



Medway Police  
Department

Policy & Procedure No. 41B

<b>DEPARTMENTAL MANUAL</b>	
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**GENERAL CONSIDERATIONS & GUIDELINES**

The Medway Police Department places the highest value on the sanctity of life, safety of its officers, protection of the public and respecting individual dignity. Because of their law enforcement and peacekeeping role, a police officer will be required at times to resort to the use of physical force to enable them to fully carry out their responsibilities. Police officers are confronted continuously with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The degree of force used is dependent upon the facts surrounding the situation the officer encounters. Only a reasonable amount of force may be used and is dependent upon the totality of circumstances.

The rationale for the use of force is to maintain and/or re-establish control over a situation. Control is reached when a person complies with the officer's directions and/or the suspect is restrained or apprehended and/or no longer presents a threat to the officer or another. Since an officer will encounter a wide range of behaviors, the officer must be prepared to utilize a range of force options that are reasonable and necessary to maintain and/or re-establish control by overcoming resistance to the officer's lawful authority while minimizing injuries.

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written directive can offer definitive answers to every situation in which the use of force might be appropriate. Rather, this directive will set certain specific guidelines and provide officers with a concrete basis on which to utilize sound judgment in making reasonable and prudent decisions.

The Medway Police Department recognizes that the development of skills and abilities allowing an officer to regularly resolve confrontations without resorting to force is a hallmark of the professional police officer.

Furthermore, the manner in which personnel utilize force is an extremely critical issue to the Department and one that generates intense public scrutiny. When these incidents occur they demand a thorough and complete inquiry into all aspects of the incident. Only through an exhaustive inquiry can the facts of the incident evolve, giving the department an opportunity to review its policies and procedures and affirm they are appropriate and achieving the desired outcomes and thereby assure that public confidence be maintained.

## **POLICY**

It is the policy of the Medway Police Department that officers use only the force that is reasonably necessary to accomplish lawful objectives such as to make a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and/or others. [1.3.1]

Sworn personnel of this Department may use lethal force only when the officer reasonably believes that the action is in defense of any human life in imminent danger of death or serious bodily injury. Officers may also use lethal force to prevent the escape and effect the arrest of an individual whom the officer has probable cause to believe has committed a felony involving the use, attempted use or threatened use of lethal force and whom the officer reasonably believes will cause death or serious physical injury if apprehension is delayed. [1.2.2; 1.3.2]

In each individual instance, lawful and proper force is restricted to only that force reasonably needed to control and terminate unlawful resistance and to prevent any further physical attack against the police officers or any other person. This would include lethal or less-lethal force, with lethal and less-lethal weapons, or weapons of opportunity to terminate unlawful resistance and to prevent any further physical attack upon the officers or any other person.

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.

The Department requires a written report whenever an officer:

- Discharges a firearm, for other than training or recreational purposes; [1.3.6 (a)]
- Takes action that results in, or is alleged to result in, the injury or death of another person; [1.3.6 (b)]
- Applies force through the use of lethal or less-lethal weapons; [1.3.6 (c)] or

- Applies weaponless physical force at a level required to be reported. [1.3.6 (d)]

In order to comply with this Policy, the attached Officer Use of Force Form Report shall be utilized.

Likewise, it is the policy of the Medway Police Department to provide immediate medical assistance after any action in an official capacity or officer involved shooting incident to safeguard the continued good physical and mental health of all involved personnel. [1.3.5]

All officers of the Medway Police Department should be aware of their personal responsibility during a use of force encounter. Officers shall have an affirmative duty to intervene should they observe a situation in which they perceive more than the necessary use of force is being deployed by a fellow officer. Officers shall complete a course of training related to this standard annually.

## PROCEDURES

### 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. **Compliant Individual:** An individual who is fully cooperative with a Department member.

E. **De-escalation:** The use of tactics, communication skills and other interventions with the goal of non-violent positive compliance with lawful objectives.

F. **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.

G. **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 physical injury or death. [1.3.9 (a)]

H. **ECW Activation:** Any time an ECW is turned on, exclusive of training and routine maintenance & readiness checks.

I. **ECW Cycle:** Occurs when probe deployment delivers energy to an individual.

J. **Force:** The amount of effort required by police to compel compliance by an unwilling subject.

**K. 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 physical injury, when compared to conventional projectiles.

**L. 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.

**M. 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.

**N. Lethal Force:** Use of force intended to inflict serious bodily harm/serious physical injuries or death. Sworn personnel are authorized to use lethal force in accordance with the law and this Policy. [1.3.2]

**O. 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.

**P. Passively Resistant Individual:** An individual who is uncooperative but does not use physical strength or body movement to resist a Department member.

**Q. 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.

**R. Reasonable Force:** Reasonable force is determined under the legal standard set 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.

**S. Safety Priorities:** The Medway 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)

**T. Serious Physical/Bodily Injury:** Serious physical injury or serious bodily injury is defined as any bodily injury, which creates a substantial risk of death; causes serious, permanent disfigurement; or results in extended loss or impairment of the function of any bodily member or organ.

**U. 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.

V. **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.

W. **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.

X. **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.

## **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 who 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 for de-escalation at any time during the encounter.

B. When an officer determines that the use of force is necessary, s/he shall, to the extent possible, utilize the appropriate level of force as determined by the particular needs of the situation.

C. 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 physical 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.

## **D. 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. [1.3.4]
2. Only weapons and ammunition authorized by the Police Department will be used by agency personnel in the performance of their responsibilities (listed in "Appendix A" of this Policy) while on duty unless exigent circumstances compel the officer to utilize other options. [1.3.9 (a); 1.3.9 (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. [1.3.9 (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 (Primary-Sergeant John Meincke, Secondary Officer William Freitas) forthwith for the necessary repairs, and a replacement weapon shall be issued by the Armorer. The officer shall qualify with the replacement weapon prior to carrying it on duty unless primary department needs preclude immediate qualification at which point this should be done as soon as practical. [1.3.9 (d)]
6. Prior to the issuance of any weapons to the officer, the Department Armorer 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. [1.3.9 (c); 1.3.9 (d)]
7. The Department Armorer 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 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. [1.3.9 (e)]

## **ENCOUNTERS WITH 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 emotionally disturbed, mentally ill or physically disabled. As with any other encounter, these encounters could carry the potential for violence and requires an officer to make difficult and timely judgments about the emotional, mental and/or physical state and intent of the individual involved. 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 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 de-escalate the situation. 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 have not occurred, 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 s/he 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, s/he 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 an emotionally disturbed, mentally ill or physically disabled person is under control, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's mental, emotional or physical status.

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. 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.

2. 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 is more appropriate.
3. Absent exceptional circumstances, officers shall not use less-lethal force on children, pregnant women and elderly persons, or for the sole purpose of protecting property.
4. 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.
5. 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. [1.3.5]

## B. LESS-LETHAL FORCE OPTIONS

1. In accordance with this Policy, 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. [1.3.4; 1.3.10]

### 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. [1.3.5]

d. Once handcuffed, a contaminated subject should not be placed faced down due to the risk of positional asphyxia. Officers shall monitor handcuffed subjects.

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

a. The Expandable Baton, or 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. Policy**

- i. The Department shall ensure proper guidance and direction on the use of Electronic Control Weapons (ECWs).
- ii. Department members shall use, and are authorized to use, only that force which is *objectively reasonable* to:
  - Effect an arrest;
  - Restrain or subdue an individual resisting a lawful seizure; or
  - Protect themselves or others from physical harm.
- iii. ECWs may be used by authorized and trained Department members in accordance with this Policy and other established Policy and Procedures. Department members shall use reasonable force to control individuals who are violent, exhibiting threatening or potentially violent behavior, or physically resisting arrest or detention.
- iv. Members should assess each situation to determine which action shall best bring the incident under control, using only that amount of force that is reasonably necessary.
- v. If deployed, ECW cycles shall be limited to the minimum number of deployments necessary and should last no longer than necessary to bring an individual under control.

b. Authorized Users: Only those Department members who have successfully completed the Department’s initial ECW training and subsequent in-service ECW training pursuant to 501 CMR 8.00 *et seq.* are authorized to use an ECW.

c. Weapon Readiness: Department members 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 the spare/secondary cartridge is available as back-up in case of cartridge failure or the need for reactivation;

iv. Ensure cartridges are replaced following the manufacturer’s expiration requirements;

vi. Ensure only manufacturer-approved battery power sources are used for the ECW;

vii. 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.

d. Activation: 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.

e. ECW Use of Force Response Table

If the subject is:	Then the response may include:
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

	<p>Drive Stun Probe Deployment</p> <p>NOTE: Department members are not required to use a weapon of less-lethal force if use of lethal force is objectively reasonable.</p>
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i. Situations in which the ECW may be activated in accordance with the above table include but are not limited to:

- When an individual uses force or violence against the member or another person(s);
- When an individual exhibits violent, threatening, or potentially violent behavior;
- When an individual actively resists an arrest or detention;
- 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;
- 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;
- To protect Department members or others against an aggressive animal; and
- In the course of Department-authorized training exercises or demonstrations.

ii. Department members shall:

- Give the individual a warning prior to activating the ECW, unless doing so would place any member or person(s) at risk;
- 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;
- When feasible, an announcement should be made to other members or personnel on the scene that an ECW is going to be activated;
- Not intentionally activate more than one ECW at a time against an individual;
- 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;
- ECW cycles should be limited 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;

- Avoid continued ECW use as an attempt to facilitate compliance if circumstances indicate that drive stun deployment is ineffective as a pain-compliance technique
- 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.
- Consider potential risk(s) to third parties or bystanders when activating ECWs.
- Be aware that a subject's heavy clothing may impede the effectiveness of ECWs.
- Aim, to the degree possible, for the following target areas:
  - Lower center mass below the chest
  - Back
  - Legs

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

iii. Department members shall **not** use the ECW:

- On individuals who passively resist as defined within this Policy;
- On a handcuffed or secured prisoner;

**EXCEPTION:** ECW, in limited situations, may be used on a handcuffed or secured prisoner if an individual exhibits overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.

- 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;
- When the individual is located in water;
- In any situation where the member has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk; or
- On individuals in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters) unless exigent circumstances exist.

f. Susceptible Population Group: Department members shall be aware of general concerns when an ECW is used on an individual of a Susceptible Population Group. Department Members are not prohibited from using an ECW on susceptible population individuals, but use is limited to those exceptional circumstances where the potential benefit of using the ECW (i.e., injury reduction) reasonably outweighs the risks and concerns.

g. ECW Post-Activation

I. After a probe deployment, Department members 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 a Drive Stun Deployment or probe deployment from an ECW on an individual. Members 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 ECE 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.

Reasonable efforts shall be made to protect the subject's privacy.

h. Off-Duty Considerations: Officers are only authorized to use an ECW when acting in the discharge of his official duties. Accordingly, off-duty use is prohibited. Officer may store the ECW at home provided they make use of a secure storage mechanism.

## 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 current training standards.

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 physical injury or death.

iii. *Potential for Causing Death or Serious Physical Injury*: The potential for causing death or serious physical 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 Shotgun**] will be dedicated to kinetic energy impact projectiles [**CTS Super Sock 2581**] and marked in orange on the butt and fore end or barrel. 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.

iv. The kinetic energy impact projectile weapon shall be stored in a hard rifle case unless the assigned officer has access to a cruiser vault at which point the weapon shall be stored there.

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.

vi. The Shift Supervisor or a more senior official of the Medway Police Department shall be responsible for authorizing the use of Kinetic Energy Impact Projectiles. Only those officers trained and certified in the use of Kinetic Energy Impact Projectiles shall be authorized to use this weapons system. It is the user's responsibility to be properly trained before deploying Kinetic Energy Impact Projectiles.

vii. Whenever possible, Kinetic Energy Impact Projectiles should be employed from a position of cover and with other officers present in support that are armed with service weapons to provide cover and assist with the arrest.

viii. Whenever a Kinetic Energy Impact Projectile has been used against a subject, the Shift Supervisor shall insure that the subject is examined by Medway FD Paramedic/EMT Personnel and transported to a medical facility is needed.

ix. Ideal employment is between 15-60 feet. To avoid undesired injury, a Kinetic Energy Impact Projectile shall not be deployed as distances less than the minimum specified by the manufacturer unless circumstances through this policy allows for the use of lethal force.

## **LETHAL FORCE**

### **A. GENERAL CONSIDERATIONS & GUIDELINES**

The purpose of the following section is to set forth guidelines for sworn personnel of this Department in making decisions regarding the use of **LETHAL FORCE**. The guidelines have been developed with serious consideration for the safety of both the police officers and the public, and with the knowledge that officers must sometimes make split-second decisions in life and death situations.

The value of human life is immeasurable in our society. This Department places its highest value on the sanctity of life, the safety of its officers and the public. The Department's policies and procedures are designed to ensure that this value guides police officers in their use of lethal force.

The citizens of the Commonwealth have vested in their police officers the power to use lethal force in the exercise of their service to society. Police officers are allowed to use lethal force as a means to protect themselves and others from the imminent danger of death or serious bodily injury. Even though all officers must be prepared to use lethal force when necessary, the basic responsibility of police officers to protect life also requires that the utmost restraint be exercised in its use. This includes developing the skills to de-escalate volatile encounters, containing and awaiting assistance, and avoiding poor tactics which may create the need to use lethal force.

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

**1. A member of this Department is authorized to use lethal force only when it is reasonable 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 physical 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. The use of neck restraints, commonly known as choke-holds, have a potential for serious injury, and therefore, are not authorized unless the circumstance(s) warrant the use of deadly force. [1.3.4]

## C. 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.** [1.3.3]

### 3. MOVING VEHICLES

a. Officers shall not discharge a firearm from inside any moving vehicle to a target located outside the vehicle.



b. Officers shall not discharge a firearm **at a moving vehicle**, except if all of the following conditions are met:

- i. It is necessary for the officer to defend himself/herself or others;
- ii. The occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious physical injury to themselves or another;
- iii. There is no substantial risk to the safety of other persons, including risks associated with motor vehicle accidents;
- iv. 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);
- v. The officer is not firing strictly to disable the vehicle; and
- vi. 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 on his/her person while off-duty for protection or to enable him/her 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. Records of officers who have qualified will be maintained by the Department Firearms Instructor (Sergeant Jason Brennan). [1.3.9 (e); 1.3.10]

b. All ammunition carried in an approved off-duty weapon must be of a type approved by the Chief of Police. [1.3.9 (b)]

#### **D. PATROL RIFLES**

1. When situations arise where an officer must take a proactive approach such as when there is reasonable suspicion to believe an incident may involve weapons capable of causing serious bodily harm or death, the deployment of patrol rifles is justified. Officers responding without patrol rifles shall utilize their issued handguns until a patrol rifle is available.

2. Only officers who are trained in certified in its use may deploy a patrol rifle. It is the user's responsibility to be properly trained prior to deploying a patrol rifle.
3. Patrol Rifles shall be secured in the assigned cruiser's trunk vault in Cruiser safe condition.
4. METRO-SWAT officers are authorized to have their assigned Patrol Rifle in their possession both on and off-duty due to their 24 Hour on-call status. It is the SWAT officer's responsibility to ensure that their assigned weapons are secure at all times.
5. Deployment
  - a. Upon removal of the Patrol rifle from the cruiser trunk vault, the user shall ensure that the Rifle is on "safe" and then load a round into the chamber. The rifle is now street ready. The rifle's safety mechanism will remain in the "safe" position once loaded until the necessity to discharge the rifle presents itself.
  - b. When finished with the deployment of the patrol rifle, it shall be placed in Cruiser Safe Condition then placed back in the trunk vault.

## **SPECIAL WEAPONS**

- A. When not carried in the trunk vault in the patrol vehicle, special weapons will only be issued, with the knowledge and permission of the Shift Supervisor to officers who have qualified with them.
- B. Special weapons may be selectively issued by the Shift Supervisor 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 Shift Supervisor shall inquire of any officer to whom s/he 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.

## **ADMINISTRATIVE RELIEF FROM OPERATIONAL ASSIGNMENTS AFTER THE USE OF FORCE RESULTING IN DEATH OR SERIOUS PHYSICAL INJURY**

- A. In every instance in which any officer acting in an official capacity uses force which results in death or serious physical injury to another person, the following steps shall be taken: [1.3.8]
  1. The officer shall be removed from operational assignment, pending an administrative review of the incident in accordance with this Policy and until such time as the officer is fit for duty and their emotional needs have been met. [1.3.8]
  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 serve two purposes:

1. To address the personal and emotional needs of an officer and his/her involvement in the use of force which results in serious bodily injury or death; and
2. To 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. (Metropolitan Law Enforcement Council Stress Unit, Massachusetts State Police Employee Assistance Unit @ 781-821-5496 or MSP Headquarters @ 508-820-2121 or Boston Police Peer Support Unit 617-343-5175 Monday Friday 8:00AM – 5:00PM (all other times 617-594-9091ask to speak to the “on call peer counselor) or any appropriate psychological assistance provider for the officer and members of his or her immediate family, authorized by the Chief of Police.

## **POST USE OF FORCE INCIDENT PROCEDURES**

### **A. DISPATCHER RESPONSIBILITY**

The dispatcher shall:

1. Notify the Shift Supervisor;
2. Dispatch sufficient number of officers to the scene;
3. Make all appropriate, accurate and complete administrative computer entries; and
4. Politely refer all media requests for information to the Public Information Officer (PIO).

### **B. 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: [1.3.6 (c); 1.3.6 (d)]

1. Notify the Shift Supervisor;
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 Shift Supervisor has arrived;
7. File the appropriate incident or arrest report and Officer Use of Force Form Report pursuant to this Policy.

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

##### 1. INCIDENTS INVOLVING WEAPONLESS PHYSICAL FORCE, CHEMICAL SUBSTANCE, AND LESS-LETHAL IMPACT WEAPONS

In any incident involving the use of: 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, the Shift Supervisor shall: [1.3.5; 1.3.6 (b); 1.3.6 (c); 1.3.6 (d); 1.3.7; 1.3.13]

- 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. [1.3.5]
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. [1.3.5]
- iv. Gather and collect evidence.
- v. 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.

- vi. File a report prior to the conclusion of their tour of duty.

##### 2. INCIDENTS INVOLVING USE OF ELECTRONIC CONTROL WEAPONS

In any incident involving the use of an electronic control weapon (ECW), the Shift Supervisor shall: [1.3.5; 1.3.6 (b); 1.3.6 (c); 1.3.6 (d); 1.3.7; 1.3.13]

- 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. [1.3.5]
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented pursuant to Section IV(B)(4)(h) of this Policy. [1.3.5]
- iv. Conduct an initial review of the circumstances for the deployment.
- v. Identify and interview officers and witnesses.
- vi. Photograph the scene (i.e., subject, discarded cartridges and probes, if possible). Officers should make reasonable efforts to protect the subject's privacy.
- vii. Take custody of the ECW and discarded cartridge that was deployed and submit the device to Detective Sergeant John Meincke for data downloading. Sergeant Meincke or his designee will print the data and attach it to the Supervisor's after action report, as soon as practical thereafter.
- viii. Gather and collect evidence.
- ix. If the subject is admitted to a medical facility for treatment, respond to the facility and document the condition or injuries. [1.3.5]
- x. 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.
- xi. Complete the Supervisor after Action Report and submit the report with a copy of the incident report to the Operations Lieutenant.

### 3. INCIDENTS INVOLVING USE OF LETHAL FORCE AND FIREARMS

In any incident involving the use of lethal force; or discharge of firearms, including a kinetic energy impact projectile, the Shift Supervisor shall: [1.3.5; 1.3.6 (b); 1.3.6 (c); 1.3.6 (d); 1.3.7; 1.3.13]

- 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. [1.3.5]
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. [1.3.5]
- 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 Shift Supervisor 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. The Shift Supervisor shall also respond and conduct an investigation on behalf of the Department.

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 Shift Supervisor shall respond, assume control of the scene and contact appropriate resources including notification of the Chief of Police, the Patrol Lieutenant and the Detective Lieutenant.

#### D. SHIFT SUPERVISOR RESPONSIBILITIES

1. The Shift Supervisor may respond to the scene of any incident involving weaponless physical force or instances of less-lethal force.
2. The Shift Supervisor shall respond to all incidents involving the use of lethal force, whether such force results in death or serious bodily injury.
3. The Shift Supervisor shall make all resources, facilities, and personnel of the Department available to assigned investigators;
4. The Shift Supervisor shall ensure that the involved officer(s) is provided with appropriate Federal/State civil rights protection.
5. The Shift Supervisor shall politely refer all media requests for information to the Public Information Officer (PIO)/Chief of Police.
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 Shift Supervisor 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 OIC 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 Shift Supervisor 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, the Patrol Lieutenant, and the Detective Lieutenant.

#### E. DEPARTMENT-WIDE 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 Department-wide protocols shall be adhered to:

1. Involved officers shall refrain from speaking or discussing the incident with anyone except with those directly involved or legal counsel.
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 the police station. 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.

11. See ***Department Policy 55A Officer Involved Shooting***

## F. 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(s) 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; 22.2.6]



6. Any officer whose action(s) or use of force in an official capacity results in death or serious physical 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(s) has completed his/her report of the incident. [1.3.8]

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; 22.2.6]

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. A copy of the incident report and the use of force reports will be placed in the Patrol Lieutenant's mailbox as soon as they are complete. The Use of Force Report shall be scanned into the incident.

### 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, "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. [1.3.4]

### 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. [1.3.4; 1.3.6 (a); 1.3.6 (b); 1.3.6 (c); 1.3.6 (d)]

2. Always remember that each application of the ECW is a separate application of a use of force and a separate Officer Use of Force Form Report must be filed for each application.

3. If an ECW is deployed, including a spark display of an ECW, the supervisor(s) of the officers involved must file a Supervisor AAR Use of Force Form (AAR). [1.3.6 (a); 1.3.6 (b); 1.3.6 (c); 1.3.6 (d)]

4. Shift Supervisors and the Patrol Lieutenant will conduct a written review of all reports concerning each incident where less lethal force has been utilized. [1.3.7]

5. The Department shall ensure that the Executive Office of Public Safety and Security (EOPSS) *ECW Use Reporting Form* is completed and submitted as required by EOPSS. Sergeant John Meincke is responsible for the submission of these completed reports.

#### D. USE OF LETHAL FORCE

1. All officers involved in the use of lethal force shall file a separate Officer Use of Force Form Report. [1.3.6 (a); 1.3.6 (b); 1.3.6 (c); 1.3.6 (d)]

2. All supervisors shall file a report on the incident and his/her observations with the Patrol Lieutenant at Police Headquarters. [1.3.6 (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. [1.3.6 (b)]

4. All officers involved in any instance where a firearm was pointed at a subject shall file a separate Officer Use of Force Form Report. [1.3.6 (a); 1.3.6 (b); 1.3.6 (c); 1.3.6 (d)]

#### E. USE OF FORCE INCIDENT REVIEW

1. All reports concerning any use of force incidents shall be forwarded to the Patrol Lieutenant, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action. [1.3.6]

2. With respect to all instances of use of force, the Patrol Lieutenant shall be responsible for the following: [1.3.7]

- 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.

#### F. ANNUAL ANALYSIS

The Patrol Lieutenant 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: [1.3.7; 1.3.11 (a); 1.3.11 (b); 1.3.11 (c); 1.3.13; 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. [1.3.13; 11.4.1 (e)]
- All reports and conclusions should be reviewed by the Department Use of Force Committee which is tasked with identifying Use of Force training gaps and developing means to improve the department's use of force training program.

#### G. FBI USE OF FORCE REPORTING

Within five days of receiving a Use of Force Report, the Patrol Lieutenant shall submit a report to the FBI Use-of-Force Data Collection database if the use of force involved or resulted in:

- The death of a person due to an officer's use of force;
- The serious bodily injury of a person due to an officer's use of force; or
- The discharge of a firearm by an officer at or in the direction of a person that did not otherwise result in death or serious bodily injury.
- The Patrol Lieutenant shall submit a zero report to the FBI Database monthly if there were no uses of force as described above.

### TRAINING

#### A. GENERALLY

1. No officer of this Department will be authorized to carry any lethal or less-lethal weapon until s/he has: [1.3.12; 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
  - b. Completed the necessary training and qualifications promulgated by the Municipal Police Training Committee (MPTC); and
  - c. Signed a receipt indicating the s/he 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 Patrol Lieutenant as training coordinator. This can be accomplished through the use of the Department's PoliceOne Training Platform. [1.3.12]
  - d. All weapons qualification records and officer scores shall be documented and maintained by the Patrol Lieutenant as Training Coordinator. [1.3.11(b)]
  - e. All training in use of force shall be conducted by MPTC approved instructors and shall comply with MPTC standards. [1.3.11]
  - f. 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 biannually. [1.3.11]

## 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 Police Officers. [16.3.5; 33.1.2]
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. [1.3.11 (a); 1.3.11 (b); 1.3.11 (c); 33.1.2; 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. [33.1.2; 33.6.1 (a); 33.6.1 (b)]
4. **Supervisor Training:** Annually, superior officers of all ranks shall receive specialized ECW awareness and After Action Report (AAR) in-service training by qualified instructors so they can intelligently investigate, properly document and report ECW deployment incidents. This training shall be in addition to the annual ECW in-service training requirement and shall be not less than 2 hours in length. [33.1.2; 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. [1.3.10; 1.3.11 (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. [1.3.11 (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. [1.3.10; 1.3.11 (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 semi-annually. [1.3.10]
8. All officers authorized to use any of the Department's special weapons, such as shotguns and patrol rifles, 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. [1.3.9 (a)]
9. A listing of all officers who have qualified with each special weapon will be maintained by the Lieutenant of Administration and/or 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.
11. Department Firearms Instructors shall maintain a record of each officer which shall include:
  - a. Dates of Training:
  - b. Type of Training:
  - c. Weapons(s) utilized; and
  - d. Pre-qualification and qualification scores.

#### E. POST TRAUMATIC STRESS DISORDER TRAINING

The Department shall provide officers with training pertaining to post-traumatic stress disorders and the uniform practices contained in this policy on a regular basis.

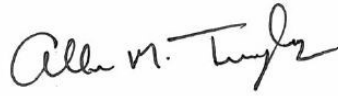
#### F. ADDITIONAL TRAINING

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 s/he successfully passes the MPTC qualification course. [1.3.11 (c)]

#### G. SPECIAL WEAPONS

Any officer authorized to carry or use any special weapon shall receive training on such special weapon at least annually. [1.3.11] **Note: Some Special Weapons may require more frequent training.**

Approved \_\_\_\_\_



Chief of Police Allen M. Tingley

**Review: Annual**

***This policy replaced the following policies: 41B Use of Force, 400 SIWMS, 403 Long Guns which are archived. It was originally issued on January 2, 2018, reviewed, amended and re-issued on November 1, 2020 and will remain in effect until amended or rescinded.***