

USE OF FORCE

POLICY & PROCEDURE NO. 1.01	ISSUE DATE: <u>09/26/2005</u>
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.2.2; 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.8; 1.3.10; 1.3.11; 1.3.12; 16.3.6	REVISION DATE: <u>05/01/2018</u>

I. GENERAL CONSIDERATIONS AND GUIDELINES

Because of their law enforcement and peacekeeping role, police officers 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 continually with situations requiring or resulting in the use of various degrees of force to effect 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(s) face.

Only a reasonable and necessary amount of force may be used. The degree of force the officer is forced to use often depends upon the amount of resistance or threat to safety the situation produces.

The objective of the use of force is to maintain and/or re-establish control over a situation. Control is reached when a person complies with an officer's directions and/or the suspect is restrained or apprehended and no longer presents a threat to the officer or others. Since officers will encounter a wide range of behaviors, they 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 officers' lawful authority while minimizing injuries. Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written policy can offer definitive answers to every situation in which the use of force might be appropriate. Rather, this policy will set certain specific guidelines and provide officers with a concrete

basis on which to utilize sound judgment in making reasonable and prudent decisions.

II. POLICY

It is the policy of the department that:

1. 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 others. [1.3.1]
2. When exigent and unforeseen circumstances cause officers to deviate from the provisions of this rule, 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 rule shall be examined on a case by case basis.

III. DEFINITIONS

- A. *DEADLY FORCE*: Any use of force that is reasonably intended or likely to cause death or great bodily harm.
- B. *LOW LETHALITY FORCE*: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another. Any use of weapons that has a minimized likely hood of causing death or serious injury.
- C. *SERIOUS PHYSICAL INJURY*: Serious physical 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. [1.3.2]
- D. *PROBABLE CAUSE*: Probable cause for arrest exists if, at the time of the arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a-person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.
- E. *REASONABLE BELIEF*: Reasonable belief exists when the facts or circumstances an officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. [1.3.2]

- F. *DEFENSIVE FORCE*: The necessary infliction of physical battery to overcome violent resistance and/or to protect others from assault or injury procedures.

IV. CONTINUUM OF FORCE

- A. The amount and degree of force which may be employed will be determined by the surrounding circumstances including, but not limited to:
1. The nature 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; and
 5. The feasibility or availability of alternative actions.
- B. When an officer determines that the use of force is necessary, (s)he/she shall, to the extent possible, utilize the appropriate level of force as determined by the particular needs of the situation.
- C. The preferred means of using force are set forth below in ascending order from least severe to the most drastic measures. An officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe application of force, except where the officer reasonably believes that lesser means would not be adequate in a particular situation and the use of force is necessary to accomplish his/her lawful objective or to protect himself or another from serious physical injury or death:

Each of these techniques is situational dependent and this policy takes into account that the applications of every step in order IS NOT always practical nor possible in every situation.

1. **VERBALIZATION**. Verbalization is defined as verbal persuasion used by the officer in an attempt to defuse the situation or inform a suspect that (s)he is under arrest.
2. **PHYSICAL STRENGTH/HAND CONTROL**. Physical strength or hand control is the level of force normally required to overcome passive or defensive resistance that is not intended as an act of overt aggression toward the officer when an individual refuses to comply with verbal instructions.
3. **RESTRAINT TECHNIQUES**. Restraint techniques are those techniques an officer feels necessary to use to effect "Take Down and Control Holds" by using his/her hands, feet or police baton.

4. **ELECTRONIC WEAPON** : The electronic weapon is a low lethality conducted energy weapon that uses nitrogen propelled wires to conduct energy to a remote target, thereby controlling and overriding the central nervous system
5. **OLEORESIN CAPSISUM OC Spray** . Department approved non-lethal chemical substance when used to overcome resistance or an assault, or deter riotous or violent behavior.
6. **IMPACT WEAPONS/DEFENSIVE FORCE**. The department approved police baton, when used as an impact instrument by the officer to defend themselves or another from the threat of serious physical injury.
7. **TEAR GAS (CN/CS)**. CNICS Gas Grenades and Projectiles when used in dispersing violent, riotous crowds or when dealing with armed or dangerous barricaded subjects.
8. **DEADLY FORCE/FIREARMS**. The use of Deadly Force is the last option within the continuum of force and is only authorized in accordance with the guidelines established in Section IX of this policy and procedure.

V. PROCEDURES

A. Use of Force, Non-Sworn Employees

1. NON-SWORN: Non-sworn employees have no authority to use force for law enforcement purposes. Non-sworn have no authority to use force other than that associate with a citizen's right to use force.
2. CITIZENS ARREST: A non-sworn employee may use force against another when (s)he/she is making or assisting in making an arrest and (s)he/she believes that such force is immediately necessary to effect a lawful arrest. ¹
 - a. The use of force is not justifiable unless:
 - 1) The employee makes known the purpose of the arrest or believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested; and
 - 2) When the arrest is made under a warrant, the warrant is valid or believed by the employee to be valid.
 - b. The use of deadly force is not justifiable unless the employee effecting the arrest:

- 1) Is authorized to act as a peace officer or is assisting a person whom (s)he believes to be authorized to act as a peace officer, and
 - 2) Believes that the force employed creates no substantial risk of injury to innocent persons; and
 - a) The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or
 - b) There is a substantial risk that the person to be arrested will cause death or seriously bodily harm if his/her apprehension is delayed.
3. SELF DEFENSE²
- a. Non-Deadly Force: For the use of non-deadly force to be justified, the employee must:
 - 1) Have reasonable concern for his/her safety;
 - 2) Pursued all possible alternatives to combat; and
 - 3) Force used must be no greater than necessary.
 - b. Deadly Force: For the use of deadly force, an employee must:
 - 1) Have a reasonable fear that (s)he/she is imminent danger of death or serious bodily harm; and
 - 2) No other means will suffice to prevent such harm.
4. DEFENSE OF THIRD PERSON: ³
- a. A non-sworn employee is justified in using force against another to protect a third person when:
 - 1) A reasonable person in the employee's position would believe the intervention to be necessary for the protection of the third person, and
 - 2) In the circumstances, as that reasonable person would believe them to be, the third person would be justified in using such force to protect himself. The reasonableness of the belief may depend in part on the relationships among the person involved.
 - b. The employee's justification is lost if (s)he uses excessive force, e.g.,

B. Use of Force by Sworn Officers

1. SWORN OFFICERS: 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 others. [1.2.2]; [1.3.1]

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2. PERCEIVED CIRCUMSTANCES: The level of force used by an officer shall be a response based upon:
- a. Threat Perception - the reasonable officer's perspective of the situation in reference to the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance from the subject;
 - b. Perceived Subject Action(s) - the subject action(s) as perceived by the reasonable officer.
 - 1) Compliant: The officer maintains or gains compliance to desired directives via options of tradition, time, communication skills, etc.
 - 2) Passive Resistive: The subject's degree of noncompliance is free of physical or mechanical enhancement, other than sheer unresponsiveness.
 - 3) Active Resistive: The subject's noncompliance has become more active in scope and intensity to a level of energy enhanced physical or mechanical defiance.
 - 4) Assaultive (Bodily Harm): An actual attack upon the officer or others. The scope and severity of the attack would not support the reasonable officer's assessment of death or serious bodily harm to occur to the officer or others.
 - 5) Assaultive (Serious Bodily Harm/Death): The reasonable officer could conclude that death or great bodily harm may be inflicted as a result of the subject's actions.
3. REASONABLE OFFICER RESPONSES
- a. Cooperative Controls: (Compliant) - Includes the subject's acceptance of authority by the use control techniques including; communication skills, common tactics, body language, etc.
 - b. Contact Controls: (Passive Resistant) - "Hands on" techniques used to guide or direct the subject. The primary force component at this level could be non-pain compliance techniques, etc.
 - c. Compliance Techniques: (Active Resistant) - The force forms could include elements of pain compliance, chemical irritants, joint restraints, electrical weapons in drive stun mode, etc.
 - d. Defensive Tactics: (Assaultive) - The officer is justified in taking appropriate steps to immediately cease the assaultive action and to gain compliance and maintain control of the subject. Force could include weapon (baton) strikes, electrical weapon deployment, and canine apprehension.

- e. Deadly Force: (Lethal) - Absolute and immediate tactics must be deployed to stop the lethal risk and secure conclusive compliance and control. Force options could include those leading to permanent debilitation or even death, including firearms and weapons of available means.

C. Use of Deadly Force [1.3.2]

1. Only agency personnel demonstrating proficiency in the use of agency authorized lethal force weapons are approved to carry such weapons. [1.3.10]
2. Annual training and proficiency testing is required to maintain the ability to use the lethal force weapons. The training and the officer proficiency must be documented by the certified instructor and the records and department specific lesson plans shall be retained by the departments training supervisor. Any officer that is unable to qualify with an authorized weapon must undergo remedial training with the certified firearms instructor prior to resuming official duties. [1.3.11]
3. Officers are authorized to use deadly force:
 - a. When the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in the defense of any person in imminent danger or serious physical injury. [1.3.2]
 - b. To effect an arrest only if⁴: [1.3.2]
 - 1) The arrest is for a felony;
 - 2) The officer reasonably believes that the force employed creates no substantial risk to innocent persons; and
 - 3) The officer reasonably believes (i.e. has "probable cause" to believe) that:
 - a) The crime for which the arrest is to be made involved conduct including the use or threatened use of deadly force; or
 - b) There is a substantial risk that the person to be arrested will cause death or serious bodily harm if such person's apprehension is delayed.
4. Where practical prior to discharging a firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot. [1.3.2]
5. Officers may use deadly force to euthanize an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured when the officer reasonably believes that deadly force can be used without harm to the officer or others. [1.3.2]

D. Deadly Force Restrictions

1. **WARNING SHOTS:** Firearms shall not be discharged as a bluff, warning, or signal shot. [1.3.3]
2. **MOVING VEHICLES:** Officers should refrain from discharging a firearm at a moving or fleeing vehicle unless any occupant is using or threatening to use deadly force. Officers should not shoot when the vehicle is no longer an imminent threat. NOTE: Therefore, shooting at a fleeing vehicle or a vehicle that is going away from the officer and is no longer an immediate threat is prohibited. Under such circumstances, officers should be aware of the potential inability of a bullet to penetrate the metal or glass surfaces of an automobile and the likelihood of ricocheting bullets causing injury to innocent persons.

A. Use of Low-Lethality Force [1.3.4]

1. Where deadly force is not authorized, officers may use only that level of force that is reasonably necessary to bring an incident under control.
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment to:
 - a. Protect the officer or others from physical harm;
 - b. Restrain or subdue a resistant individual, while making a lawful arrest or placing a person in protective custody; and/or
 - c. Bring an unlawful situation safely and effectively under control.
3. The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. Use of restraining devices is mandatory on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g., very young juvenile, handicapped, injured).

B. After Care [1.3.5]

1. **ELECTRICAL WEAPONS:** Suspects subdued by the use of an electrical weapon must receive specific after care. See the department policy on ***Electrical Weapons*** for further information.
2. Chemical Weapons
 - a. Pepper Spray
 - 1) Suspects subdued through the use of pepper spray may need to be decontaminated. Officers should refrain from decontaminating detainees while they are violent or assaultive.
 - 2) Remove suspect from contaminated area. If the subject was sprayed in a closed room or vehicle, ventilate the area.

- 3) Suspects should be instructed to try to be calm and not to touch their face. If wearing contact lenses, remove as soon as reasonably possible.
 - 4) Decontamination wipes may be used if available.
 - 5) Allow suspect access to a running hose, holding cell sink or eye wash station if circumstances permit. The effected area may be washed with soap and water.
 - 6) Creams and oils should be avoided as they lock the capsicum against the skin.
 - 7) If symptoms such as breathing difficulties, gagging, profuse sweating and loss of consciousness persist, seek medical attention.
- b. Tear Gas – CN, CS, CR
- 1) Remove suspect from contaminated area to fresh air. Wind or a fan blowing on the suspect will remove particles.
 - 2) Avoid rubbing eyes. Wash affected area with soap and water.
 - 3) Remove contaminated clothing.
 - 4) Be careful to avoid becoming cross contaminated.

C. Medical Attention [1.3.5]

1. After any level of force is used (including lethal, less lethal or other use of force, including, but not limited to weaponless tactics), the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when:
 - a. The suspect is in obvious need of medical attention.
 - b. The suspect has a visible injury; or
 - c. In the case of use of pepper spray immediately after employing the device on a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, Breathing difficulties, gagging, profuse sweating and loss of consciousness; or
 - d. In the event an electronic weapon is used please the **ELECTRONIC WEAPONS** policy for medical attention procedures; or
 - e. The suspect complains of injury or discomfort and requests medical attention.
2. Injury to Prisoner:
 - a. The officer shall promptly notify his/her immediate supervisor of the incident.

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- b. The officer shall attempt to locate and identify all witnesses, and obtain and document their statements.
 - c. The officer shall prepare and submit all required reports. If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a report outlining his/her actions and observations in the incident. See department policy on **Use of Force Reporting**.
3. Watch Commander
- a. If available, and practical, the Watch Commander shall immediately respond to the scene of any incident where, as the result of the application of physical force, an officer is injured, or a prisoner has a visible injury, or complains of injury or discomfort and requests medical attention, and
 - b. [S]he shall:
 - 1) Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented;
 - 2) Ensure that the need for medical treatment for the prisoner is properly evaluated and provided;
 - 3) Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photos, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs; and
 - 4) File a report on the incident and his/her observations with the officer-in-charge of the police station. NOTE: A photograph showing no injury may be as important as one which shows injury.
4. Any person requesting and/or deemed in need of immediate medical attention shall be evaluated by medical personnel or transported (in accordance with the departmental policy on **Transporting Prisoners** to the appropriate hospital or medical facility. All medical treatment received shall be noted in the officer's report.
- a. If the suspect displays Impaired thinking, disorientation, hallucinations and/or delusions, intense paranoia, violent and/or bizarre behavior AND during the arrest exhibits great strength, a diminished sensitivity to pain, the individual may be showing signs of Excited Delirium. During the arrest or immediately after the struggle sudden death may ensue. Arrestees displaying these symptoms should be checked by medical personnel.
 - b. Persons suffering from Cocaine Intoxication, particularly if additional alcohol is used, are subject to increased blood pressure, heart rate and body temperature. Sudden death may occur in such

persons. Arrestees displaying these symptoms should be checked by medical personnel.

- c. Psychiatric patients who display hyperthermia (over heating), are in and out of consciousness and have lumpiness of skeletal muscles may be suffering from Neuroleptic Malignant Syndrome and may also be prone to sudden death. Arrestees displaying these symptoms should be checked by medical personnel.

VI. LOW-LETHALITY WEAPONS AND WEAPONLESS CONTROL TECHNIQUES [1.3.4]

- A. All officers shall be properly trained, and certified by a certified weapons or tactic instructor, in the use of any Low-Lethality weapons and weaponless control techniques (such as TASER, OC Spray or chemical substances) before being authorized to carry and using such weapons and tactics. Biennially training and proficiency testing is required to maintain the ability to use the weapons or techniques. The training and the officer proficiency must be documented by the certified instructor and the records and department specific lesson plans shall be retained by the departments training supervisor. Any officer that is unable to qualify with an authorized weapon must undergo remedial training with the certified weapons or tactic instructor prior to resuming official duties. [1.3.11] All agency personnel (new hire and veteran officer) prior to being authorized to carry low-lethality weapons will have access to and shall be instructed in the policies regarding the use of force, the use of applicable weapons and the provisions of providing appropriate medical aid. The issuance of the policy and required instruction shall be documented and retained in the departments RMS system. [1.3.12]

1. **Electronic Weapon** Please see the **ELECTRONIC WEAPONS** policy
2. **OC Spray** Department approved aerosolized spray containing a mixture of oleoresin capsicum (OC) used for Close Quarters use on an individual within the context of Active Resistance. Each officer is issued and must carry OC spray. Officers must periodically inspect their OC spray and seek replacement for any outdated containers. They must also follow handling safety and storage conditions according to manufacturer's label and departmental training. [1.3.4]
3. **Chemical Substances (other than OC) [1.3.4]**
 - a. Chemical substances may be used when physical force is necessary to:

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- 1) Protect an officer or other person from an assault;
 - 2) Subdue a person who resists arrest; or
 - 3) Control persons engaged in riotous or violent conduct.
- b. It is preferred that chemical substances not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same end. **NOTE:** No tactical advantage is realized by indiscriminate use of chemical substances against non-combative persons.
 - c. Chemical substances are not intended to be a substitute for other weapons in situations in which the use of other weapons is more appropriate.
 - d. The officer involved will file the appropriate use of force reports whenever a chemical substance is employed.
 - e. When a chemical substance is used, first aid shall be administered as soon as practicable under the circumstances.
4. **Police Baton [1.3.4]**
- a. The Police Baton may be used:
 - 1) As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile;
 - 2) As a defensive weapon to ward off blows;
 - 3) As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject when all lesser means of applying non-deadly force have failed or would obviously be futile. 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.
 - 4) Any time the police baton is used to strike a person or a subject is injured when applying a take-down or come-along hold the appropriate reports must be completed.
5. **Tear Gas (CN/CS) [1.3.4]**
- a. CN/CS Grenades/Projectiles are used primarily in dealing with unruly crowds and armed or dangerous barricaded subjects. Unless exigent circumstances exist, they will be used only when all reasonable and practical lesser degrees of non-deadly force

available have been exhausted or would obviously be futile and/or as a tactical alternative to the use of deadly force. CN/CS Grenades/Projectiles shall be used only under the direction of the Patrol Supervisor/Incident Commander, upon authorization of the officer in charge of the police station.

- 1) **Gas Grenades.** Used to disperse unruly crowds or induce the surrender of armed or dangerous barricaded subjects when negotiations have failed.
- 2) **Tear Gas Gun.** Used to fire CN/CS Projectiles to the area of an armed or dangerous barricaded subject, when the use of hand tossed grenades would be unsafe or impractical.
 - a) In crowd control situations involving the use of these chemical agents, subjects should given adequate warning of their imminent use and should be afforded reasonable time to respond to lawful commands.

VII. PERMISSIBLE FIREARMS AND AMMUNITION

1. Officers shall only carry firearms and ammunition issued or authorized by the Department while on duty. **NOTE:** Officers shall carry their issued service weapon while on duty unless authorized by the Chief of Police to carry a different weapon.
2. An officer shall not alter or modify his/her firearm or ammunition in any way without the express permission of the Chief of Police.
3. Under Massachusetts General Laws, a police officer is authorized to carry an issued or authorized firearm at all times when on duty and may carry such firearm while off duty within the Commonwealth of Massachusetts.
4. Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are protected from loss, misuse, or theft.
5. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon which malfunctions shall be returned to the department Armorer forthwith.

VIII. OFF-DUTY WEAPON

- a. Any weapon that an officer carries on his/her person while off duty for protection or to enable him to take action as a police officer

(especially a weapon carried by an officer to and from an assigned tour of duty) 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 must first submit a written request to the Chief of Police detailing a complete description of the firearm.
- c. If the weapon is approved by the Chief of Police, the officer must qualify with the weapon at the range.
- d. Any officer who has not qualified with his/her approved off-duty weapon shall not be indemnified by the department for any use of such weapon until such time as the officer has qualified. The officer may, however, carry his/her service revolver while off duty (if (s)he has qualified with it).
- e. All ammunition carried in an approved off-duty weapon must be of a type approved by the department
- f. All approved off-duty weapons must be carried in a type of holster approved by the Chief of Police or his/her designee
- g. All officers shall qualify with their off-duty weapon by a certified weapons instructor on at least an annual basis. [1.3.11]
- h. Responsibility for range costs for off-duty weapons, instructor, ammunitions, supplies etc. must be borne by the individual officers not the department.
- i. Officers are reminded that their license to carry applies only to Massachusetts. Carrying a firearm in or through any other state is subject to that state's laws and local ordinances and the recent nationwide Federal law (Law Enforcement Safety Act) allowing both active duty and retired officers to carry firearms while in possession of a valid Police Identification Card.

IX. TRAINING AND QUALIFICATION

1. All officers shall be trained in, and will be issued, Policy and Procedure **1.01 "Use of Force"** annually which shall be documented in the department policy software.

2. All officers shall qualify annually with their issued service weapon(s) and any other weapon they are authorized to carry, while on or off duty, by a certified weapons instructor. [1.3.11]
 - a. Should an officer not qualify within the annual time period his/her skills will be evaluated by a department firearms instructors with said instructor notifying the Chief of Police of the officers suitability for continued assigned to active duty.
3. All lethal weapons qualifications and proficiency testing shall be under the direction of the department's or other Municipal Police Training Committee (MPTC) certified firearms and/or tactics instructor. [1.3.11] The firearms instructors will be the determining factor in all skill evaluations relative to firearms for all officers.
4. Following a reasonable period of practice and training, all officers will be expected to qualify in accordance with the standards established by the Municipal Police Training Committee.
5. Officers who fail to qualify with their service weapon(s) shall be denied permission to carry such weapon. The officers will receive additional instruction and will be given a reasonable amount of time to qualify while assigned to administrative duty.
6. Qualification shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
7. No member (new hire or veteran) of this Department will be authorized to carry a firearm until (s)he has:
 - a. Been issued a copy and has been instructed on the department's Use of Force policy which governs the use of warning shots and provisions of administering medical aid, as well as being certified in First Responder Training and successfully passed a written examination on each; and [1.3.11; 1.3.12] The issuance of the policy and required instruction shall be documented and retained in the departments RMS system. [1.3.12]
 - b. Qualified at the range.

X. SPECIAL WEAPONS

1. Unless authorized to be carried in the police vehicle at all times by the Chief of Police, special weapons (less lethal shotguns, TASER, distraction devices, patrol rifles, sniper rifles, etc., and ammunition for same) will be maintained in a secure area of the police department
NOTE: If the Chief of Police authorizes any special weapons, to be

- carried in the police vehicle on routine patrol, only officers qualified on a special weapon shall be authorized to use the special weapon.
2. When not carried in the patrol vehicle on routine patrol, or previously assigned by the Special Response Team Commander special weapons will only be issued, with the knowledge and permission of the officer in charge of the police station, to officers who have qualified with them.
 - a. All officers authorized to use any of the department's special weapons will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Massachusetts Police Training Council, the manufacturer, or the department's Firearms Instructor, at least annually or as otherwise required.
 - b. A listing of all officers who have qualified with each special weapon will be maintained in the departments RMS system.
 - c. The officer in charge of the police station will maintain accountability for these weapons.
 3. Special weapons may be selectively issued by the officer in charge of the police station if, in his/her opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons in such circumstances shall use those weapons in accordance with the provisions of applicable departmental policies and procedures as well as any additional guidelines issued at the time.
 4. Prior to issuing any special weapon, the officer in charge of the police station 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 (s)he is qualified in its use.

XI. REPORTING AND INVESTIGATION OF FIREARMS DISCHARGE

- A. The manner in which police officers use deadly force/firearms 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 and public confidence be maintained.

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1. Firearms Discharge Reporting
 - a. Whenever a firearm is discharged by a member of this department, whether on or off duty, other than for training, ballistics identification or weapon maintenance, legal hunting, legitimate competition, destroying a dangerous or badly injured animal, or target practice at an approved range, (s)he will immediately notify the officer in charge of the police station. The officer shall complete a written report of the incident which shall include: [1.3.6(a)]
 - 1) The names of the officer and other persons involved
 - 2) The circumstances under which the firearm was used;
 - 3) The injury inflicted, if any, and the care given to the injured party; and
 - 4) A detailed description of the technique used in discharging the weapon including:
 - a) Whether the officer used a one or two handed grip;
 - b) Which hand gripped the weapon;
 - c) Whether single or double action was used;
 - d) Whether the sights of the weapon were used to take aim;
 - e) The number of rounds fired by the officer;
 - f) The number of rounds fired by the officer's antagonist;
 - g) The distance from the officer to the antagonist;
 - h) Who fired first
 - 5) Upon such notification, the officer in charge of the police station, or a police official designated by him or the Chief of Police, shall immediately institute an investigation, and
 - 6) If bodily injury has occurred, impound the weapon involved immediately.
 - a) In doing so, the investigating officer shall preserve the firearm in the condition in which (s)he finds it.
 - b) THE INVESTIGATING OFFICER MUST USE EXTRAORDINARY CARE IN THIS RESPECT AS THE GUN MAY STILL BE LOADED.
 - 7) Order the officer involved in the shooting to go to the police station or other suitable place to begin completion of a full and complete report of the incident in writing. If the officer has been injured, (s)he will file the required reports as soon as (s)he is physically and or emotionally able to do so.
 - 8) Interview all injured parties, if possible, to ascertain the circumstances involved in the shooting;
 - 9) Assign sufficient officers to secure the scene of the shooting to preserve physical evidence and request the assistance of investigators and/or crime scene technicians as appropriate;

- 10) Ensure proper chain of custody of the impounded weapon until it is placed in the custody of State Police crime lab personnel;
 - 11) Make arrangements for stress unit or other psychological assistance for the officer, or members of his/her family, if appropriate; at his/her discretion, the Chief of Police or officer in charge may relieve the officer from duty for the remainder of the tour of duty, or such other period as (s)he deems necessary, after the officer has completed his/her report of the incident;
 - 12) In those incidents of the use of deadly force/ firearms where a death results, the District Attorney's office, pursuant to the terms of M.G.L. c. 38, s. 6, will be notified forthwith and will assume control of the investigation.
 - 13) The official conducting the investigation shall file a preliminary report prior to the conclusion of the tour of duty and will complete a detailed investigative report and submit the same to the Chief of Police as soon as possible after the completion of the investigation of the circumstances surrounding the shooting.
 - 14) During the course of the investigation, no police personnel will give any detailed information concerning the incident to any members of the public or news media without express authority from the Chief of Police. In no case shall any information which is prejudicial to any party be released prior to the completion of the investigation.
2. The authority and responsibility for final departmental disposition of a firearms discharge incident rests with the Chief of Police.

XII. ADMINISTRATIVE RELIEF FROM DUTY DUE TO THE USE OF DEADLY-FORCE

- A. In every instance in which any employee whose actions contribute to or uses deadly physical force which results in death or serious physical injury to another person, the following steps shall be taken: [1.3.8]
 1. After completing all internal investigative requirements, the employee will be placed on administrative leave pending administrative review by a supervisor not involved in the incident and it is determined by a

- mental health professional that the employee is ready to return to work. [1.3.8]
- a. The employee will be given the opportunity to call his/her family as soon as possible to avoid the possibility of their learning about the incident through other than official sources, e.g., press, radio, television, etc.
 - b. The employee 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.
2. Assignment to administrative leave status shall be with no loss of pay or benefits.
 3. Relief from duty with full pay and benefits is intended to serve two purposes:
 - a. To address the personal and emotional needs of an employee involved in the use of deadly force which results in injury or death; and
 - b. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
 4. An employee so relieved from regular duty status and assigned to an administrative leave status shall remain on leave until the investigation is concluded and his/her emotional needs have been met. Employees on administrative leave shall assure their availability to the department and/or State Police Investigators to assist when necessary, in the investigation of the incident.
 - a. Whenever an employee is involved in a use of force/deadly force incident that results in a serious injury or death, one of the department's stress officers or a local critical incident stress management (CISM) team will be notified, and the employee may be referred to the appropriate stress counseling.

XIII. SPECIAL REPORTING REGULATIONS- ELECTRONIC WEAPONS

1. Use of electronic weapons, by legislative mandate, requires special reporting requirements, upon each agency utilizing the device. The Greenfield Police Department will submit reports to the Secretary of Public Safety in the manner and the time periods prescribed by that office and in G.L. c. 140 S 131J.

2. These reports will be compiled in the period prescribed by the Secretary Safety from the information contained in the mandated individual use of force reports required for each use of an electronic weapon.

XIV. REPORTING USE OF FORCE:

See the department policy regarding use of force reporting.

¹ *Com. v. Klein*, 372 Mass. 823, 363 N.E.2d 1313 (1977)

² *Com. v. Haddock*, 46 Mass.App.Ct. 246, 704 N.E.2d 537 (1999)

³ *Com. v. Martin*, 369 Mass. 640, 341 N.E.2d 885 (1976)

⁴ *Com. v. Klein*, 372 Mass. 823, 363 N.E.2d 1313 (1977)