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| BOLTON POLICE DEPARTMENT | **Department Manual:****Policy No. 1.01** |
| **Subject:**USE OF FORCE POLICY |
| **MASSACHUSETTS POLICE ACCREDITATION STANDARDS****REFERENCED:** **Statutory: *AN ACT RELATIVE TO JUSTICE, EQUITY AND ACCOUNTABILITY IN LAW ENFORCEMENT IN THE COMMONWEALTH***  | GENERAL ORDER |
| **Effective Date:**October 28, 2021**Revised: 7/1/2020****Revised: 1/14/2021****Use of Force Regulations****M.G.L. Chapter 6E §§14,15** | **Issuing Authority*****Warren E. Nelson, Jr.*****Warren E. Nelson, Jr.****Chief of Police** |  |

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# GENERAL CONSIDERATIONS AND GUIDLINES

The Bolton Police Department’s ***Use of Force Policy*** provides specific written guidelines regarding the reasonable use of necessary force that may be used by Bolton Police Officers while they are serving and protecting the greater community at large. The provisions of this Use of Force Policy are derived from federal, state, and local law as well as existing best practices of accredited law enforcement agencies from across the nation and Guidance and Regulations promulgated from the Massachusetts *Peace Officer Standards and Training Commission* and the Municipal Police Training Committee.

Every day officers are continually involved in numerous and varied interactions and encounters with members of the community. The Bolton Police Department trains each one of our police officers to have a complete and accurate understanding of, and true appreciation for, their individual statutory and common law authority as well as the existing limitations to this authority. This is especially true with respect to overcoming resistance - whether armed or not - while engaged in the performance of lawful law enforcement duties and responsibilities.

As you are aware, the men and women of the Bolton Police Department place the highest value on the sanctity of life, the protection of the public, the safety of our officers all the while respecting individual freedoms, liberty and dignity of every individual that we have occasion to encounter, engage or assist. Because of our law enforcement responsibility and our peacekeeping role, a Bolton Police Officer may at times be called upon and even required to utilize some type of physical force, however slight, to enable our officers to fully carry out their law enforcement responsibilities in maintaining order especially when met with significant resistance or when the individual that is confronted is in the act of causing or attempting to cause injury to another person. Police officers may be confronted with situations requiring or resulting in the use of various degrees of force to not only affect a lawful arrest, but to ensure public safety and to protect themselves or others from imminent harm. The degree of force used is strictly dependent upon the facts and circumstances surrounding the situation that the officer encounters. Our police officers are trained that only a reasonable and necessary amount of force may be used and is dependent upon the intensity of resistance or threat to the safety that the situation presents, and the lack of any less restrictive available alternatives.

It should be understood that the rationale for the use of force is always to maintain and/or reestablish control over a volatile situation and never to be used in a retaliatory manner. Control is reached when a person complies with the officer's directions and/or the suspect is restrained or apprehended and 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 both reasonable and necessary to maintain and/or reestablish control by overcoming resistance to the officer's lawful authority while minimizing injuries. **Officers are further trained that whenever a particular force option is utilized against an individual who fails to comply with the reasonable and lawful commands of the officer(s), that particular force option shall terminate, when it is deemed to be objectively reasonable that a subject is fully within the law enforcement officers’ control.**

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 Bolton Police Department recognizes that the development of certain skills and abilities through ongoing training allows an officer to regularly resolve confrontations and disturbances without the need to resort to force is a hallmark of a professionally trained police officer.

II. DEFINITIONS

1. **Chokehold**. The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death. **Chokeholds are strictly forbidden by statute and are not trained by this department.**
2. **Commission**. The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, §2.
3. **Committee**. The Municipal Police Training Committee as established in M.G.L. c. 6, § 116.
4. **Deadly Force**. Physical force that can reasonably be expected to cause death or serious physical injury. A law enforcement officer **shall not use deadly force** upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the ***totality of the circumstances and such force is necessary to prevent imminent harm*** to a person and the amount of force used is proportionate to the threat of imminent harm.
5. **De-escalation Tactics**. Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person’s voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis. De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible.
6. **Defensive Force.** The necessary use of physical force to overcome violent resistance from an attacker, or to protect others from assault, injury or death.
7. **Department/Police Department/Law Enforcement Agency/Agency.** (i) A state, county, municipal or district law enforcement agency, including, but not limited to: a town, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff’s department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.
8. **Dog.** For the purposes herein, shall also refer to a K-9, canine or police dog.
9. **Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs)**. A portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.
10. **Force**. The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.
11. **Kettling**. Confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.
12. **Law enforcement officer/officer**. Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve, or intermittent police officer.
13. **Lethal Force.**  Lethal Force as used in this policy is defined as that degree of force, which a reasonable and prudent officer would consider likely to cause death or serious physical injury. This may include red zone strikes with batons. The use of a firearm is ALWAYS the use of lethal force. Lethal Force also referred to as Deadly Force (above) is that degree of force that can reasonably be expected to cause death or serious physical injury. A law enforcement officer **shall not use deadly** force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.
14. **Less Lethal Force.**Less lethal force is that degree of force, which in the circumstances is neither likely nor intended to cause death or serious physical injury. It is usually employed as a defensive measure. Officers are trained and issued less lethal police equipment, OC, Expandable Baton, Taser, and a department K-9, to provide them with an advantage when fending off or subduing unarmed assailant. Officers are authorized to use less lethal force that is necessary and proportionate where de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances.
15. **Non-deadly force**. Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.
16. **Officer-involved injury or death**. Any event during which an officer:
17. discharges a weapon, or stun gun, as defined in section 121 of chapter 140, actually or proximately causing injury or death to another;
18. discharges any stun gun as defined in said section 121 of said chapter 140, actually or proximately causing injury or death to another;
19. uses a chokehold, in violation of M.G.L. c. 6E, §14(c), actually or proximately causing injury or death of another;
20. discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
21. discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
22. deploys a dog, actually or proximately causing injury or death of another;
23. uses deadly force, actually or proximately causing injury or death of another;
24. fails to intervene, as required by M.G.L. c. 6E, §15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
25. engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.
26. **Passive Resistance**. An individual who is non-compliant with officer commands that is non-violent and does not pose an immediate threat to the officer or the public.
27. **Probable cause**. Probable cause for arrest exists if, at the time of the arrest, the facts known to 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.
28. **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.
29. **Reasonable Force**. *Graham v. Connor*, 490 US 386, 395 (1989). 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.
30. **Serious Bodily Injury**. Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss or impairment of a bodily function, limb, or organ; or (iii) a substantial risk of death.
31. **Tear Gas or Other Chemical Weapons (“CW”)**. Any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain a person by causing pain. This shall not include oleoresin capsicum (“OC”) spray.

III. POLICY

A. All officers of the Bolton Police Department shall use reasonable and necessary force to overcome resistance to lawful objectives when alternative methods and tactics are either impractical, ineffective or pose a greater risk.

B. Members of this Department may use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical 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. (See section X of this Policy).

1. In each individual instance, lawful and proper force is restricted to only that force necessary 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.

D. This policy requires strict adherence by all personnel including but not limited to all sworn full-time permanent police officers, reserve police officers, retired part-time officers and the animal control officer.

E. All of the provisions contained within this Bolton Police Department Use of Force Policy shall strictly adhere to all applicable statutory and constitutional provisions of federal, state, and local laws including but not limited to the holdings by the United States Supreme Court and the Massachusetts Supreme Judicial Court in:

* **Graham v. Connor, 490 US 386 (1989)**
* **Tennessee v. Garner, 471 US 1 (1985)**
* **Comm. v. Adams, 416 Mass. 568 (1993)**
* **Comm. v. Klein, 372 Mass 823 (1977)**

# F. An officer present and observing another officer using or attempting to use physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, *shall intervene to prevent the observed officer’s use I of unnecessary or unreasonable force*, regardless of rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual.

# G. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances *shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer’s shift*.

# H. Any harassment, intimidation or retaliation against the officer who made such report regarding the witnessed excessive force shall be a violation of this department policy and shall upon a sustained internal administrative investigation shall be subjected to the imposition departmental discipline up to and including termination.

# I. The officer *shall prepare a written statement describing the incident consistent with uniform protocols*. The officer’s written statement shall be included in the supervisor’s report.

J. ***The failure of a law enforcement officer to intervene as set forth herein may subject the officer to de-certification by the Commission*.**

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 who 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.

6. The opportunity for de-escalation at any time during the encounter.

B. When an officer determines that the use of force is necessary, he 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 lawful objective or to protect himself 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.

1. **VERBALIZATION.** Verbalization is defined as verbal persuasion, by way of verbal commands, used by the officer in an attempt to defuse or deescalate the situation or inform a suspect that he is under arrest.

2. **WEAPONLESS PHYSICAL FORCE:** Weaponless physical force techniques, including distraction techniques, are those techniques an officer feels necessary to use to effect "Take Down and Control Holds" by generally using their hands.

3. **CHEMICAL SUBSTANCE.** Department approved less lethal chemical substance when used to overcome resistance or an assault, or deter riotous or violent behavior.

4. **LESS LETHAL IMPACT DEVICES.** The Department has approved the following Less Lethal Impact Devices when used as an impact instrument by the officer to defend themselves or another from the threat of serious physical injury.

 ● Expandable Baton

 ● 12-Gauge “Super Sock”

 ● Taser X2

1. **LETHAL FORCE/FIREARMS**. The use of ‘Lethal 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.

# D. MPTC USE OF FORCE REFERENCE GUIDE

 **Perceived Circumstances**

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##  Perceived Subject Action (s) Reasonable Officer Response (s)

The **Totality Triangle ©** depicts the three elements which must be considered in determining whether an application of force was objectively reasonable.

**Perceived Circumstances -** the officer’s perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance / non-compliance from the subject; culminating in its identification on the Use of Force Model.

**Perceived Subject Action (s) -** the subject action (s) as perceived by the reasonable officer that designate the subject at one or more of the Use of Force Model’s compliant / non-compliant categories.

**Reasonable Officer Response (s) -** the “balanced” response (s) appropriate for the reasonable officer’s selection from the Use of Force Model’s identified response categories, in order to maintain or gain subject compliance and control.

 **MPTC Use of Force Model**

The Use of Force Model was developed in 1991 by Dr. Franklin Graves, Federal Law Enforcement Training Center and Professor Gregory J. Connor, University of Illinois Police Training Institute. ™ 1998, G. Connor. All rights reserved.

**Threat Perception Color Code -** the tactically applied and color adapted correlation of the Threat Perception Categories on the Use of Force Model.

**Control Superiority Principle © -** the understanding and visualization method utilized to reinforce the inherent principle of officer force superiority over the subject’s degree of compliance / non-compliance.

**Assessment / Selection Arrows -** the mechanism utilized to indicate the dynamic nature of an officer’s decision-making process of Tactical Transition © during the enforcement encounter.

**Threat Perception Categories**

**Strategic -** the broad “mind set” of the officer, represented by the blue baseline on the Threat Perception Color Code©. The contemporary officer must maintain this functional foundation, centered upon strategies designed to enhance the status of safety.

**Tactical -** the second level on the Use of Force Model, depicted by the color green. Here the officer perceives an increase in threat potential within the confrontational environment and tactical procedures are designated and deployed.

**Volatile -** the third level on the Use of Force Model utilizing the color yellow to indicate an activated level of alertness and threat potential. Here the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter.

**Harmful -** at this level on the Use of Force Model the color orange denotes an accelerated perception of threat directed upon the officer or others. In this regard the officer must deploy initial defensive force in the effort toward eventual subject compliance and control.

**Lethal -** the highest level on the Use of Force Model correlates to the most intense color in the Threat Perception Color Code©, red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.

**Perceived Subject Action (s) Categories**

**Compliant -** represents the vast majority of officer / citizen confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via cultural acceptance, verbalization skills, etc.

**Resistant (*Passive*) -** the preliminary level of citizen non-compliance. Here, the citizen, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort.

**Resistant (*Active) -*** the subject’s non-compliance is increased in scope and / or intensity. The subject’s non-compliance now includes energy enhanced physical or mechanical defiance.

**Assaultive (*Bodily Harm) -*** the officer’s attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would not result in the officer’s or other’s death or serious bodily harm.

**Assaultive (*Serious Bodily Harm / Death*) -** the officer’s attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death to the officer or others.

### Officer Response (s) Categories

**Cooperative Controls -** include contemporary controls developed to preserve officer safety and security, including: communication skills, restraint applications (routine handcuffing), etc.

**Contact Controls -** includes resistant countermeasures designed to guide or direct the non-compliant subject. These “hands on” tactics would include the elbow / wrist grasp, Hand Rotation Position©, escort position, etc.

**Compliance Techniques -** includes resistant countermeasures designed to counter the subject’s enhanced degree of resistance. These tactics could include arm/wrist manipulation, balance displacement, physical restraint, arm bar take down, distraction techniques, O.C., Baton restraint & control, Taser Drive Stun, etc.

**Defensive Tactics -** includes assaultive countermeasures designed to cease the subject’s non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include weaponless strikes, Taser probe deployment, baton strikes, kicking techniques, “bean bag”, etc.

**Deadly Force -** includes assaultive countermeasures designed to cease an assault which is lethal or could cause great bodily harm on the officer or others. These tactics could include the use of a firearm, lethal strikes, neck restraints, choke holds, etc.

V. Dealing with MINORS (<18); Emotionally Disturbed Persons (EDP’s) or Physically Disabled INDIVIDUALS

1. When an officer of this department is dealing with certain individuals in an enforcement capacity or other related potential custodial context who are either known or believed to be minor children (<18), mentally ill or physically disabled and that could carry the potential for physical resistance or violence, certain timely considerations and informed judgments about their mental and/or physical state need to be considered. Dealing with these individuals may require special police skills, abilities, or in-service and/or specialized training to effectively and legally deal with the person so as to avoid unnecessary violence, or injury to the officer or the subject who either is in distress or who has committed a criminal offense.
2. Therefore, it is extremely important that members of this department shall be issued specific guidance on developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to the use of force for minor children (<18), mentally ill or physically disabled that may take into account contextual factors including, but not limited to, the person’s age, disability status, developmental status, mental health, linguistic limitations or other mental or physical condition. Given the sometimes unpredictable nature of children or the mentally ill and/or physically disabled, officers should never compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of mental and/or physical illness or who are below the age of 18. In the context of enforcement and related activities, officers shall be guided by Massachusetts State Law and [**Bolton Police Policy 1.16 Handling the Mentally Ill**](file:///%5C%5Cminos%5Cpolice%5Ccid%5CEconley%5CMy%20Documents%5CIA%5CPursuit%20Forms%5C1.16%20Handling%20the%20Mentally%20Ill.DOC) regarding the detention of the mentally ill and /or physically disabled and [**Bolton Police Policy on Handling Juveniles 1.15**](file:///C%3A%5CUsers%5Ctdunn%5CDownloads%5C1.15%20Handling%20Juveniles.DOC)for minor children between the ages of 12 and 18 years of age. Officers shall use these policies to assist them in balancing whether a person’s behavior is indicative of mental illness and dealing with the mentally ill and physically disabled in a constructive and humane manner while insuring officer and public safety.

**C.** Should the officer determine that an individual may be a minor, mentally ill and/or physically disabled and a potential threat to himself, the officer, or others, or may otherwise require law enforcement intervention for humanitarian reasons the following responses may be taken, bearing in mind officer safety is most important.

1. Request a backup officer, and always do so in cases where the individual

will be taken into custody.

1. 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.

**Note: DE-ESCALATION**: Members shall use de-escalation techniques whenever possible and appropriate, before resorting to force and to reduce the need for force. De-escalation techniques may include verbal persuasion, warnings and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the member and the threat, and requesting additional resources (e.g., specialized units, mental health care providers, negotiators, etc.) to resolve the incident.

a. When reasonable under the totality of circumstances, members should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.

b. Members should recognize that they may withdraw to a position that is tactically advantageous or allows them greater distance in order to de-escalate a situation or consider or deploy a greater variety of force options, including lesser force or no force at all.

c. Members shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions.

d. Members shall not use tactics designed to intentionally escalate the level of force.

1. Move slowly and do not excite the disturbed person. Provide reassurance

that the police are there to help and that he will be provided with

appropriate care.

1. Communicate with the individual in an attempt to determine what is

bothering him. Relate your concern for his feelings and allow him to

ventilate his feelings. Where possible, gather information on the subject

from acquaintances or family members and/or request professional

assistance if available and appropriate to assist in communicating with

and calming the person.

1. Do not threaten the individual with arrest or in any other manner as this

will create additional fright, stress, and potential aggression.

1. Avoid topics that may agitate the person and guide the conversation toward

subjects that help bring the individual back to reality.

1. Always attempt to be truthful. If the subject becomes aware of a deception, he may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.
2. Consider containing the situation, establishing distance, waiting for additional help, the arrival of trained medical staff.
3. In furtherance of the department policy to utilize de-escalation protocols whenever practical – especially when dealing with minor children or an emotionally disturbed person or someone otherwise in crisis, Bolton Police Officers should always attempt to implement the trained principles of what is commonly referred to as ICAT (Integrating, Communication, Assessment & Tactics) whenever possible.

These principles are comprised of carefully developed strategies that train police officers to:

(1) slow down a situation,

(2) communicate (have a direct conversation) with the subject who appears to be in crisis and/or distress,

(3) devise a strategy,

(4) be willing to create space and distance whenever possible,

(5) maintain a position of advantage over the subject whenever possible,

(6) assess and continue to reassess the situation,

(7) work as a well-coordinated team with other personnel on the scene,

(8) have one individual designated as the contact officer (communicator with the subject),

(9) designate cover officer(s) to keep the scene safe and contained,

(10) isolate the subject to prevent others from being in harm’s way,

(11) have an initial plan devised but be ready to shift with a backup plan in a moment’s notice should the initial plan fail, and

(12) intervene only if there is an immediate threat.

Note: The Bolton Police Department fully recognizes that there are those times where a subject may not be amendable to the aforementioned ICAT principles or the subject may become assaultive toward the officer(s) and/or others with a dangerous weapon. In these situations ICAT does not prevent an officer from using a justified use of force option - to include lethal force - if the situation warrants especially if a firearm is involved. ICAT principles have been developed to make the option of lethal (deadly) force as a last resort where the officer needs to protect the public or themselves from imminent danger of serious bodily injury or death.

D. While the force continuum does not change due to a subject’s mental or physical status, officers should take this status into account [where the status isknown] in their approach of the subject in an effort to de- escalate the possibility of a violent outburst by the subject.

Once a mentally disturbed; emotionally disturbed or physically disabled person has been controlled, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject’s mental, emotional or physical status.

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.

VI. PARAMETERS FOR THE USE OF LESS LETHAL FORCE

The use of intermediate force options, also referred to as *less lethal force*, have the potential for lethality. The application of less lethal force by a police officer in the performance of their duty will generally be limited to defensive situations where it is necessary;

A. In self-defense, or defense of another, against unlawful violence or attack to his person or property; or

1. To preserve the peace, prevent the commission of offenses, or prevent suicide or self- inflicted injury.
2. To apprehend or subdue a person in a reasonable and balanced manner who actively resists arrest or lawful detention.

VII. USe of non-deadly force [From Use of Force Regulation 550 CMR 6.00]

A law enforcement officer shall not use force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to: (i) effect the lawful arrest or detention of a person; (ii) prevent the escape from custody; (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or (iv) defend against an individual who initiates force against an officer.

A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.

Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a use of force for purposes of this section. Use of force does include the pointing of a firearm, ECW, CED or CW at an individual and the use of OC spray on an individual or directed toward an individual.

Officers shall always provide appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible.

All law enforcement officers shall be properly trained and certified in the use of any less-lethal weapons before being authorized to carry or use such force options.

Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual’s chest, neck, or spine, and shall not force an individual to lie on their stomach.

A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual’s head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

VIII. PROCEDURES: LESS LETHAL FORCE

A. Only issued or approved equipment will be carried on duty and used when applying any level of less lethal force**.**

B. 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., prisoner is handicapped, etc.). The mere placing of handcuffs on a detainee will not be construed to be a use of physical force.

1. **The use of neck restraints or control techniques, commonly known as choke holds, have a potential for serious injury therefore are not authorized.**

D. **A law enforcement officer shall not use a chokehold to restrain or subdue a suspect under any circumstances. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow**.

E. **After any level of less lethal force is used, 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:**

1. **That person has a visible injury; or,**

**2. That person complains of injury or discomfort and requests medical attention.**

 **NOTE: Any person requesting and/or deemed in need of**

**immediate medical attention shall be transported by ambulance**

**(in accordance with departmental transportation procedures)**

**to the nearest available emergency treatment center or hospital.**

**All medical treatment received shall be noted in the officer's report.**

E. The officer shall promptly notify his immediate supervisor of the incident.

F. The officer shall attempt to locate and identify all witnesses, documenting their statements.

G. The officer shall prepare and submit all required reports including a [Use of Force Report Form](file:///G%3A%5CFORMS%5CShortcut%20%282%29%20to%20Use%20of%20Force%20%28Subject%20Resistance%20Response%20Report%29.lnk). If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a separate report outlining his actions and observations in the incident.

H. **The Patrol Supervisor 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 detainee has a visible injury, or complains of injury or discomfort and requests medical attention, and he shall**:

1. **Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented.**

1. **Ensure that the need for medical treatment for the detainee 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 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.

4. Report the incident and his observations the Officer in Charge (OIC) at Police Headquarters.

5. Supervisors are required to file an After Action Report (AAR) whenever requested to do so by an officer superior to them. Additionally, supervisors are required to file an AAR for [Taser deployment](file:///G%3A%5CFORMS%5CTASER%20after%20action%20report.doc) or if an officer was involved in a [vehicle pursuit](file:///G%3A%5CFORMS%5CPursuit%20Evaluation.pdf)*.* An exception to this rule would only be if the supervisor was directly involved in the incident, which would require another superior officer to file the AAR (Taser deployment or vehicle pursuit).

6. All Officers-in-Charge, subordinate supervisors and the Internal Affairs Supervisor will conduct a written review of all reports concerning each incident where less-lethal or lethal force has been utilized.

7. The Internal Affairs Supervisor shall also conduct an annual audit of all Use of Force Report Forms and After Action Reports (firearms, defensive weapons, Taser, pursuits etc.) which may indicate additional or improved training methods, policy modifications and or equipment upgrades.

IX. Less LETHAL WEAPONS

A. All officers shall be properly trained and certified when appropriate, in the use of any less lethal weapons (such as the Chemical substances, expandable or Taser) before being authorized to carry such weapons. K-9 handlers are specially trained in the use and deployment of a K-9.

B. **Chemical Substances. (OC Spray) or Taser Deployment**

1. Chemical substances or a Taser may be used when physical force is necessary to:

a. Protect an officer or other person from an assault;

b. Subdue a person who actively resists arrest; or

c. Control persons engaged in riotous or violent conduct.

2. It is preferred that chemical substances or a Taser not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same end. Officers should issue a verbal warning and allow a reasonable amount of time for response unless a warning could endanger the officer or others.

NOTE: No tactical advantage is realized by indiscriminate use of chemical substances a Taser or any less lethal weapon against non-combative persons.

3. Chemical substances or a Taser are not intended to be a substitute for other weapons in situations in which the use of other weapons is more appropriate.

4. Absent exceptional circumstances, officers shall not use OC spray on children, pregnant women and elderly persons, or for the sole purpose of protecting property.

4. The officer involved will file the appropriate reports, including a [Use of Force Report Form](file:///G%3A%5CFORMS%5CShortcut%20%282%29%20to%20Use%20of%20Force%20%28Subject%20Resistance%20Response%20Report%29.lnk), whenever a chemical substance is employed. A supervisor must file an After Action Report after Taser deployment.

5. **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 must be justifiable. First aid shall be administered as soon as practicable under the circumstances. Upon arrival at Police Headquarters the subject shall be given the opportunity to wash 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 OC spray. It is mandatory after Taser deployment to transport the subject by ambulance to a medical facility for probe removal.**

6. The use of OC Spray is not authorized for non-violent behavior or when handcuffed unless a threat to the officer or others exists.

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

C. **Police Batons: Expandable Baton**

1. The Police Expandable 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;

b. As a defensive weapon to ward off blows;

c. 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 defensive force have failed or would obviously be futile. An officer is justified in using this type of force under the following circumstances:

i. To overcome the violent resistance of an arrestee;

ii. To overcome an assault on an officer or a third party;

iii. To deter persons engaged in riotous or violent conduct.

1. Any time the police baton is used to strike a person or a subject is injured when applying a takedown or come-along hold medical treatment shall be provided and Use of Force report must be completed.
2. For guidance on the use of the baton please refer to the MPTC / Monadnock chart below for appropriate striking areas and descriptions of “Green,” “Yellow,” and “Red” target areas.



X. LETHAL FORCE: GENERAL CONSIDERATIONS AND

 GUIDELINES

The purpose of the following section is to set forth guidelines for members 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 of last resort to protect themselves and others from the immediate threat of death or serious physical 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 and that officers exhaust all other reasonable means before resorting to the use of lethal force. 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.

***LETHAL FORCE*.**  Lethal Force as used in this policy is defined as that degree of force, which a reasonable and prudent officer would consider likely to cause death or serious physical injury. This may include red zone strikes with batons. The use of a firearm is ALWAYS the use of lethal force. Lethal Force also referred to as Deadly Force (above) is that degree of force that can reasonably be expected to cause death or serious physical injury. A law enforcement officer **shall not use deadly** force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.

XI. PARAMETERS FOR THE USE OF LETHAL (Deadly) FORCE

A member of this Department is authorized to use lethal force only when there is no viable alternative available to:

1. Defend himself or another from unlawful attack which he reasonably perceives as an immediate threat of death or serious physical injury;

OR

1. Effect an arrest, only when:

1. The arrest is for a felony; and

2. 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 apprehension is delayed**.

1. **Where practical and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force**.

**\* Warning shots are strictly prohibited.**

1. A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm and;
2. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;
3. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
4. The officer’s use of force is objectively reasonable.
5. A law enforcement officer shall not use a chokehold or other tactics that restrict or obstruct an individual’s breathing or oxygen or blood flow to an individual’s head or neck. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow.
6. An officer may not use deadly force against a person who poses only a danger to themselves.
7. A law enforcement officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm; and only if the following conditions exist:
8. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle, or when the vehicle is intentionally being used as a deadly weapon, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
9. Officers have not intentionally 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);
10. The officer is not firing strictly to disable the vehicle; and
11. The circumstances provide a high probability of stopping or striking the intended target.
12. A law enforcement officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.
13. Where feasible based on the totality of the circumstances, officers shall verbally identify themselves as police officers and issue some warning before using deadly force.
14. Officers shall always provide appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

XII. FIREARMS PROCEDURES

A. **Police Officers receive academy and annual in-service firearms training prior to being issued firearms for self-protection and for the protection of the public.**

B. Apolice officer is authorized to use a firearm to:

1. Protect himself or others from what he reasonably believes to be an immediate threat of death or serious physical injury; or

1. 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, in accordance with the conditions set forth in Section X, "Parameters for the Use of Deadly Force."

C. **In the event that the use of Lethal Force becomes necessary, the officer shall immediately render appropriate medical aid for that person upon whom the force was used, activate the EMS System and arrange for transportation to the hospital for further treatment as necessary**.

 NOTE: Any person requesting and/or deemed in need of

immediate medical attention shall be transported by ambulance (in

accordance with departmental transportation procedures)

to the nearest available emergency treatment center or

hospital. All medical treatment received shall be noted in

the officer's report.

1.) The officer shall promptly notify his immediate supervisor of the incident who shall respond and take control of the initial investigation.

2.) The officer shall prepare and submit all required reports including a [Use of Force Report Form](file:///G%3A%5CFORMS%5CShortcut%20%282%29%20to%20Use%20of%20Force%20%28Subject%20Resistance%20Response%20Report%29.lnk). If more than one officer is involved in a lethal force incident, each officer shall complete a separate report outlining his actions and observations in the incident.

3.) Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented.

4.) Ensure that the need for medical treatment for the detainee is properly evaluated and provided.

5.) 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.

6.) The supervisor will file a report on the incident and his observations with the Officer in Charge (OIC) at Police Headquarters

D. A police officer may discharge an issued Department weapon under the following circumstances:

1. At an approved firearms range for authorized training, target practice or competition, with weapons authorized by the Department.

2. 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.

a. Officers who find it necessary to discharge firearms in this situation 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.

b. Where feasible, children should not be present.

c. It will not be necessary to complete a [Use](file:///G%3A%5CFORMS%5CShortcut%20%282%29%20to%20Use%20of%20Force%20%28Subject%20Resistance%20Response%20Report%29.lnk) of Force Report when a badly injured animal is destroyed. However, the officer shall submit an Incident Report according to current departmental procedures**.**

E. **Warning Shots**

 **Because of the danger of unintentional death or injury, warning**

 **shots are *strictly prohibited*.**

F. Signaling Devices

 Firearms shall not be used as signaling devices or to summon assistance.

G. Moving Vehicles [Also See Policy No. [1.04 Vehicular Pursuit](file:///%5C%5Cminos%5Cpolice%5Ccid%5CEconley%5CMy%20Documents%5CIA%5CPursuit%20Forms%5C1.04%20Vehicular%20Pursuit.doc)]

1. A law enforcement officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm; and only if the following conditions exist:
	1. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle, or when the vehicle is intentionally being used as a deadly weapon, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
	2. Officers have not intentionally 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);
	3. The officer is not firing strictly to disable the vehicle; and
	4. The circumstances provide a high probability of stopping or striking the intended target.

**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.

2. In every incident, the officer shall take into account the location of vehicular and pedestrian traffic and the potential hazard to innocent persons.

3. Firearms shall not be utilized when the circumstances do not provide a high probability of stopping or striking the intended target, or when there is substantial risk to the safety of other persons, including risks associated with vehicle accidents.

4. Every precaution shall be taken to ensure the safety of the general public in the vicinity.

H.Drawing or Displaying

An officer shall avoid the unnecessary display of firearms and 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 Form**](file:///G%3A%5CFORMS%5CShortcut%20%282%29%20to%20Use%20of%20Force%20%28Subject%20Resistance%20Response%20Report%29.lnk)**.**

I. Permissible Weapons and Ammunition

1. Only weapons and ammunition authorized by the Bolton Police Department will be used by agency personnel in the performance of their responsibilities (listed in “Appendix A” of this policy) while on duty.
2. The authorized issued weapon for the members of the Bolton Police Department shall be the 9mm Sig Sauer P226 (large frame), 9mm Sig Sauer P229 (medium frame) or 9mm Smith and Wesson Shield (small frame).
3. The authorized issued ammunition shall be 147 grain Gold Dot hollow point.

**NOTE**: Officers shall carry their issued weapon while on duty unless authorized by the Chief of Police to carry a different weapon. If an officer receives authorization from the Chief of Police to carry a different weapon they must qualify with that weapon annually.

**2. An officer shall not alter or modify his firearm or ammunition in any way without the express permission of the Chief of Police.**

NOTE: 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. If an officer elects to carry their duty weapon while off duty, they must also carry their official police identification.

J. Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are properly stored, protected from loss, misuse, or theft.

K. 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 for the necessary repairs.

L. **Training and Qualification**

1. 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.
2. **All approved lethal weapons and ECD Taser proficiency qualifications shall be**

 **under the direction of the department's Training Coordinator and certified**

**Municipal Police Training Committee (MPTC) weapons and tactics instructors.**

1. Following a reasonable period of practice and training, all officers will be expected to qualify in accordance with the standards established by the MPTC.
2. Only Officers demonstrating proficiency in the use of Department issued weapons will be authorized to carry or use those weapons. Officers who fail to qualify with any issued weapon or special weapon shall not be authorized to carry or use that weapon.
3. Any officer who requires additional training instruction will be given reasonable

amount of time to demonstrate proficiency while removed from line duty

assignment and assigned to administrative duty. If it becomes necessary, the

Officer will be sent to remedial firearms training until such time as he/she

successfully passes the MPTC qualification course.

1. Qualification and proficiency shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
2. No member of this Department will be authorized to carry lethal or less lethal weapon until he has:
3. Been issued a copy of this Use of Force Policy, received instruction and successfully passed a written examination on same (80% or above); and
4. Qualified at the range with a minimum passing score of 80%.
5. Each member shall sign a receipt indicating that he/she has received a copy of this Bolton Police Department Use of ForcePolicy**,** which shall be maintained by the instructor and Training Coordinator.

1. All weapons qualification records and officer scores shall be documented and maintained by the Training Coordinator.
2. Prior to the issuance of any weapons to employee 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.

 10. The Department quartermaster shall maintain a log for each weapon that is owned by the Bolton Police Department. This log should list the make, model, serial number that indicates that it is a safe weapon. A centralized file shall also be maintained by the Training Coordinator documenting the make, model and serial numbers of the issued duty weapons to each member of the department.

M. Off-Duty Weapon

1. Any weapon that an officer carries on his person while off duty for protection or to enable him to take official 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.

2. Any officer who desires to carry an off-duty weapon and be indemnified with that weapon must first submit a written request to the Chief of Police detailing a complete description of the firearm.

3. If the Chief of Police approves the off-duty weapon, the officer must qualify with the weapon at the range, at least annually.

4. The Department will not indemnify the use of officers off duty weapon, who has not qualified with that off-duty weapon, until such time as the officer has qualified. The officer may, however, carry his/her duty weapon while off duty (if he has qualified with it).

5. All ammunition carried in an approved off-duty weapon must be of a type approved by the Chief of Police[**.**](file:///%5C%5Cminos%5Cpolice%5Ccid%5CEconley%5CMy%20Documents%5CMass%20Accreditation%5C151%20Certification%20Standards%5C1.3.9%28b%29.doc)

1. 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. *(Note: H.R. 218 allows police officers & retired police officers to carry out of state with their police identification.)*

XIII. PLANNED MASS DEMONSTRATIONS:

* 1. A police department shall establish plans to avoid and to de-escalate potential or actual conflict between officers and mass demonstration participants. When a police department obtains advance knowledge of a planned mass demonstration within the police department’s jurisdiction, the police department shall diligently attempt in good faith to:
1. communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, and
2. discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants.
	1. The department shall designate an officer in charge of de-escalation planning and communication to carry out the above plans within the department.
	2. A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device or order the release of a dog to control or influence a person’s behavior unless:
3. de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
4. the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm.
	1. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the **law enforcement officer’s appointing agency shall file a report with the** Massachusetts Peace Officer Standards and Training Commission (“POST”) detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog.
	2. The Massachusetts Peace Officer Standards and Training Commission (“POST”) shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.
	3. If a law enforcement officer utilizes or orders the use of kinetic impact devices, rubber bullets, CEDs, CWs, ECWs, or a dog against a crowd, the law enforcement officer’s appointing agency shall file a report with the Commission detailing all of the measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using said weapons, including a detailed justification of why use of said weapons was objectively reasonable.
	4. Canines should not be utilized for crowd control, restraint, or management

of peaceful demonstrations—but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.

* 1. The use of Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

XIV. SPECIAL WEAPONS

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

1. All officers authorized to use any of the Department's special weapons, such as shotguns, will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Municipal Police Training Committee (MPTC), the manufacturer, or the Department's Weapons and Tactics Instructor, at least annually.

2. A listing of all officers who have qualified with each special weapon will be maintained with the weapons and with the Training Coordinator.

B. Special weapons may be selectively issued by the Officer in Charge of the police station if, in his 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.

C. Prior to issuing any special weapon, the Officer in Charge of the police station shall inquire of any officer to whom 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 is qualified in its use.

XV. ADMINISTRATIVE RELIEF FROM DUTY DUE TO tHE USE OF LETHAL FORCE 1.3.8

A. In every instance in which any employee acting in an official capacity uses lethal force and where such use of force results in death or serious bodily injury to another person, the following steps shall be taken:

1. Whenever an officer uses force that results in a death or serious bodily injury, the Officer-in-Charge shall immediately notify the agency head or their designee. The agency shall conduct an investigation according to their policies and protocols.
2. If the use of force involved a weapon, the agency head or their designee shall secure the weapon or weapons used for examination and maintain the appropriate chain of custody protocols.
3. Any employee 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 by a supervisor not directly involved in the incident or such other period of time as the Chief of Police deems necessary.

**4**. The involved employee will be given the opportunity to call his 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.

**5**. 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 or the Public Information Officer.

B. Assignment to Administrative Leave status shall be with no loss of pay or benefits.

C. Relief from duty with full pay and benefits is intended to serve two purposes:

1. To address the personal and emotional needs of an employee and his/her involved in the use of lethal force which results in injury or death; and

2. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.

D. 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 emotional needs have been met. Officers 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.

E. Whenever an employee is involved in the use of lethal force incident that results in death or serious injury the Chief of Police or his designee will make arrangements for stress counseling. (Mass. 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 617-594-9091 ask to speak to the “on call peer counselor) or any appropriate psychological assistance provider for the employee/officer and members of his or her immediate family, authorized by the Chief of Police.

**APPENDIX A**

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| --- |
| **AUTHORIZED FIREARMS - LETHAL** |
|  |  |  |  |  |  |
| **MANUFACTURER** | **MODEL** | **CALIBER** |  |  |
| Sig Sauer | P226DAK | 9mm |   |   |  |
| Sig Sauer | P229DAK | 9mm |  |  |  |
| Smith & Wesson | Shield | 9mm |  |  |  |
|  |  |  |  |  |  |
| **AUTHORIZED AMMUNITION - LETHAL** |
|  |  |  |  |  |  |
| **DUTY/RANGE** | **MANUFACTURER** | **BULLET WGT** | **BULLET TYPE** |  |  |
| Duty/Range | Gold Dot 9mm Luger | 147 GR | GDHP |  |  |
| Duty/Range | Federal Premium 223 | .55 grain | Hi-Shock SP |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| **AUTHORIZED SHOT GUN - LETHAL** |
|  |  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| **OTHER AUTHORIZED - LESS-LETHAL** |
|  |  |  |  |  |  |
| **MANUFACTURER** | **MODEL/ACTION** | **CALIBER** |  |  |
| Remington | 870/Pump | 12 GUAGE |  |  |  |
|  |  |  |  |  |  |
| **AUTHORIZED SHOT GUN AMMUNITION - LETHAL** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| **AUTHORIZED SHOT GUN AMMUNITION - LESS-LETHAL** |
|  |  |  |  |  |  |
| **USE** | **MANUFACTURER** | **WEIGHT** | **TYPE** | **VELOCITY** |  |
| Duty | Winchester CTS Super Sock | SI111 40 gms | #9 Shot | 280FPS |  |
| Range | Winchester CTS Super Sock | SI111 40 gms | #9 Shot | 280FPS |  |
|  |  |  |  |  |  |
| **AUTHORIZED TASER - LESS-LETHAL** |
|  |  |  |  |  |  |
| **MANUFACTURER** | **MODEL** | **BBL** | **MAGAZINE CAPACITY** |  |
| Taser International | X2 | N/A | 1 |  |  |
|  |  |  |  |  |  |
| **AUTHORIZED TASER CARTRIDGE - LESS-LETHAL** |
|  |  |  |  |  |  |
| **USE** | **MAKE** | **MOP** |  |  |  |
| Duty/Training | Taser | X2 cartridge |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| **AUTHORIZED BATON - LESS-LETHAL** |
|  |  |  |  |  |  |
| **MANUFACTURER** | **MODEL** | **DESCRIPTION** |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| ASP | ASP | 24" Expandable Baton |  |  |  |
| Monadnock |  Auto Lock |  22” Expandable Baton  |  |  |  |
|  |  |  |  |  |  |
| **AUTHORIZED CHEMICAL SPRAY - LESS-LETHAL** |
|  |  |  |  |  |  |
| **MANUFACTURER** |  | **MOP** | **STRENGTH** |  |  |
| Sabre Red |  | MK3 | 10% Solution |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**Appendix B**

**550 CMR 6.00: Use of Force By Law Enforcement Officers**

Section

6.01Purpose and Scope

6.02 Authorization

6.03 Definitions

6.04 Use of Non-Deadly Force

6.05 Use of Deadly Force

6.06 Duty to Intervene

6.07 Use of Force Reporting

6.08 Mass Demonstrations, Crowd Control, and Reporting

6.09 Investigation when Use of Force Results in a Death or Serious Bodily Injury

6.10 Use of Force Training

**6.01: Purpose and Scope**

**Purpose**. The purpose of xx CMR xx is to establish rules governing the use of force by law enforcement officers.

**Scope**. xx CMR xx applies to all law enforcement officers as defined in M.G.L. c. 6E, §1.

**6.02: Authorization**

XX CMR xx is promulgated pursuant to M.G.L. c. 6E, § 15(d) requiring the Peace Officer Standards and Training Commission and the Municipal Police Training Committee to jointly promulgate rules and regulations governing the use of force by law enforcement officers.

**6.03: Definitions**

**Chokehold**. The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of a law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness, or death.

**Commission**. The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, §2.

**Committee**. The Municipal Police Training Committee as established in M.G.L. c. 6, § 116.

**Deadly Force**. Physical force that can reasonably be expected to cause death or serious physical injury.

**De-escalation Tactics**. Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person’s voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis. De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible.

**Department/Police Department/Law Enforcement Agency/Agency**.(i) A state, county, municipal or district law enforcement agency, including, but not limited to: a town, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff’s department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.

**Dog.** For the purposes herein, shall also refer to a K-9, canine or police dog.

**Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs).** A portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.

**Force**. The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

**Kettling**. Confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

**Law enforcement officer/officer**. Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve, or intermittent police officer.

**Non-deadly force**. Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

**Officer-involved injury or death**. Any event during which an officer:

(i) discharges a weapon, or stun gun, as defined in section 121 of chapter 140, actually or proximately causing injury or death to another;

(ii) discharges any stun gun as defined in said section 121 of said chapter 140, actually or proximately causing injury or death to another;

(iii) uses a chokehold, in violation of M.G.L. c. 6E, §14(c), actually or proximately causing injury or death of another;

(iv) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;

(v) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;

(vi) deploys a dog, actually or proximately causing injury or death of another;

(vii) uses deadly force, actually or proximately causing injury or death of another;

(viii) fails to intervene, as required by M.G.L. c. 6E, §15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or

(ix) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

**Passive resistance**. An individual who is non-compliant with officer commands that is non-violent and does not pose an immediate threat to the officer or the public.

**Serious Bodily Injury**. Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss or impairment of a bodily function, limb, or organ; or (iii) a substantial risk of death.

**Tear Gas or Other Chemical Weapons (“CW”).** Any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain a person by causing pain. This shall not include oleoresin capsicum (“OC”) spray.

**6.04: Use of Non-Deadly Force**

A law enforcement officer shall not use force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to: (i) effect the lawful arrest or detention of a person; (ii) prevent the escape from custody; (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or (iv) defend against an individual who initiates force against an officer.

A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.

Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a use of force for purposes of this section. Use of force does include the pointing of a firearm, ECW, CED or CW at an individual and the use of OC spray on an individual or directed toward an individual.

Officers shall always provide appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible.

All law enforcement officers shall be properly trained and certified in the use of any less-lethal weapons before being authorized to carry or use such force options.

Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual’s chest, neck, or spine, and shall not force an individual to lie on their stomach.

A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual’s head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

**6.05: Use of Deadly Force**

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

1. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;
2. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
3. The officer’s use of force is objectively reasonable.

A law enforcement officer shall not use a chokehold or other tactics that restrict or obstruct an individual’s breathing or oxygen or blood flow to an individual’s head or neck. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow.

An officer may not use deadly force against a person who poses only a danger to themselves.

A law enforcement officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm; and only if the following conditions exist:

1. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle, or when the vehicle is intentionally being used as a deadly weapon, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
2. Officers have not intentionally 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);
3. The officer is not firing strictly to disable the vehicle; and
4. The circumstances provide a high probability of stopping or striking the intended target.

A law enforcement officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

Where feasible based on the totality of the circumstances, officers shall verbally identify themselves as police officers and issue some warning before using deadly force.

Officers shall always provide appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

**6.06: Duty to Intervene**

A law enforcement officer present and observing another officer using or attempting to use physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the observed officer’s use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual.

The failure of a law enforcement officer to intervene as set forth herein may subject the officer to de-certification by the Commission.

**6.07: Use of Force Reporting**

Law enforcement agencies shall develop and implement a policy and procedure for reporting the use of force. Such policy shall mandate reporting such incidents including but not limited to officer-involved injuries or deaths as described herein, and include the use of a standard use of force reporting form as approved by the Committee and the Commission which shall be completed by any officer who uses force.

Law enforcement agencies shall report to the National Use of Force Data Collection Database when actions by a law enforcement officer resulted in the death or serious bodily injury of an individual, or when a law enforcement officer, in the absence of death or serious bodily injury, discharged a firearm at or in the direction of a person.

Law enforcement agencies are not required to report the discharge of a firearm during training or qualification exercises, or for the purposes of animal destruction/euthanasia where necessary.

An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer’s shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer’s written statement shall be included in the supervisor’s report.

An officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a use of force report may be subject to decertification.

Law enforcement agencies shall develop and implement a policy and procedure for law enforcement personnel, including but not limited to law enforcement officers, to report abuse by other law enforcement personnel, including but not limited to law enforcement officers, without fear of retaliation or actual retaliation.

Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident or made, intended to make, or is required to make a report regarding the witnessed excessive force incident shall be reported immediately to an appropriate supervisor and will not be tolerated. Any such actions may result in decertification.

All use of force reports shall be retained and maintained by the law enforcement agency/department and are subject to discovery and access through the Massachusetts Public Records Law MGL c. 66.

**6.08: Mass Demonstrations, Crowd Management, and Reporting**

A police department shall establish plans to avoid and to de-escalate potential or actual conflict between officers and mass demonstration participants. When a police department obtains advance knowledge of a planned mass demonstration within the police department’s jurisdiction, the police department shall diligently attempt in good faith to: (i) communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, and (ii) discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants.

The department shall designate an officer in charge of de-escalation planning and communication to carry out the above plans within the department.

A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device or order the release of a dog to control or influence a person’s behavior unless: (i) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and (ii) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm.

If a law enforcement officer utilizes or orders the use of kinetic impact devices, rubber bullets, CEDs, CWs, ECWs, or a dog against a crowd, the law enforcement officer’s appointing agency shall file a report with the Commission detailing all of the measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using said weapons, including a detailed justification of why use of said weapons was objectively reasonable.

Canines should not be utilized for crowd control, restraint, or management

of peaceful demonstrations—but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.

The use of Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

**6.09:** **Investigation when Use of Force Results in a Death or Serious Bodily Injury**

Law enforcement agencies shall develop and implement a policy and procedure for reporting a use of force that results in a death or serious bodily injury.

Whenever an officer uses force that results in a death or serious bodily injury, the Officer-in-Charge shall immediately notify the agency head or their designee. The agency shall conduct an investigation according to their policies and protocols.

If the use of force involved a weapon, the agency head or their designee shall secure the weapon or weapons used for examination and maintain the appropriate chain of custody protocols.

**6.10: Use of Force Training**

The Committee shall develop and periodically deliver use of force training to law enforcement officers consistent with these Regulations, including, but not limited to: (i) de-escalation tactics; (ii) handling emergencies involving individuals with mental illness; (iii) responding to mass gatherings; (iv) cultural competency; (v) progression of force; and (vi) lawful use of force techniques and equipment on a schedule to be determined by the Committee.

The Commission and the Committee shall jointly develop a model use of force policy. All law enforcement agencies shall have a written use of force policy consistent with the model policy and the agency’s particular mission; provided, however, that an agency’s use of force policy shall comply with 550 CMR 6.00 and all relevant state and federal laws.

**Appendix C**

***Peace Officer Standards and Training Commission***

**Guidance on Developmentally Appropriate De-escalation**

**and Disengagement Tactics, Techniques and Procedures**

**and Other Alternatives to the Use of Force for Minor Children**

**Introduction**

In Section 119 of the Chapter 253 of the Acts of 2020, the Legislature instructed the Massachusetts Peace Officer Standards and Training Commission (“Commission”) to: “issue guidance as to developmentally appropriate de-escalation and disengagement tactics, techniques, and procedures and other alternatives to the use of force for minor children that may take into account contextual factors including, but not limited to, the person’s age, disability status, developmental status, mental health, linguistic limitations or other mental or other mental or physical condition.”

The purpose of this guidance is provide Massachusetts Law Enforcement Officers and Law Enforcement Agencies[[1]](#footnote-1) with guidelines for the use of developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to use of force with minor children (i.e. children under the age of 18). This guidance does not have the force of a statute or regulation, and does not express requirements with which Law Enforcement Officers or Agencies must comply.

The Commission recognizes that in issuing such guidance, it must balance the goals of improving the safety of children, the needs of the community, and the well-being of Law Enforcement Officers,[[2]](#footnote-2) while increasing trust between Law Enforcement Officers and the communities they serve. The Commission expects that this guidance will be modified and refined as new knowledge, facts, and scientific evidence inform the understanding of factors that influence the outcomes of Law Enforcement Officer-minor child interactions.

Moreover, the Commission believes that these Law Enforcement Officer-minor child interactions are best understood in a broader context that acknowledges the convergence of multiple factors, primarily minor child factors, community factors, and Law Enforcement Officer factors, in determining the outcome of these interactions.

**Context of the Interaction between Minor Children and Law Enforcement Officers**

**Minor Children**

Minor children are uniquely vulnerable to violence and trauma. Interactions between Law Enforcement Officers and minor children often represent a minor child’s earliest experiences with the legal or law enforcement system and may impact a minor child’s development, sense of security and regard for authority. Law Enforcement Officers who are well trained and supported to embrace and understand developmentally appropriate interventions with minor children are likely to engage in positive and culturally-competent interactions with minor children that increase their well-being and promote successful outcomes.

It is well documented that minor children are developmentally distinct from adults. These developmental differences are related to the biological immaturity of children, including their lack of life experience relative to adults. According to the National Academy of Sciences' *Reforming Juvenile Justice* report (2013), children are developmentally distinct from adults in at least three ways: (1) they demonstrate less emotional self-regulation in emotionally charged situations; (2) they have increased susceptibility to external influences such as peer pressure and immediate incentives; and (3) they are less able to make judgments and decisions that require future orientation. Minor children have a propensity for “rash, impulsive and poorly considered actions” especially when faced with “emotionally-charged situations where the time for deliberation is limited, and they lack access to an adult or other person who can help them consider options and consequences - often when with peers.” (Kinscherff, 2021). Due to their developmental immaturity, they are less likely than adults to respond favorably to transactional policing approaches, accurately appraise officer behavior and experience police stops as a deterrent to criminal behavior (Thurau and Fine, 2021).

**Community**

It is also well-established that factors associated with the community environment such as crime level, police patrol presence, socioeconomic level and neighborhood disorganization affect police behavior and arrest rates. (Sanborn and Salerno, 2005). Research on race and policing indicates that Black Americans experience a greater frequency of police contacts, discretionary stops, and police harassment when these stops occur (Maynard and Haider-Markel, 2014; Fagan et al., 2010; Fagan and Tyler, 2005; Meares, 2014). Discretionary stops by police that are interpreted as harassing, unfair, or discriminatory undermine the public trust in police, encourage avoidance of police and negatively impact community and individual mental health (Geller et al., 2014; Sewell, Jefferson and Lee, 2016). Research has found that community factors and perceptions of procedural justice also impact the attitudes that minor children have toward police (Office of Juvenile Justice and Delinquency Prevention, 2018). When Law Enforcement Officer-minor child interactions are unbiased, respectful and built on a foundation of positive community experiences, they are more likely to elicit cooperation, foster trust and decrease a minor child’s experience of fear and trauma during contacts with Law Enforcement Officers.

**Law Enforcement Officers**

Factors associated with individual officer characteristics such as an officer’s years of experience on the job and the overall culture of a police department also influence Law Enforcement Officer-minor child interactions. (Office of Juvenile Justice and Delinquency Prevention, 2018). Law Enforcement Officers who are well trained, properly supported in their job, and emotionally regulated are more likely to communicate effectively with children, make sound assessments of risk and options for intervention, and slow down when necessary to de-escalate a crisis incident.

The increased exposure to violence and threats to the personal safety of self and the safety of others on the job creates high levels of occupational stress for Law Enforcement Officers. On the job exposure to the serious injury or death of a child has been recognized as one of the most stressful critical incidents Law Enforcement Officers may encounter in the course of their careers. Law Enforcement Officers should have access to support and post-encounter crisis debriefing of critical incidents involving minor children to prevent stress reactions.

During interactions with minor children, Law Enforcement Officers should be particularly aware of minor children’s normal developmental tendencies to react anxiously and distrustfully to police presence. When feasible, they should approach minor children in a non-confrontational manner to diffuse tension while maintaining safety. Law Enforcement Officers should be trained in developmentally appropriate, trauma-informed and racially equitable tactics to de-escalate minor children, including communication strategies which avoid threats and intimidation and promote calm age-appropriate language, provide choices and allow ample time for compliance. It is also critical that Law Enforcement Officers are aware of their own stress level and the impact of their presence and behavior on the outcome of interactions with minor children.

**APPENDIX D**

**SUPERVISOR AFTER ACTION REPORT**

|  |  |  |  |
| --- | --- | --- | --- |
| **DATE** | **TIME** | **LOCATION** | **CASE #** |
| **SUBJECT’S NAME** | **DATE OF BIRTH** | **HEIGHT** | **WEIGHT** | **PHONE NUMBER** |
| **REASON THE USE OF FORCE WAS NECESSARY (check all that apply):** |
| [ ]  **TO EFFECT AN ARREST** [ ]  **TO DEFEND SELF** [ ]  **PREVENT ESCAPE**[ ]  **TO DEFEND ANOTHER OFFICER / PERSON** [ ]  **PROTECTIVE CUSTODY / SUBJECT SAFET**Y[ ]  **TO DISPATCH ANIMAL** [ ]  **OTHER:** |
| **CHARGES:** | **BOOKED?** [ ]  **YES** [ ]  **NO** |
| **DEPLOYING OFFICERS:** | **SUPERVISOR NOTIFIED / TIME / BY WHOM:** |
| **TYPE OF INCIDENT (check all that apply):****[ ]  Civil Disturbance [ ]  Suicidal [ ]  Suicide by Cop [ ]  Violent Suspect** **[ ]  Barricaded Suspect [ ]  Warrant Service [ ]  EDP [ ]  Other - Explain:** |
| **AT THE TIME OF ARREST, THE SUBJECT WAS:****[ ]  SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS [ ]  MENTALLY IMPAIRED / EMOTIONALLY DISTURBED****[ ]  UNDER THE INCLUDE OF ALCOHOL OR DRUGS [ ]  OTHER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  |
| **LIGHTING: [ ]  NATURAL [ ]  ARTIFICIAL EXPLAIN:****LOCATION (check all that apply): [ ]  INDOOR [ ]  OUTDOOR [ ]  STATION [ ]  RESIDENCE [ ]  BUSINESS [ ]  HOSPITAL**  |
| **FORCE USED PRIOR TO ECW DEPLOYMENT:** |
| **[ ]  VERBAL COMMANDS:****[ ]  COMPLIANCE TECHNIQUES:** (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)**[ ]  CHEMICAL SPRAY / CHEMICAL AGENT:** **Number of Bursts: Duration of Bursts: Distance from Subject:** **Impact Location: Time between application / decontamination:****[ ]  IMPACT WEAPON / TEMP. INCAPACITATION:****[ ]  FIREARM DISPLAY:****[ ]  OTHER:** |
| **ECW DEPLOYMENT:** |
| **ECW MODEL:** | **ECW SERIAL #:** | **ECW AIR CARTRIDGE TYPE:** | **ECW AIR CARTRIDGE XP#:** |
| **ECW USE: [ ]  SUCCESS [ ]  FAILURE****SUSPECT WEARING HEAVY OR LOOSE CLOTHING? [ ]  YES [ ]  NO** **NUMBER OF CARTRIDGES FIRED:****NUMBER OF CYCLES APPLIED:****USAGE (check all that apply): [ ]  ARC DISPLAY [ ]  LASER/LIGHT DISPLAY [ ]  DRIVE STUN [ ]  DART PROBE****IF DART PROBE APPLICATION, APPROXIMATE DISTANCE TO TARGET (FEET):****NEED FOR ADDITIONAL APPLICATION? [ ]  YES [ ]  NO** **DID DART PROBES PENETRATE SUBJECT’S SKIN? [ ]  YES [ ]  NO** **PROBES REMOVED ON-SCENE? [ ]  YES [ ]  NO** **PROBES REMOVED BY:****DID THE ECW RESPOND SATISFACTORILY? [ ]  YES [ ]  NO****IF DART PROBE DEPLOYMENT WAS UNSUCCESSFUL, WAS A DRIVE STUN APPLICATION USED? [ ]  YES [ ]  NO**  |
| **OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:** | **SHIFT SUPERVISOR(S):** |
| **OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:** | **SHIFT OFFICER(S):** |
| **AUDIO-VISUAL EVIDENCE:** [ ]  **YES** [ ]  **NO**If NO, explain: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | **SUPERVISOR(S) WHO RESPONDED TO SCENE:** |
| **COMPLETING SUPERVISOR(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT; ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND****FORWARD TO SHIFT SUPERVISOR PRIOR TO END OF TOUR OF DUTY** |
| **CASE #**  |
| **WAS SUBJECT(S) INJURED? \*** [ ]  **YES** [ ]  **NO****\*** (Complete Diagram Below) | **OFFICER(S) TAKING PHOTOS** | **TOTAL # OF PHOTOS** |
|   | **DESCRIBE THE EXTENT OF THE SUBJECT’S INJURIES AND PLACE ON THE DIAGRAM:****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **IF SUBJECT WAS INJURED, WAS THE SUBJECT PROVIDED MEDICAL TREATMENT? [ ]  YES [ ]  NO** **IF YES, DESCRIBE THE MEDICAL TREATMENT PROVIDED:** |
| **WAS OFFICER(S) INJURED? \*** [ ]  **YES** [ ]  **NO** \* (Complete Diagram Below) |
|   | **DESCRIBE THE EXTENT OF THE SUBJECT’S INJURIES AND PLACE ON THE DIAGRAM:****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:** | **ADDRESS:** | **PHONE #:** |
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| **SYNOPSIS:** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **POST ECW DEPLOYMENT:** |
| **DESCRIBE SUSPECT’S DEMEANOR AFTER ECW DEPLOYMENT:****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **FORCE USED AFTER ECW DEPLOYMENT:****[ ]  COMPLIANCE TECHNIQUES:** (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)**[ ]  CHEMICAL SPRAY / CHEMICAL AGENT:** **Number of Bursts: Duration of Bursts: Distance from Subject:** **Impact Location: Time between application / decontamination:****[ ]  IMPACT WEAPON / TEMP. INCAPACITATION:****[ ]  FIREARM:****[ ]  OTHER:** |
| **PHOTOGRAPHS TAKEN:****[ ]  YES [ ]  NO DESCRIBE:** | **EVIDENCE SEIZED:****[ ]  YES [ ]  NO DESCRIBE:** |
| **SUPERVISOR REVIEW** (Print / Sign / Date): | **OFFICER-IN-CHARGE REVIEW** (Print / Sign / Date): |

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

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

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

**APPENDIX E**

**USE OF FORCE REPORT FORM**

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| **DATE** | **TIME** | **LOCATION** | **CASE #** |
| **SUBJECT’S NAME** | **DATE OF BIRTH** | **HEIGHT** | **WEIGHT** | **RACE / ETHNICITY** |
| **REASON THE USE OF FORCE WAS NECESSARY (check all that apply):** |
| [ ]  **TO EFFECT AN ARREST** [ ]  **TO DEFEND SELF** [ ]  **PREVENT ESCAPE**[ ]  **TO DEFEND ANOTHER OFFICER / PERSON** [ ]  **PROTECTIVE CUSTODY / SUBJECT SAFET**Y[ ]  **TO DISPATCH ANIMAL** [ ]  **OTHER:** |
| **LIST MOST SERIOUS OFFENSE(S) AT TIME FORCE USED:** |
| **WAS SUBJECT INJURED?**[ ]  **YES** [ ]  **NO****DESCRIBE INJURIES:** | **WAS REPORTING OFFICER INJURED?**[ ]  **YES** [ ]  **NO****DESCRIBE INJURIES:** | **MEDICAL TREATMENT PROVIDED TO/BY:** | **PHOTOS TAKEN BY:** |
| **SUBJECTS THAT RESISTED:** | **# OFFICERS PRESENT:** | **SUPERVISOR NOTIFIED / TIME / BY WHOM:** |
| **AT THE TIME OF ARREST, THE SUBJECT WAS:****[ ]  SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS [ ]  MENTALLY IMPAIRED / EMOTIONALLY DISTURBED****[ ]  UNDER THE INCLUDE OF ALCOHOL OR DRUGS [ ]  OTHER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  |
| **OFFICER’S PERCEPTION OF INDIVIDUAL’S ACTIONS (USE NARRATIVE TO DESCRIBE PERCEIVED THREAT(S) POSED BY INDIVIDUAL):** |
| **[ ]  PASSIVE RESISTANCE –** **(dead weight or non-compliance to Officer’s lawful verbal direction, but offering no actively resistive movement)****[ ]  ACTIVE OR ESCAPE RESISTANCE –** **(actions such as pushing, pulling, evasive arm movement, flailing, flight, muscle tension, etc. to avoid control)****[ ]  ASSAULTIVE / HIGH-RISK –** **(agitated, combative state, physically assaultive actions and/or behavior that poses threat of injury to another – e.g. punching, kicking, etc.)****[ ]  LIFE THREATENING / SERIOUS BODILY INJURY –** **(actions that may result in death or serious bodily injury)** |
| **OFFICER’S RESPONSE OPTION(S) (PROVIDE FURTHER DETAILS IN ATTACHED NARRATIVE REPORT(S)):** |
| **[ ]  PRESENCE: [ ]  FULL UNIFORM [ ]  PARTIAL UNIFORM [ ]  PLAINCLOTHES \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** **NOTE:** Officers not in full uniform, describe means of visual police identification (e.g., raid vest or jacket, displayed badge/ID, etc.)**[ ]  VERBAL COMMANDS (Describe details in Narrative Report):****[ ]  COMPLIANCE TECHNIQUES (Describe details in Narrative Report):** (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)**[ ]  CHEMICAL SPRAY / CHEMICAL AGENT (Describe details in Narrative Report):** **Number of Bursts: Duration of Bursts: Distance from Subject:** **Impact Location: Time between application / decontamination:****[ ]  IMPACT WEAPON / TEMP. INCAPACITATION (Describe details in Narrative Report):****[ ]  ELECTRONIC CONTROL WEAPON / DEVICE (Describe details in Narrative Report):** **[ ]  Laser Only [ ]  Spark Check [ ]  Drive Stun [ ]  Probe Deployment Impact Location: \_\_\_\_\_\_\_\_\_\_ Number of Cycles: \_\_\_\_\_\_\_\_\_\_** **Unit #: \_\_\_\_\_\_\_\_\_\_ Serial #: \_\_\_\_\_\_\_\_\_\_ Cartridge Serial #: \_\_\_\_\_\_\_\_\_\_ Distance from Subject: \_\_\_\_\_\_\_\_\_\_** **[ ]  POINT A FIREARM (Describe details in Narrative Report):****[ ]  DEADLY FORCE – Firearm or other (Describe details in Narrative Report):****[ ]  OTHER:** |
| **RESTRAINT METHOD USED: [ ]  HAND or FLEX CUFFS [ ]  LEG RESTRAINTS [ ]  BODY GUARD [ ]  SPIT SHIELD [ ]  NONE [ ]  OTHER:** |
| **OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:** | **SHIFT SUPERVISOR(S):** |
| **OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:** | **SHIFT OFFICER(S):** |
| **AUDIO-VISUAL EVIDENCE:** [ ]  **YES** [ ]  **NO**If NO, explain: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | **SUPERVISOR(S) WHO RESPONDED TO SCENE:** |
| **COMPLETING OFFICER(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT;****ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND****FORWARD TO SHIFT SUPERVISOR PRIOR TO END OF TOUR OF DUTY** |

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| **CASE #**  |
| **WAS SUBJECT(S) INJURED? \*** [ ]  **YES** [ ]  **NO****\*** (Complete Diagram Below) | **OFFICER(S) TAKING PHOTOS** | **TOTAL # OF PHOTOS** |
|   | **DESCRIBE THE EXTENT OF THE SUBJECT’S INJURIES AND PLACE ON THE DIAGRAM:****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **WAS OFFICER(S) INJURED? \*** [ ]  **YES** [ ]  **NO** \* (Complete Diagram Below) |
|   | **DESCRIBE THE EXTENT OF THE SUBJECT’S INJURIES AND PLACE ON THE DIAGRAM:****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:** | **ADDRESS:** | **PHONE #:** |
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| **OFFICER’S NARRATIVE:** Did Officer prepare a detailed incident report describing facts and circumstances leading to the use of force? **[ ]  YES [ ]  NO** **If no, explain:****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **SUPERVISORY / COMMAND REVIEW** |
| **REPORTING SUPERVISOR** (Name and Badge #) | **DATE AND TIME OF SUPERVISOR REPONSE** | **LOCATION** |
| **OFFICER WHO USED FORCE** (Name and Badge #) | **WAS SUBJECT(S) INJURED?****[ ]  YES [ ]  NO** | **WAS OFFICER(S) INJURED?****[ ]  YES [ ]  NO** |
| **SUPERVISOR’S NARRATIVE:** (Document steps taken to review and evaluate Officer’s use of force.)**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **A/V EVIDENCE AVAILABLE / REVIEWED BY SUPERVISOR:****[ ]  YES [ ]  NO Date:** | **A/V EVIDENCE AVAILABLE / REVIEWED BY OFFICER:****[ ]  YES [ ]  NO Date:** | **A/V EVIDENCE AVAILABLE / REVIEWED BY LIEUTENANT:****[ ]  YES [ ]  NO Date:** |
| **LIEUTENANT REVIEW NARRATIVE:** (Confirm proper and complete investigation was conducted.)**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **OFFICER REVIEW** (Print / Sign / Date): | **SUPERVISORY REVIEW** (Print / Sign / Date): | **LIEUTENANT’S REVIEW** (Print / Sign / Date): |

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

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

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

**APPENDIX F**

**POST COMMISSION GUIDANCE**

**DE-ESCALATION & DISENGAGEMENT[[3]](#footnote-3)**

1. When appropriate, safe, and feasible in determining how to respond to minor children, Law Enforcement Officers **should use de-escalation strategies in an attempt to problem solve and provide alternatives to arrest.**
2. Law Enforcement Officers should consider all approved diversion options and select the alternative which **least restricts the minor child’s freedom and provides an alternative compatible with the best interests of the minor child and the community**. When interacting with minor children, Law Enforcement Officers should make every reasonable effort to prevent an incident from escalating.
3. Any Law Enforcement Officer involved in a situation with a minor child should remain calm, engage the minor child in dialogue, and **attempt to gain cooperation and trust** from the minor child whenever safe and feasible.
4. When appropriate and feasible, Law Enforcement Officers should **approach a minor child in a manner that is slower and more deliberate** than a Law Enforcement Officer would approach an adult, in order to begin a process of de-escalation and to encourage and promote mutual cooperation and trust.
5. Law Enforcement Officers should attempt to engage the minor child in conversation, explain their role as peace-keeper, and encourage the minor child to partner with the officer in keeping the peace and managing the situation by using the timing, language, and physical bearing that is least likely to escalate the minor child’s response.
6. Law Enforcement Officers’ attempts to keep the peace should provide the minor child with the opportunity to understand and comply with their instructions, encourage questions and provide answers, and minimize the likelihood for confrontation by engaging in and facilitating non-threatening dialogue.
7. When it is safe and feasible, Law Enforcement Officers should adopt a calm, collaborative, respectful, and firm demeanor with minors to prevent a fight, flight or freeze response, slow down the interaction, and de-escalation the situation.
8. When interacting with a minor child, Law Enforcement Officers should explain the interaction in an age or developmentally appropriate manner, use developmentally appropriate language, **maintain a non-threatening demeanor, and treat the minor child with courtesy, professionalism, dignity, respect, and equality**.
9. When interacting with a minor child, officers should **avoid tactics that are demeaning or likely to humiliate the minor child.**

**EDUCATION & TRAINING**

1. Training of Law Enforcement Officers should address child and adolescent development, brain development, and trauma informed, age-appropriate, and culturally relevant tactics to **prevent escalation of Law Enforcement Officer-minor child interactions**.

Training should include, but is not limited to:

* 1. **Implicit and explicit bias training** to address racial, age-based, gender, cultural, linguistic, and economic bias and the disproportionate impact of such biases on minor children of color;
	2. Trauma training that includes strategies for effective, **trauma-informed responses to minor child behavior.** Training should provide a basic understanding of emotional and/or traumatic stress presentation in minor children;
	3. **Scenario based training** involving interactions with minor children;
	4. Training should include special considerations that officers should take when encountering special populations including minor children suffering from cognitive/and or mental health issues, minor children under the influence of substances, minor children with disabilities, and minor children for whom English is not a first language; and
	5. Training in **communication, stabilization, and crisis intervention strategies** and techniques. Strategies/techniques should encompass:
		1. active, reflective, and empathic listening;
		2. rapport building;
		3. affect management; and
		4. crisis negotiation and response.
1. Law Enforcement Agencies should develop a **specific academy training on how to interact and engage with minor children.** Academy training should include the following as it relates to minor children:
	1. **Conflict resolution and problem solving**;
	2. **Alternatives to arrest**; and
	3. **Impact of child development and trauma** on minor children’s ability to process, take directives, and respond to Law Enforcement Officers.

**TRAUMA**

1. Law Enforcement Officers should be encouraged to access support and **debriefing following critical incidents involving minor children.**
2. **Partnerships between Law Enforcement Officers and behavioral health professionals should be encouraged** and Law Enforcement Officers should have access to accurate information about community resources for minor children and their families.

**COMMUNITY**

1. Law Enforcement Agencies should encourage and provide resources for Law Enforcement Officers of all ranks to **establish community relationships** through non-enforcement interactions among Law Enforcement Officers, minor children, and other community members.
2. Law Enforcement Agencies should make identified **community resources for minor children available and accessible to Law Enforcement Officers**.
3. Law Enforcement Agencies should periodically **review and update procedures for effective Law Enforcement Officer-minor child interactions** that include effective communication strategies for children.
4. Law Enforcement Agencies should **support initiatives that increase positive Law Enforcement Officer-minor child interactions and engagement** in communities that increase community trust in Law Enforcement Officers.
1. Law Enforcement Agency is defined in Chapter 6E as: “(i) a state, county, municipal or district law enforcement agency, including, but not limited to: a town, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff’s department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.” [↑](#footnote-ref-1)
2. Law Enforcement Officer is defined in Chapter 6E as: “Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve or intermittent police officer.” [↑](#footnote-ref-2)
3. The Municipal Police Training Committee (MPTC) in their current lesson plan, *Police Response to Mental Illness and Emotional Disturbances,* defines de-escalation as an “interactive process where the goal is to guide an individual to a calmer state of mind and to get to solution-based thinking. De-escalation refers to establishing and maintaining control of a situation in order to increase the safety of all and to build rapport with a person in order to increase cooperation.”  This concept of de-escalation is embedded in the MPTC’s current Use of Force and Integrating Communications, Assessment and Tactics (ICAT)i curricula. It is generally understood that de-escalation techniques require Law Enforcement Officers to make a shift away from transactional, “quick resolution” tactics and slow down their interactions to build rapport and provide support to an emotionally dysregulated individual.   [↑](#footnote-ref-3)