TIME OF SUPERVISOR RESPONSE</b>	<b>LOCATION</b>
<b>OFFICER WHO USED FORCE (Name and Badge #)</b>	<b>WAS SUBJECT(S) INJURED?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>WAS OFFICER(S) INJURED?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
<b>SUPERVISOR'S NARRATIVE:</b> (Document steps taken to review and evaluate Officer's use of force.) See _____ -IA (Attached)		
<b>LIEUTENANT REVIEW NARRATIVE:</b> (Confirm proper and complete investigation was conducted.) See _____ -IA (Attached)		
<b>OFFICER REVIEW (Print / Sign / Date):</b>	<b>SUPERVISORY REVIEW (Print / Sign / Date):</b>	<b>LIEUTENANT'S REVIEW (Print / Sign / Date):</b>

**SUPERVISORY / COMMAND: REVIEW & CRITIQUE USE OF FORCE WITH INVOLVED OFFICER(S).**

**NOTE FINDINGS ABOVE AND FORWARD COMPLETED PACKET TO CHIEF OF POLICE**

Use of force requires an ON-SCENE review, including a narrative report from the responding supervisor. This is REQUIRED for incidents involving- Chemical Spray, ECW/ECD deployment or Drive Stun; any incident resulting in injury or complaint of injury; or any other time deemed appropriate by a supervisor.