

LPD

LEOMINSTER POLICE DEPARTMENT

POLICY & PROCEDURE No: 400

Use of Force

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DATE OF ISSUE:

EFFECTIVE DATE:

REVISED DATE:

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Chief of Police

I. GENERAL CONSIDERATIONS AND GUIDELINES

During the course of a career in law enforcement, police officers will encounter situations where they are met by varying degrees of resistance or force. Due to the infinite number of possible variables, for any given scenario, it is important to provide officers with options to appropriately overcome multiple forms of resistance, or force, coupled with varying circumstances.

II. Policy

When an officer is faced with a use of force situation, the goal of that officer should be to gain and maintain immediate and conclusive control of the subject(s) and/or stopping the threat. By gaining and maintaining immediate and conclusive control, the officer is significantly diminishing their risk of injury and the need for repeated/multiple uses of force on the subject.

In order to accomplish their lawful objectives, officers should use an objectively reasonable amount of force, when force is used, that falls into the parameters of the Use of Force Model. The Use of Force Policy shall not be construed to require Officers to assume unreasonable risks and that allowance must be made for the fact that Officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. That being said, this policy is meant to be used as a guide.

The Leominster Police Department realizes that there may be a need to deviate from this policy when confronted with abnormal circumstances. No policy, or set of directives, can address all situations that may arise during the performance of an officer's duties. This policy is not a substitute for sound judgment and common sense. Emergencies, exigent or extenuating circumstances may require modification of any procedure presented herein.

III. Required Department Forms

UF01 - Leominster Police Department Officer Inventory Form

UF02 - Leominster Police Department Less Lethal Inspection Form

UF03 - Leominster Police Department Use of Force Report

UF04 - Leominster Police Department Weapon Request/Malfunction/Modification Form

UF05 - Leominster Police Department Taser Use Report

UF06 - Leominster Police Qualification Form

IV. DEFINITIONS

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

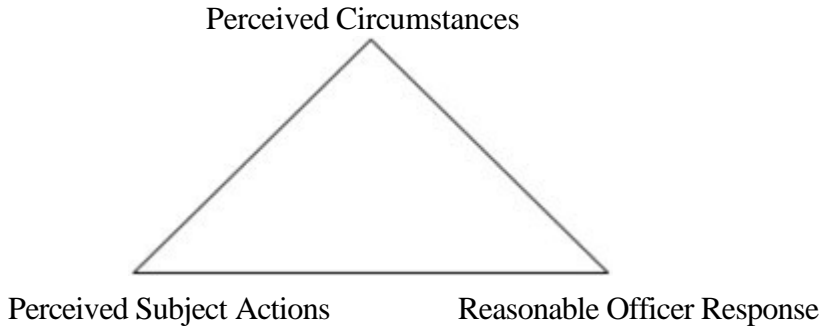
B. Perceived Subject Actions. The subject(s) actions as perceived by the reasonable officer that designate the subject at one or more of the Use of Force Model's compliant / non-compliant categories.

C. Reasonable Officer Response. The "balanced" response 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.

D. **Force.** Any physical effort an officer uses to compel, repel or restrain.

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



F. **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.



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

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

I. **Strategic (Threat Perception).** 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.

J. **Tactical (Threat Perception).** 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.

K. **Volatile (Threat Perception).** 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.

L. **Harmful (Threat Perception).** 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.

M. **Lethal (Threat Perception).** 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.

N. Compliant (Perceived Subject Action). This 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.

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

P. Active Resistant (Perceived Subject Action). 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.

Q. Assaultive Bodily Harm (Perceived Subject Action). 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.

R. Assaultive Serious Bodily Harm/Death (Perceived Subject Action). 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 the serious bodily harm or death to the officer or others.

S. Cooperative Controls (Officer Response). This includes contemporary controls developed to preserve officer safety and security, including communication skills, etc.

T. Contact Controls (Officer Response). These include resistant countermeasures designed to guide or direct the non-compliant subject. These "hands on" tactics would include the Escort Position, etc.

U. Compliance Techniques (Officer Response). These include countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include wrist locks, arm bars, OC spray, Taser in Drive Stun Mode, distraction techniques and limited use of the baton as instructed by a MPTC Defensive Tactics Instructor, etc.

V. Defensive Tactics (Officer Response). 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 baton strikes, open or closed fist strikes, kicks (to create distance or stop and attack), knee strikes, Taser probe deployment, etc. It is possible that an officer may need to use a tool of immediate means and opportunity as well.

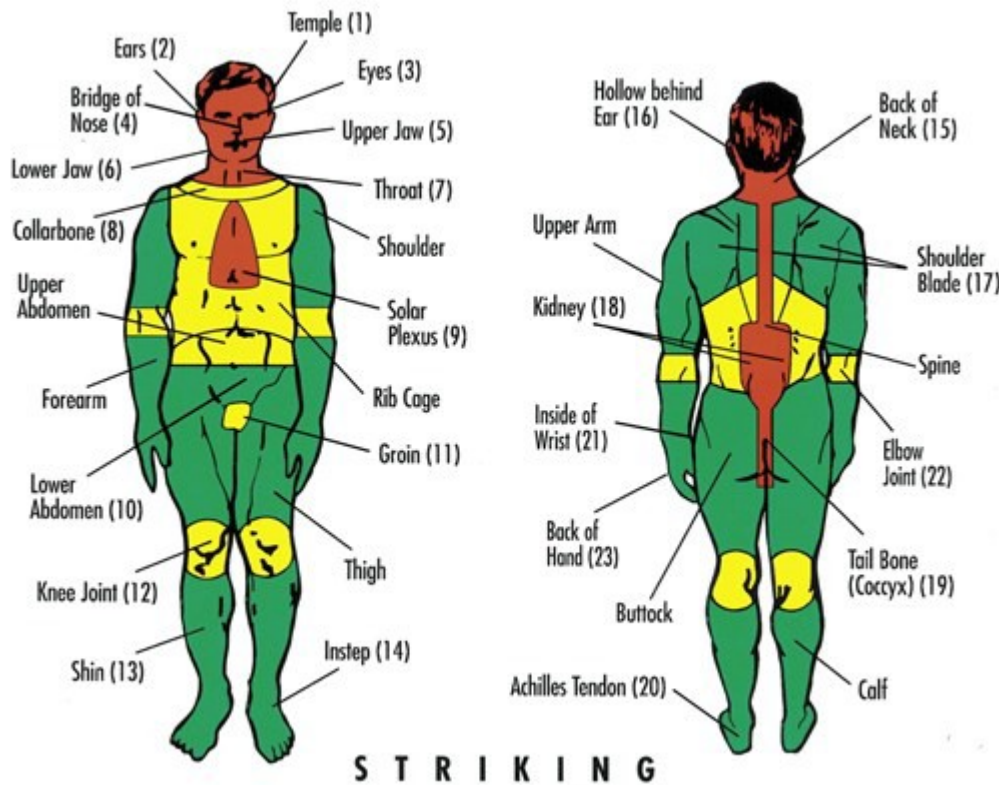
W. Deadly Force (Officer Response). Includes assaultive countermeasures designed to cease an assault which is lethal or could cause great bodily harm to the officer or others. These tactics could include the use of a firearm, lethal strikes, or the use of a tool that is of immediate means and opportunity, etc.

X. Probable Cause. Probable cause exists if the officer (or collective knowledge of officers) has trustworthy information, based on facts and inferences, that would make a reasonable person believe that it is more likely than not, a crime was or is being committed and/or evidence of a crime is in a particular place.

Y. Reasonable Belief. Reasonable Belief exists if the officer (or collective knowledge of officers) has trustworthy information, based on facts and inferences, that would make a reasonable person be able to articulate their suspicion that a crime has, is, or is about to be committed and/or a person is armed and dangerous.

Serious Bodily Injury: An injury that results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial risk of death.

Baton Striking Chart: The Baton Striking Chart shows the escalation of trauma by vital and vulnerable striking areas. Officers are trained to use the Baton Striking Chart in their academy training.



a. **Green Target Areas.** Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur. Except for the head, neck and spine the whole body is a green target area for the application of baton blocking and restraint skills.

b. **Yellow Target Areas.** Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.

c. **Red Target Areas.** Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury or death.

BB. Officers. For the sake of this policy, the term “Officer(s)” shall apply to:

1. Full time Patrol Officers
2. Detectives
3. Sergeants
4. Lieutenants
5. The Chief of Police
6. Special Police Officers
7. Reserve/Auxiliary Police

CC. Weaponless Force. Weaponless force is defined as strictly the use of personal weapons (i.e. hands, feet, knees, elbow, etc...) Multiple examples of weaponless force may occur at the levels of Active Resistant, Assaultive Bodily Harm and Assaultive Serious Bodily Harm or Death. The use of a weapon, tool or tool of immediate means and opportunity are not considered Weaponless Force.

DD. Taser. The brand of Conducted Electrical Weapon (CEW) currently being used by the Leominster Police Department.

V. POLICY

A. REASONABLE FORCE. Officers of this department shall use an objectively reasonable amount of force, necessary to affect their lawful objective, consistent with that of the Use of Force Model, whenever force is used. Officer's use of force must be justified.

B. AUTHORIZATION. Officers shall be issued and required to wear, specific tools or weapons, both lethal and less lethal, while in the performance of their duties. Legal authority to carry and use these tools and weapons derives from authorization by the Chief of Police, via City Ordinance 18-5, and is defined in M.G.L. Chapter 41 Section 98.

Civilian employees shall not be issued or authorized to carry or use any lethal or less lethal tool or weapon while in the performance of their duties. Due to the secure nature of a police station, civilian employees are not authorized to carry a firearm inside the building. Should a civilian employee choose to carry a firearm to and from the building, the firearm will be secured by the Officer-in-Charge (OIC) in a gun locker. The OIC will retain possession of the firearm, and locker key, until the civilian employee wishes to carry it outside the building.

C. DEADLY FORCE: The value of human life is immeasurable. The Leominster Police Department places its highest value on the life and safety of the public and it's many officers. The citizens of the Commonwealth, and the Leominster Police Department, have entrusted their officers with the power to use deadly force in the course of their duties. Officers are often required to make split second decisions regarding the use of deadly force. In order to aid officers with this decision, parameters for the use of deadly force have been established.

1. Officers are authorized to use deadly force in accordance with the Use of Force Model and when there is no less reasonable means available to:

a. Defend themselves, or another, from unlawful attack which they have reasonable belief to be an immediate threat of death or serious physical injury; or

- Effect an arrest, only when:
 - The arrest is for a felony; and
 - The force employed creates no substantial risk of injury to innocent persons; and
 - The crime for which the arrest is made involved the use or attempted use or threatened use of deadly force; and
 - There is a substantial risk that the person to be arrested will cause death or serious bodily injury if their apprehension is delayed.
 - Where feasible, officers should identify themselves as police officers and give some warning before using deadly force.

D. Required Equipment

1. Officers assigned to the Patrol Division shall be required to carry:

- Duty belt and keepers, appropriately affixed to an under belt
- Approved firearm and holster
- Approved extra magazines (filled with approved ammunition) and holster

- Approved O.C. and holster
- Approved baton and holster
- Approved handcuffs, handcuff key and holster
- Approved CEW and holster
- Flashlight (working)
- Portable radio (charged)

2. Officers assigned to plain clothes or administrative duties (including House Officers and OIC's) shall be required to carry the following when out of the building:

- Approved firearm and holster
- Approved less lethal option.
- Approved handcuffs and key
- A means of communicating with Dispatch (i.e. cell phone or portable radio).
- The wearing of bulletproof vests shall be in accordance with the Body Armor Policy.

3. Officers who are working "Security Details" in full uniform should follow the standard listing in #1 of this section. Officers working "Security Details" in plain clothes should consult their OIC. Officers working "Traffic Details" should refer to the Policy regarding details. Detectives or officers working in plain clothes should consult their OIC for required equipment if they feel that carrying the required equipment will interfere with their required duties.

VI. USE OF FORCE MODEL

A. When an officer has an interaction with a suspect, there are always numerous variables involved. date, time, weather, location, height, weight, availability of back up, officer to suspect ratio, distance, known history, reason for call or interaction, previous acts of violence, etc. One officer may perceive these circumstances differently than, or the same as, another officer.

Some types of perceived circumstances could lead a reasonable officer to have a heightened sense of awareness for their, or others, physical safety. During these situations officer's threat perception categories may raise or lower at a moment's notice. A reasonable officer could go from tactical to lethal/harmful/volatile, in an instant. That officer may also return back to tactical in the same amount of time. By being aware of which of the five categories an officer is working in, the officer can be better prepared to take the appropriate action.

B. During an encounter with a subject, officers will perceive the subjects actions to fit one of the five categories in the Use of Force Model. While the vast majority of encounters will be with compliant subjects, officers should be aware and able to recognize all categories. Officers should be aware that a compliant subject could change to resistant or assaultive in an instant. Also, an assaultive or resistant subject may become compliant in the same amount of time. Officers must always be vigilant to remain as aware of the people around them as possible.

C. An Officer's decision to use force must be based off the officer's perceived circumstances combined with the subject's actions. If an officer perceives a situation to fall under a particular threat perception

category, it would be reasonable for them to be prepared for a reasonable officer response. The actual use of force, and reasonable officer response, would then depend on the subject's actions.

VII. WEAPONLESS TACTICS

A. Officers have been trained in multiple weaponless tactics, including:

1. Cooperative Controls
2. Contact Controls,
3. Compliance and Distraction Techniques
4. Defensive Tactics and
5. Lethal Force

B. Each of these options coincides with an appropriate level on the Use of Force Model.

C. Officers may use the multiple blocks, strikes, distraction techniques, control and restraint techniques and deadly force methods they were trained to do by the MPTC, Leominster Police Department and other authorized training as the Use of Force Model allows.

VIII. WEAPONS

A. Officers may use lethal and less lethal tools in compliance with the Use of Force Model and their training from the MPTC, Leominster Police Department, or other training authorized by the Chief of Police or his designee.

B. All weapons and authorized equipment must be subject to a controlled inventory. Officers will be required, at multiple times a year, to complete form UF01. All will be maintained by the Internal Operations Lieutenant.

Should an officer wish to change/modify/alter any weapon listed on their UF01, they must first complete form UF04 and receive authorization to do so. The weapon must then be inspected under form FA01 or UF02, by a MPTC Firearms Instructor/Armorer or a MPTC Defensive Tactics Instructor, whichever applies to that weapon. After completing form UF04, certified Firearms, Taser or Defensive Tactics Instructors may elect to carry a proposed weapon, ammunition, holster or tool in order to properly evaluate it for duty use.

C. List of Approved Weapons and Equipment

Officers may only use the specific tools, listed below, that are approved by the Leominster Police Department, while on duty. Officers are not authorized to alter or modify their tools without permission from the Chief or his designee.

1. OC Spray

a. Must be water based and issued by the Leominster Police Department. No officer is authorized to carry OC spray that has been purchased privately without the written authorization of the Chief. Currently Sabre Red is the only authorized OC. Our current Sabre Red is either Cone or Foam, 10% and 2,000,000 SHU's.

2. Baton

a. Must be straight, expandable or solid, consistent with their training by the MPTC. Officers are not authorized to carry a PR-24 style baton. Before officers are eligible to carry a new baton (or modify their current baton, they must receive approval from the department's MPTC Defensive Tactics Instructor, and show proficiency in the use of the baton. Proficiency shall be documented and provided to the Lieutenant in charge of training.

i. Officers hired after **01/01/2014** shall be issued Monadnock Autolock 26" batons (model I or II), with safety tip, and will only be authorized to carry that specific make and model.

ii. Officers hired prior to **01/01/2014** are allowed to carry Monadnock, Jay-Pee, Galls or ASP batons. These batons may be 12", 16", 21" or 26". They may be either friction lock or mechanical lock. Should a baton need to be replaced, Form UF04 should be filled out and approval should be sought for purchasing any baton other than those listed above.

3. Electronic Weapons

a. Officers are only authorized to carry a departmentally issued Taser. Officers are only authorized to carry a Taser while on duty and in an official capacity. Currently Taser X26 is the only model authorized. Taser 25' XP cartridges are the only authorized duty cartridge.

4. Firearms

Officers (Patrol, Rank and Specialized Positions) are issued one or more of the following:

- i. Smith and Wesson M&P Shield, semiautomatic pistol, in 9mm caliber, with a 3.1 inch barrel.
- ii. Smith and Wesson M&P15T semiautomatic patrol rifle, in 5.56mm caliber, with a 16 inch barrel.
- iii. Colt M-16-A1 full automatic patrol rifle, in 5.56mm caliber, with a 20 inch barrel.
- iv. Remington 870 12 gauge pump action shotgun with a 20 inch barrel.
- v. Mossberg 500 12 gauge pump action shotgun with a 14 inch barrel.
- vi. Smith & Wesson M&P45, caliber 45acp, 4 inch barrel.

5. Ammunition

a. Officer are issued and authorized to only use the following types of ammunition. Due to recent issues regarding production and availability of this ammunition, this information is subject to change:

- i. Winchester 124 grain 9mm hollow point bullet.
- ii. Federal 12 gauge 2 3/4" 1 oz. slug
- iii. Winchester 5.56 55 grain FMJ
- iv. Winchester Ranger 45 acp+P, 230 grain hollow point.

6. Holsters

a. Officers are authorized to use the following holsters:

i. Safariland 6280

ii. Safariland 6360

iii. Departmentally approved holster(s) for a personally owned weapon, is described further on in this policy.

7. Handcuffs

a. Officers are issued and authorized to use handcuffs from:

i. Smith and Wesson,

ii. Peerless,

iii. ASP,

iv. Safariland and,

v. Hiatt

vi. American Handcuff Co.

D. Less Lethal Weapons

1. Only officers who have completed the prescribed course of instruction and testing in their academy training, and have shown proficiency in its use once they return from the academy, will be authorized to carry and use less lethal weapons. This also applies to all new sworn personnel who will be carrying OC, baton and electronic weapons regardless of experience or prior training. Only a MPTC Defensive Tactics Instructor may evaluate the officer's proficiency. This proficiency must be documented and provided to the Training Department.

2. Prior to a weapon being issued or approved for use, it shall be inspected by the department's MPTC Defensive Tactics Instructor. They shall document the inspection. The inspection report shall be turned over to the Training Lieutenant with the item before it can be issued. Form UF04 shall be used for this purpose.

3. Use of Less Lethal Weapons/Tools

a. Oleoresin Capsicum (OC)

i. The use of OC is considered a use of force and shall be used in a reasonable manner consistent with the use of force policy. OC is permitted to be used when a subject's actions are perceived to be Active Resistant, or higher, according to the Use of Force Model.

ii. OC is typically used by drawing it from a holster, pointing into subject's face and either pulling a trigger, or depressing a button.

iv. For more information on OC see the Leominster Police Department's Use of Oleoresin Capsicum Policy #402.

b. Baton

i. The use of a baton is considered a use of force and shall be used in a reasonable manner consistent with the use of force policy.

ii. The baton has multiple uses and may fall under different levels in the Use of Force Model. When an officer perceives a subject's actions to be Resistant (Active), or higher in the Use of Force Model, a baton may be used for control, restraint and distraction techniques. When an officer perceives a subject's actions to be Assaultive (Bodily Harm) or higher, in the Use of Force Model, the baton may be used to strike.

iii. Once an officer has determined that they have justification to use the baton as an impact tool (strike), they must then choose the appropriate striking area. These areas are broken down into three levels and each are given a color designation in the Baton Striking Chart. According to the Baton Striking Chart these three color designations, which escalate the level of resultant trauma, are green, yellow and red. Each and every part of the human body is placed into specific color areas.

Where each part of the anatomy is placed is determined by the potential level of resultant trauma associated with striking a person in that body part. The color designation, along with the corresponding body part, allows each officer an easy way to learn and remember what striking area is appropriate in various conditions. The three colors are set up in the same manner as those found on a traffic control light. Green means go or continue. Yellow means caution. Red means stop. The Baton Striking Chart only applies to the officer's intended target when striking.

1. Green Striking Area

i. The green striking areas are the primary or first striking areas. Under normal conditions an officer, when justified to use the baton as an impact tool, should attempt to strike an individual in a green area.

ii. The level of trauma in the green striking area is minimal. That means that a strike with a baton to a green target area should, under normal circumstances cause minimum damage to the area and to the person. Any injury tends to be temporary rather than permanent, although exceptions can occur.

iii. The degree of force within the green area is non-lethal. That is, the force employed to this area is force which is not likely or intended to cause serious bodily harm and/or death.

iv. Green striking areas include the upper arm, forearm, inside of wrist, back of hand, lower abdomen (from belly button to top of groin area), thigh, shin, instep, Achilles tendon, buttocks, calf and shoulder blades.

2. Yellow Striking Areas

i. The yellow striking areas are designed as secondary target areas. The officer may strike the yellow area when a strike to the green area proves ineffective or a green target area is not available. A strike to this area may also be used if threat perceived by the officer is higher than the amount of force justified.

ii. The level of trauma in the yellow striking area is moderate. That means that a strike with a baton to a yellow target area may cause a more significant injury than those found in the green target area. The injury tends to be more permanent than those found in the green target area, but less severe than those found in the red target area.

iii. The degree of force within the yellow target area is non-lethal, but at the upper limits of non-lethal force.

Since the injury is more significant than those found in the green areas, and can be of a permanent nature, a strike to a yellow area must have additional justification than does a strike to a green area.

iv. Yellow striking areas include the collarbone, rib cage (except for solar plexus), upper abdomen, groin, elbow and knee joint.

3. Red Striking Areas

i. The Red Target Areas are the final striking areas. An officer may strike to a red target area when lethal force is justified. It may also be a target area when a strike to a primary (green) or secondary (yellow) area fails, or the threat has increased to a higher level.

ii. The level of trauma in the red target area is the highest. That means that a strike with a baton to a red target area will generally cause a significant injury. Any injury tends to be permanent rather than temporary and may include loss of consciousness, serious bodily injury, shock and/or death.

iii. The degree of force within the red area is considered lethal. That is force which is likely or intended to cause serious bodily injury and/or death.

iv. Red striking areas include the temple, eyes, ears, nose, upper lip jaw, throat, hollow behind the ear, back of neck, solar plexus, spine, tail bone (coccyx) and kidney.

c. Electronic Control Weapons (ECW)

i. The use of a ECW is considered a use of force and shall be used in a reasonable manner consistent with the use of force policy

ii. The ECW has multiple uses and may fall under different levels in the Use of Force Model. When an officer perceives a subject's actions to be Resistant (Active), or higher on the Use of Force Model, a ECW may be used in the "Drive Stun" mode. To operate a Taser in Drive Stun mode, officers should draw the Taser, remove the cartridge, activate the Taser, firmly press the Taser against the subject, pull and release the trigger. When an officer perceives a subject's actions to be Assaultive (Bodily Harm), or higher in the Use of Force Model, the ECW may be used in the manner in which probes are deployed. In order to use the Taser in probe deployment mode, officers should draw the Taser, point the Taser at the subject (in approved areas), activate the Taser, pull and release the trigger.

iii. For more information on ECWs, see the Leominster Police Department's Use of Electronic Control Weapons Policy, #403

d. Tools of Immediate Means and Opportunity

i. When an officer is faced with an Assaultive (Bodily Harm) or Assaultive (Serious Bodily Harm or Death) situation, their first choice of tool or weapon should always be one that they are trained and certified to use. However, situations may arise when the use of some other object (i.e. "Tool of Immediate Means and Opportunity") is immediately necessary to protect that officer and/or another. Officers should use due care while using a tool of immediate means and opportunity so that their response is a balanced one, in terms of the Use of Force Model.

ii. Tactical Knives

1. Officers use knives for many reasons in the performance of their duties. One of main functions of a knife is for cutting through binding or restricting materials. Officers do not receive training or certifications of the use of a knife in defensive purposes. For instances regarding use of force, a tactical knife may only be used during a lethal threat and is considered a lethal weapon.

2. Officers may not carry a knife that is currently listed as a "per se" dangerous weapon.

3. Officers may not carry a straight knife with a blade longer than 4".
4. Officers may not carry a folding knife with a blade longer than 5".
5. Officers must carry a knife in a manner that secures it to their person. Straight knives must have a hardened holster that affixes to the belt or boot. Folding knives must have a clip that attaches to a pocket, boot, belt or held in a holster designed or appropriate for its storage. Tactical knives will not be exposed on the outer vest in a manner in which they can easily be taken by a combative subject.

e. Firearms

1. Only officers who have completed the prescribed course of instruction and testing in their academy training, and have shown proficiency in its use once they return from the academy, will be authorized to carry and use any firearms. Only a MPTC Firearms Instructor may evaluate the officer's proficiency. This proficiency must be documented and provided to the Training Department. Form more on firearms see policy #401.

E. Defective Less Lethal Weapons

1. It is in the best interest of the officer to always have properly working less lethal tools at all times. Should a weapon or tool malfunction, officers need to:

- a. Complete the Leominster Police Weapon Request/Malfunction/Modification Form (Form UF04). Batons, handcuffs and tactical knives are the responsibility of the officer to replace appropriately, only after they have received approval from their UF04 form.
- b. Discontinue use of the weapon, or tool, and immediately and turn it over to the Training Department
- c. Replacement of OC may be provided by the OIC.
- d. Any Taser issues should be documented on the UF04 form and the Taser should be removed from duty. The Taser should then be given to the Department's Taser Armorer. Spare units may be issued depending on how long the Taser needs to be removed from duty and availability.
- e. Procedure for surrendering a malfunctioning firearm is addressed in Policy 401, Firearms. Note that form UF04 must be used for any requests, malfunctions or modifications.

IX. POST USE OF FORCE

A. Officer Responsibilities

1. Medical Attention

a. After any use of force situation (lethal, less lethal and weaponless) officers shall immediately evaluate the need for medical attention for the subject(s) and themselves. Medical attention and/or treatment will be made available to:

- i. Subjects with a visible injury;
- ii. Subjects requesting medical attention;
- iii. Subjects showing adverse effects or signs of medical concern; and
- iv. Subjects experiencing little or no relief after a reasonable amount of time.

2. Supervisor Notification and Transport

- a. The officer shall promptly notify the Street Supervisor and the Officer In Charge, before clearing the scene or transporting any detainee (unless continued presence is a significant safety concern or medical assistance is necessary).
- c. An officer shall continuously monitor the subject(s) to prevent positional asphyxia.
- d. Officer shall attempt to locate and identify all witnesses and document their statements before passing all information on to the Supervisor
- e. Officers injured during a Use of Force situation should avoid transporting a detainee.

B. Supervisor Responsibilities

NOTE: If a Street Supervisor is present, he/she will adhere to the following procedures:

1. Medical Attention

a. After any use of force situation (lethal, less lethal and weaponless) officers shall immediately evaluate the need for medical attention for the subject(s) and themselves. Medical attention and/or treatment will be made available to:

- i. Subjects with a visible injury
 - ii. Subjects requesting medical attention
 - iii. Subjects showing adverse effects or signs of medical concern
 - iv. Subjects experiencing little or no relief after a reasonable amount of time.
- b. A supervisor should immediately respond to the scene of any incident where, as the result of the application of physical force, an officer, suspect or other party is injured or complaining of injury
- c. The supervisor shall:
- i. Ensure that officers receive any necessary assistance, including medical treatment
 - ii. Ensure that officer's injuries are properly documented
 - iii. Hold, for safe keeping, any firearm or duty gear an injured officer is not able to retain control over while seeking medical attention
 - iv. Determine if a detective should respond to the scene and the level of investigative services to be utilized, including photographs, measurements or diagrams. If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

NOTE: A PHOTOGRAPH SHOWING NO INJURY IS JUST AS IMPORTANT AS ONE THAT SHOWS INJURY!

X. USE OF FORCE REPORT WRITING

A. Officers, and any other employee, will immediately notify the Officer-in-Charge and the Street Supervisor when:

1. They are involved in a use of force situation (lethal, less lethal, weaponless or controlling techniques).
2. They discharge a firearm for other than training or recreational purposes.
3. They take any action that results in, or is alleged to result in, any injury or death; they will immediately notify their supervisor(s) regardless if they are on or off duty.
4. They apply weaponless force at a level as defined by the Department.
5. They unholster and display a Taser, firearm, rifle or shotgun.

B. Officers involved in any of the above mentioned situations shall complete the necessary reports, including:

1. Arrest Report or Offense Report (always required)
2. Use of Force Report UF03 (always required)
3. Taser Report (if Taser is used, threatened or displayed)

C. Use of Force Reports and Taser Reports forms are to be completed immediately after the incident and given to the OIC. The OIC will ensure that they are turned over to the supervisor conducting the review of the incident. The reports are to be kept in chronological order, together, in the same filing cabinet. This cabinet will be secured and access will be controlled by the Chief of Police.

All of the above reports must be reviewed by the Lieutenant assigned to that shift. This supervisory review shall not be conducted by a person with direct involvement in the incident. This Lieutenant is encouraged to consult with subject matter experts, MPTC Use of Force Instructors, MPTC Defensive Tactics Instructors, MPTC Defensive Tactics Instructor Trainers or Expert Witnesses in the field, before passing final judgment.

XI. REMOVAL FROM LINE OF DUTY

A. Any employee, sworn or civilian, whose action(s), use of force or otherwise, result in serious physical injury or death, shall be immediately removed from the line of duty, at no loss of pay. Removing an employee from active duty is intended to serve the following purposes:

1. To address the personal, emotional and physical needs of an employee
2. Assure the community that verification of all the facts surrounding such incidents are being fully and professionally explored.

A. For the purpose of this policy, serious physical injury shall be any injury that results in broken bones, a permanent disfigurement, loss or impairment of a bodily function, limb or organ, substantial risk of death or death.

B. The Chief of Police may require the employee to submit to a fitness for duty evaluation prior to returning to duty. Compensation will be in accordance with the current CBA.

C. The employee involved will be given the opportunity to call their family as soon as possible. This avoids the possibility of them having to learn about the incident through other than official sources (i.e. radio, television, press, etc....).

D. The employee shall not be allowed to release any information to the press or disseminate information in contrast to any other policy and procedure or rule and regulation. All information regarding the incident will be disseminated through the Office of the Chief, or other investigating agency.

E. Any time an employee is removed from active duty, due to an incident involving serious physical injury or death, the department's Stress Unit shall be notified.

F. Once removed from active duty, the officer may only return once the incident has been reviewed by a supervisor at the rank of Lieutenant, or higher.

XII. TRAINING

A. In order to better facilitate the structure of the individual training programs, communication between instructors, communication with Administration and the keeping of records, the Chief of Police shall appoint a Lead Firearms Instructor/Armorer and a Lead Defensive Tactics/Use of Force Instructor.

These two positions shall be filled by the most qualified candidate and shall keep and maintain full MPTC certifications, as well as any other necessary certification, in their respective fields. These Lead Instructors shall report to the Internal Operations Lieutenant, keeping a frequent and open dialog of training activities, assist in the development and design of lesson plans and assist in the management of their records. Lead Instructors shall issue lesson plans to the other certified instructors currently teaching in these fields. Lead Instructors are responsible for making sure the other instructors have the necessary information and equipment prior to any training activities as well as ensuring the safety of the training area.

B. Safety

1. Safety during training is paramount. Each year officers are injured or lose their lives during training. Before physical, stressful or scenario based training may be conducted, certain steps shall be taken.

a. Training area should be free of debris that could cause unintentional injury

b. Officers should make their trainer aware of any physical issues or injuries they currently have that may be aggravated by the training.

c. Officers who have a physical issue or injury that prohibits them from taking part in physical training shall have to document, in writing, the specifics of said issue or injury and provide that to the trainers. This information shall be passed on to the Lieutenant in charge of training.

d. Officers who can't participate in physical training shall not be considered as participated in that section of the class. Arrangements shall be made for remedial training and documented.

e. An AED and first aid kit should be kept on hand.

f. All officers should be labeled as safety officers. Should an officer determine that a safety risk be addressed, or need the training to stop, they should yell a safety word such as "**BLUE**"

C. Use of Force Policy

1. All newly hired officers shall receive a copy and be trained in this policy prior to performing official duties. Receipt of delivery and instruction shall be provided to the Internal Operations Lieutenant.

2. All officers shall be issued a copy of this policy whenever a new weapon or firearm is issued/approved for their use and at least once per calendar year. Receipt of delivery and instruction shall be provided to the Training Lieutenant.

D. Firearms

1. All newly hired officers will qualify with their duty handgun, long guns and other firearms prior to performing official duties. During this qualification they must demonstrate knowledge and proficiency in the firearms.

This must be administered and documented by a MPTC Firearms Instructor. Documentation shall be turned over to the Internal Operations Lieutenant. All new hires must also be issued and trained in the Use of Force Policy. Documentation of issuance and training must be completed and turned over to the Internal Operations Lieutenant.

2. All officers shall qualify with their issued firearms(s), and any other firearm they are authorized to carry, to include authorized off duty firearms, in accordance with the requirements and recommendations of the MPTC. During this qualification they must demonstrate proficiency with the firearms.

Documentation shall be turned over to the Internal Operations Lieutenant. They must also be issued and trained in the Use of Force Policy. Documentation of issuance and training must be completed and turned over to the Internal Operations Lieutenant.

3. Qualifications shall be under the direction of the department's Lead Firearms Instructor, who is designated by the Chief of Police.

4. At least two (2) MPTC certified Firearms Instructors shall be present during all qualifications.

5. Following a reasonable period of practice and training, all officers will be expected to qualify with newly issued departmentally authorized firearms in accordance with the standards established by the MPTC

6. Officers who fail to qualify with their firearm(s) shall be denied permission to carry such firearm. The officer will receive additional remedial instruction and will be given a reasonable amount of time to qualify while assigned to Paid Administrative Duty.

7. Officers shall submit to formal inspections of their firearms during all training sessions, and other random times throughout the year. Inspections shall be completed by a MPTC Firearms Instructor on form FA01.

8. All records will be kept by the Training Department. These records shall include the training plan and qualification scores.

9. During qualifications, and other random times, officers shall submit to an inspection of their firearms, magazines, ammunition and holsters.

10. Proficiency testing on all lethal weapons shall be conducted biennially.

E. Less Lethal and Weaponless Force

1. All newly hired officers will demonstrate knowledge and proficiency with their less lethal weapons and weaponless force prior to performing official duties. This must be administered by a MPTC Defensive Tactics Instructor. They must also be issued and trained in the Use of Force Policy, CEW Policy and OC Policy. Documentation of issuance and training must be completed and turned over to the Internal Operations Lieutenant.

All officers shall receive four (4) hours of Use of Force training and four (4) hours of Defensive Tactics in-service training each year as instructed by the MPTC State Coordinator. This training shall be given by a MPTC Defensive Tactics Instructor. Proficiency testing will be conducted on both areas. This documentation shall be turned over to the training department.

3. All officers shall receive the yearly requalification with their CEW, as required by Taser's recertification processes. This training will be administered by the department's Taser Instructors. A MPTC Use of Force Instructor must also be present and provide additional Use of Force policy training. Officers must show knowledge and proficiency with the CEW, via qualification testing, to certify. This includes initial certification and recertification.
4. All trainings should be limited to a 10:1 student to instructor ratio.
5. All trainings are under the discretion of the department's Lead Defensive Tactics Instructor, who is designated by the Chief of Police.
6. At least two (2) MPTC Defensive Tactics Instructors should be present at all Use of Force and Defensive Tactics trainings. Two (2) Taser Instructors should be present at all Taser trainings.
7. Should the department issue a new weapon, or the officer replaces, modifies or alters their current weapon, that officer will have to demonstrate proficiency and knowledge of the weapon. These tests must be administered and documented by a MPTC Defensive Tactics Instructor.

This documentation shall be turned over to the Training Department. They must also be issued and trained the Use of Force Policy, ECW Policy or OC Policy (All that apply). Documentation of issuance and training must be completed and turned over to the Training Department.

8. Officers shall submit to formal inspections of their weapons, handcuffs and duty gear during all training sessions, and other random times throughout the year. Inspections shall be completed by a MPTC Defensive Tactics Instructor on form UF02.
9. Officers who fail to show knowledge and proficiency in these topics shall receive additional instruction. They will be given a reasonable amount of time to prepare before being retested. During this time they will be placed on Paid Administrative Duty until they have successfully shown the required knowledge and proficiency. All remedial training and retesting shall be documented and turned over to the Training Department.

F. Records

1. The Training Department shall keep a complete inventory of all gear carried by each officer. This shall include detailed information about the firearms each officer is authorized to carry (including personally owned), ammunition, less lethal tools, duty gear worn and/or issued (including all equipment holsters on belt), O.C., batons, tasers, handcuffs and any other authorized equipment. This will be completed on form UF01. Recorded information shall include information relevant, but not limited to, the following:

- a. Serial numbers
- b. Make
- c. Model
- d. Length
- e. Weight
- f. Color/Finish
- g. Type
- h. Grain

i. Any and all accessories or aftermarket upgrades

2. Before an officer may replace, change or modify any of their equipment on record, they must submit a request to the Training Department with form UF04. Such request must detail the item to be replaced, changed or modified. It must also include detailed information about the new item the officer wishes to change, modify or begin using. The officer may only begin using the equipment after:

a. Approval from the Training Department in writing, and

b. Having their knowledge and proficiency with the equipment documented by the appropriate instructor (i.e. Firearms, Defensive Tactics, and Taser). This documentation must be turned over the Training Department.

3. Any and all training records turned over to the Training Department regarding Use of Force Training, of any kind, shall be filed and kept readily available. Individual Use of Force training files shall be maintained for each officer.

4. Each year, effective January 1st, 2016, the Training Department will meet with the department's Lead Firearms Instructor, Lead Defensive Tactic's Instructor and Crime Analyst to review documented Use of Force incidents. During this meeting the following topics shall be reviewed and/or discussed:

a. Number of incidents vs. previous year,

b. Breakdown of type of force used,

c. Nature of calls,

d. Suspect information (i.e. age, race, sex, bias indicators)

e. Patterns (i.e. days of week, times, shifts, etc...),

f. Information on Officer Involved (age, rank, years of service, etc...)

g. Injuries to officers or suspects,

h. Dispositions of Use of Force reviews.

5. These reviews shall be used to dictate subject matter training for the year and class attendance.