

# MPD

## METHUEN POLICE DEPARTMENT

POLICY & PROCEDURE NO. - 400

### USE OF FORCE

POLICY & PROCEDURE NO. 400  
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## USE OF FORCE

### I. GENERAL CONSIDERATIONS AND GUIDELINES

Because of his/her law enforcement and peacekeeping role, a police officer will be required at times to resort to the use of physical force to enable him/her to fully carry out his/her responsibilities. Police officers are confronted continually with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect him/herself or others from harm. The degree of force used is dependent upon the facts surrounding the situation the officer faces. Only a reasonable and necessary amount of force may be used. The degree of force the officer is forced to use is dependent upon the amount of resistance or threat to safety the situation produces.

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

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

### II. DEFINITIONS

- A. **DEADLY FORCE.** Deadly Force as used in this policy is defined as that degree of force which a reasonable and prudent person would consider likely to cause death or serious physical injury. 1.3.2
- B. **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. 1.3.2
- C. **SERIOUS PHYSICAL INJURY.** Serious physical injury is defined as any bodily injury which creates a substantial risk of death; causes serious, permanent disfigurement; or results in extended loss or impairment of the function of any bodily member or organ. 1.3.2

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- D. ***PROBABLE CAUSE***. Probable cause for arrest exists if, at the time of the arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made. 1.3.2
- E. ***REASONABLE BELIEF***. Reasonable belief exists when the facts or circumstances an officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. 1.3.2
- F. ***Strategic*** - The broad “mind set” of the officer and the base line threat perception. The contemporary officer must maintain this functional foundation, centered upon strategies designed to enhance the status of safety.
- G. ***Tactical*** - The second level of threat perception on the Use of Force Model. When the officer perceives an increase in threat potential within the confrontational environment and tactical procedures are designated and deployed.
- H. ***Volatile*** - The third level of threat perception on the Use of Force Model. Indicates an activated level of alertness and threat potential. When the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter.
- I. ***Harmful*** – The forth level of threat perception on the Use of Force Model that 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.
- J. ***Lethal*** - The highest level of threat perception on the Use of Force Model. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.
- K. ***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.
- L. ***Resistant (Passive)*** - The preliminary level of citizen non-compliance.

Subject does not comply with Officer's commands, but offers no physical or mechanical energy enhancement toward the resistant effort.

- M. ***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.
- N. ***Assaultive (Bodily Harm)*** - The 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.
- O. ***Assaultive (Serious Bodily Harm / Death)*** - 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.
- P. ***Cooperative Controls*** - Contemporary controls developed to preserve officer safety and security, including: communication skills, restraint applications, etc.
- Q. ***Contact Controls*** - Resistant countermeasures designed to guide or direct the non-compliant subject. These "hands on" tactics would include the elbow / wrist grasp, Hand Rotation Position , etc.
- R. ***Compliance Techniques*** - Resistant countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include the Hand Rotation Technique, chemical irritants, Taser Drive Stun, etc.
- S. ***Defensive Tactics*** - 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 hand strikes, kicking techniques, Taser with Probes deployed, etc.
- T. ***Deadly Force*** - 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, etc.

### III. POLICY

- A. Members of this Department shall use only the force reasonably necessary to

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affect lawful objectives and effectively bring an incident under control. 1.3.1

- B. Members of this Department may use deadly 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, or to prevent the escape and effect the arrest of a fleeing felon whom the officer reasonably believes will pose a significant threat to human life should escape occur.
- C. In each individual instance, lawful and proper force is restricted to the reasonable 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 deadly and/or less lethal force, with lethal and less lethal weapons.

#### **IV. USE OF FORCE MODEL**

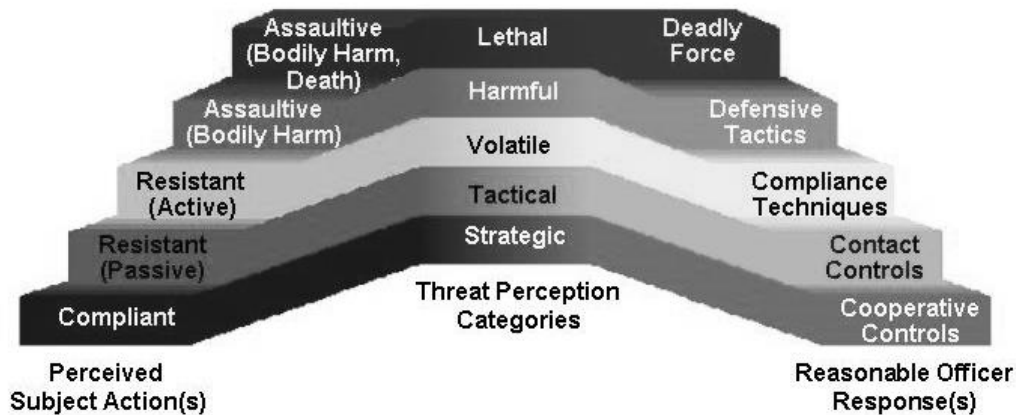
- A. The amount and degree of force which may be employed will be determined by the surrounding circumstances including, but not limited to:
  - 1. The nature of the offense;
  - 2. The behavior of the subject against whom force is to be used;
  - 3. Actions by third parties who may be present;
  - 4. Physical odds against the officer; and
  - 5. The feasibility or availability of alternative actions.
- B. When an officer determines that the use of force is necessary, he shall, to the extent possible, utilize the reasonable amount of force as determined by the particular needs of the situation. 1.3.6 d
- C. An officer shall use the reasonable amount of force necessary to accomplish his lawful objective or to protect himself or another from serious physical injury or death.
- D. Officers shall use the Massachusetts Police Training Committee's (MPTC) Use of Force Model as a guide:

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.



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## V. PARAMETERS FOR THE USE OF LESS LETHAL FORCE

The application of less lethal force by a police officer in the performance of his duty will generally be limited to situations where it is necessary;

- A. In self-defense, or defense of another, against unlawful violence or attack to his/her person or property; or
- B. To overcome resistance to arrests, to conduct searches and seizures, and to prevent escapes from custody; or
- C. To preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicted injury.

## VI. PROCEDURES: LESS LETHAL FORCE 1.3.6 c

- A. Only issued or approved equipment will be carried on duty and used when

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applying any level of less lethal force. 1.3.4

- B. Use of handcuffs as restraining devices is preferred 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.). As a general rule, the safety of the officer and others is of primary importance, and officers are strongly encouraged to handcuff all arrestees and prisoners except for discretionary exceptions. The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force.
- C. 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: 1.3.5
  - 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 (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. 1.3.5

- D. The officer shall promptly notify his immediate supervisor of the incident.
- E. The officer shall attempt to locate and identify all witnesses, documenting their statements.
- F. The officer shall prepare and submit all required reports including a use of force report. If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a report outlining his actions and observations in the incident.
- G. If available, 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 prisoner 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. 1.3.5

2. Ensure that the need for medical treatment for the prisoner is properly evaluated and provided.
3. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photos, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

NOTE: A photograph showing no injury may be as important as one which shows injury.

4. File a report on the incident and his observations with the officer in charge of the police station.

## **VII. LESS LETHAL WEAPONS**

All officers shall be properly trained, and certified when appropriate, in the use of any less lethal weapons (such as batons or chemical substances/Oleoresin Capsicum OC) before being authorized to carry such weapons. 1.3.4

### **A. Chemical Substances/Oleoresin Capsicum OC 1.3.4.**

1. Chemical substances and Oleoresin Capsicum may be used when physical force is necessary to:
  - a. Protect an officer or other person from an assault;
  - b. Subdue a person who resists arrest; or control person considered active resistant
  - c. Control persons engaged in riotous or violent conduct.
2. It is preferred that chemical substances not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same end.



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NOTE: No tactical advantage is realized by indiscriminate use of chemical substances against non-combative persons. 1.3.4

3. Chemical substances are not intended to be a substitute for other weapons in situations in which the use of other weapons is more appropriate. 1.3.4
  4. The officer involved will file the appropriate reports whenever a chemical substance is employed. 1.3.4
  5. When a chemical substance is used, first aid shall be administered as soon as practicable under the circumstances. 1.3.5
- B. Electronic Weapon (Taser X-26)
1. The electronic weapon (Taser) may be used:
    - a. As a compliance technique, in the drive stun mode, in order to affect the arrest or gain control of an active resistant subject.
    - b. As a defensive weapon to ward off a physical assault.
    - c. As an impact weapon, in the deployment of a Taser cartridge probes, to deliver a disabling electrical charge to a non-vital area as a means of stopping an assaultive subject. An officer is justified in using this type of force under the following circumstances:
      - i. To overcome an assault on an officer or a third party.
      - ii. To deter persons engaged in riotous or violent behavior.
  2. The officer involved will file the appropriate reports whenever an electronic weapon (Taser X-26) is employed.
  3. Refer to the Methuen Police department Policy and Procedure No. 401, Electronic Control Weapons, for details of Electronic Weapons use and reporting.
- C. Police Baton 1.3.4

2. The Police Baton may be used:
  - a. 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 less lethal 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 an assault on an officer or a third party;
    - ii. To deter persons engaged in riotous or violent conduct.
2. The officer involved will file the appropriate reports whenever the police baton is employed to strike a person or a subject is injured when applying a takedown or come-along hold.

D. Gas (OC/CN/CS)

1. OC/CN/CS Grenades/Projectiles are used primarily in dealing with unruly crowds and armed or dangerous barricaded subjects. Unless exigent circumstances exist, they will be used only when all reasonable and practical lesser degrees of less lethal force available have been exhausted or would obviously be futile and/or as a tactical alternative to the use of deadly force. OC/CN/CS Grenades/Projectiles shall be used only under the direction of the Patrol Supervisor/Incident Commander, upon authorization of the officer in charge of the police station.
  - a. **Gas Grenades.** Used to disperse unruly crowds or induce the surrender of armed or dangerous barricaded subjects when negotiations have failed.
  - b. **Gas Gun.** Used to fire OC/CN/CS Projectiles to the area of an armed or dangerous barricaded subject, when the use of hand tossed grenades would be unsafe or impractical.

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2. In crowd control situations involving the use of these chemical agents, subjects should be given adequate warning of their imminent use and should be afforded reasonable time to respond to lawful commands.

## **VIII. DEADLY FORCE: GENERAL CONSIDERATIONS AND GUIDELINES**

The purpose of the following section (Section IX) is to set forth guidelines for members of this Department in making decisions regarding the use of **Deadly 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 life and 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 deadly force.

The citizens of the Commonwealth have vested in their police officers the power to use deadly force in the exercise of their service to society. Police officers are allowed to use deadly 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 deadly 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 deadly force.

## **IX. PARAMETERS FOR THE USE OF DEADLY FORCE**

A member of this Department is authorized to use deadly force only when there is no less drastic means available to:

- A. Defend himself or another from unlawful attack which he reasonably perceives as an immediate threat of death or serious physical injury; or
- B. 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 deadly 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.
- C. Where feasible, officers shall identify themselves as police officers and give some warning before using deadly force.
- D. If deadly force or less lethal force is used, activate EMS and render medical aid. Officers will provide for appropriate medical attention to any subject injured as a result of an officers' use of physical force or a lethal or less-lethal weapon.
- a. After any level of force is used, the officer should evaluate the need for medical treatment and arrange for that treatment when the non-compliant subject has a visible injury or complains of injury or discomfort and requests medical attention.
  - b. Once the officer determines that the scene is secure and he/she is physically capable of rendering first aid, officers shall render immediate medical aid, within their level of training, and call for further assistance when necessary. 1.3.5

## **X. FIREARMS PROCEDURES**

- A. Police Officers are issued firearms and trained in their use, for self-protection and for the protection of the public.
- B. A police 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

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2. To prevent the escape and effect the arrest of a fleeing felon whom the officer reasonably believes will pose a significant threat to human life should escape occur, in accordance with the conditions set forth in Section IX, "Parameters for the Use of Deadly Force.
- C. A police officer may also discharge a weapon under the following circumstances:
1. For authorized target practice or competition, with weapons authorized by the Department.
  2. The following guidelines are provided to aid officers who are required to destroy an animal:
    - a. An animal will be destroyed only after all attempts to notify an agency capable of disposing of the animal have been made, and the agency will not respond after a reasonable amount of time.
    - b. If time permits, officers will adhere to the following steps.
      1. Effect steps to ensure the safety of all citizens, property and other animals, by moving the animal to be destroyed to an area of relative safety, and out of public view if possible.
      2. This area may be a vacant lot, rear yard or roadway median strip. The primary concern is that the animal should be placed upon the ground, (in lieu of pavement) to decrease the possibility of ricochet.
      3. Shoot the animal at close range (5 to 15 feet, maximum if possible).
      4. Shoot "down" into the animal so that the projectile, if exiting the animal's body, will enter the ground.
      5. Shoot the animal in the brain to minimize suffering. EXCEPTION: If the possibility of rabies or that the animal has bitten someone exists, the animal cannot be shot in the brain. In these cases, the animal should be

shot in the chest cavity, directly behind either front leg.

6. Upon destroying the animal, the Animal control officer should be notified without delay for removal of the animal's body.

D. Warning Shots

Because of the danger of unintentional death or injury, warning shots are prohibited. 1.3.3

E. Signaling Devices

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

F. Moving Vehicles

1. Officers **shall not** discharge a firearm from within a moving vehicle, unless the suspect represents a direct threat to the life or safety of the officer or other persons and then only as a last resort.
2. Discharging a firearm at a moving vehicle by an officer is prohibited, except to defend himself or another when the occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious physical injury, and the officer reasonably believes that he will not endanger innocent persons.

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.

3. Firing strictly to disable a vehicle is prohibited.
4. In every incident, the officer shall take into account the location of vehicular and pedestrian traffic and the potential hazard to innocent persons.
5. Firearms shall not be utilized when the circumstances do not provide a high probability of striking the intended target, or when there is

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substantial risk to the safety of other persons, including risks associated with vehicle accidents.

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

#### G. 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 his 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.

#### H. Permissible Weapons and Ammunition

1. Officers shall only carry firearms and ammunition issued or authorized by the Department while on duty.

NOTE: Officers shall carry their issued service weapon while on duty unless authorized by the Chief of Police to carry a different weapon.

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

NOTE: Under Massachusetts General Laws and Federal Law, 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 in any state, regardless if he/she is in possession of a permit to carry firearms in that state. Officer shall carry their State issued Police ID and must be in compliance with Massachusetts mandated firearms qualifications.

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

- J. 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.

K. Training and Qualification 1.3.10

1. All officers shall qualify with their issued service weapon(s) and any other weapon they are authorized to carry while on duty at least annually.
2. Qualifications shall be under the direction of the department's Firearms Instructor. 1.3.11 a
3. Following a reasonable period of practice and training, all officers will be expected to qualify in accordance with the standards established by the Massachusetts Police Training Committee's (MPTC) . Training and proficiency shall be documented. 1.3.11 b
4. Officers who fail to qualify with their service weapon(s) shall be denied permission to carry such weapon. The officers will receive additional instruction and will be given a reasonable amount of time to qualify while assigned to administrative duty. 1.3.11 c
5. Qualification shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
6. No member of this Department will be authorized to carry a firearm until he has: 1.3.12
  - a. Been issued a copy of the department's *Use of Force* policy; and
  - b. Qualified at the range.
  - c. Signed a receipt indicating that he received a copy and has been trained in Policy 400 which will be kept in their training file. 1.3.12

L. Off-Duty Weapon 1.3.10

1. Any weapon that an officer carries on his person while off duty for protection or to enable him to take action as a police officer (especially a weapon carried by an officer to and from an assigned.



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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 must first submit a written request to the Chief of Police detailing a complete description of the firearm.
3. If the weapon is approved by the Chief of Police, the officer must qualify with the weapon at the range.
4. Any officer who has not qualified with his approved off-duty weapon shall not be indemnified by the department for any use of such weapon until such time as the officer has qualified. The officer may, however, carry his 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 department.
6. All approved off-duty weapons must be carried in a type of holster approved by the Chief of Police or his designee.
7. All officers shall qualify with their off-duty weapon on at least an annual basis.
8. 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.
9. When possible, firearms carried while in civilian clothing shall be concealed from public view.
10. Officers are advised not to carry a firearm when he/she anticipates they will be consuming alcoholic beverages or otherwise not be in complete control of themselves or their weapon.
11. The carrying of an ECW while Off Duty is prohibited.

## **XI. SPECIAL WEAPONS**

- A. Unless authorized to be carried in the police vehicle at all times by the Chief of Police, special weapons (shotguns, sniper rifles, etc., and ammunition for

same) will be maintained in a secure area of the police department.

NOTE: If the Chief of Police authorizes special weapons, such as shotguns, patrol rifles, etc. to be carried in the police vehicle on routine patrol, all members of the department must be qualified in the use of the authorized special weapon prior to utilizing it.

- B. When not carried in the patrol vehicle on routine patrol, 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 will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Massachusetts Police Training Committee's (MPTC), the manufacturer, or the department's Firearms Instructor, at least annually.
  - 2. The officer in charge of the police station will use a weapons sign-in/out sheet to maintain accountability for these weapons.
- C. 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.
- D. 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.

## **XII. REPORTING USE OF FORCE 1.3.6 c**

Whenever a member of this Department takes an action that results in, or is alleged to have resulted in, injury or death of another person; and/or the officer applies force through the use of any less lethal weapons, he/she shall file written reports and these reports will be received and investigated according to the procedures outlined in Sections XIII and XIV below.

## **XIII. USE OF FORCE REPORTING AND INVESTIGATION: LESS**

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## **LETHAL FORCE**

The following procedures shall govern the proper reporting and investigation of any use of less lethal force by both on-duty and off-duty members of the department:

- A. Officers shall note all facts and circumstances involving any use of less lethal force in the relevant arrest or incident report.
- B. When the application of less lethal force results in obvious physical injury to the suspect, the suspect requests medical treatment for an injury, whether obvious or not, or the suspect complains of injury, a separate Use of Force Report will be completed in addition to the arrest or incident report. This Report shall contain:
  - 1. The names and addresses of victims and witnesses;
  - 2. The extent of treatment of injuries, if any;
  - 3. The name of the treatment facility and doctor administering treatment; and
  - 4. The reasons and circumstances that required the use of force.
- C. Upon notification of the use of less lethal physical force by subordinate personnel, the officer in charge of the police station shall initiate an investigation into the incident. He shall: 1.3.7
  - 1. Review the report(s) describing the use of force, and all other related reports; 1.3.7
  - 2. Submit a report of the incident to the Chief of Police or his designee once all facts have been compiled. In the absence of discrepancies or additional facts, his report should advise that a supervisory investigation has been conducted and that the facts are as reported in the official incident/arrest report and Use of Force Report; and 1.3.7
  - 3. Forward all reports to the Commander of Field Operations. 1.3.7
- D. The Commander of field Operations shall be responsible for the following: 1.3.7

1. He shall ensure that a thorough investigation was conducted and that all reports were prepared and submitted; 1.3.7
  2. Review all reports submitted to determine whether the use of force was in compliance with department policy and procedures; and 1.3.7
  3. He shall prepare a report to the Chief regarding the incident and how it was handled, including any comments and recommendations he may have. 1.3.7
- E. All reports concerning any use of force incident shall be forwarded to the Chief of Police, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action.

#### **XIV. DISCHARGE OF FIREARMS INVESTIGATION.**

- A. The Internal Affairs Unit will investigate all incidents in which an officer discharges a firearm, on or off duty, except in the following cases:
1. The discharge of firearms on the department range, and all other forms of target practice.
  2. Sporting events, to include hunting and organized shooting matches.
  3. The test firing of firearms.
  4. The destroying of an animal in those circumstances specifically authorized by the Commanding Officer.
- B. The investigation conducted by the Internal Affairs Unit will be in addition to any investigation conducted by the Detective Division, and those conducted by the Detective Division will take precedence.
- C. Immediately following the discharge of a firearm at a person, it will be the responsibility of the officer, or officers involved, to notify the Dispatcher who will notify the Officer-in-Charge, the Patrol Supervisor and the Commanding Supervisor. The immediate on-duty Supervisor will respond to the scene. The Dispatcher will also immediately notify the appropriate Internal Affairs Unit investigators, and the Detective Division if applicable. The Commanding Supervisor/Chief of Detectives, will immediately notify the Chief of Police.

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1. When an officer is off duty, he/she will notify the Dispatcher, and the Dispatcher will follow the same Procedure as above.
  2. When an officer from a division other than patrol is involved and his immediate supervisor is unable to respond, a uniformed patrol supervisor will be utilized in lieu of his/her immediate supervisor.
- D. Incidents involving the shooting of a person will be investigated by the Detective Division, and the Internal Affairs Unit. The District Attorney's office shall also be notified. The investigations will be initiated immediately and completed as soon as possible. A thorough and objective investigation of the facts pertinent to the incident will be conducted.
1. The Patrol Supervisor responding to the scene will be responsible for the following duties:
    - a. Command of the scene and protection of the scene and evidence until arrival of the Commanding Supervisor, or Chief of Detectives.
    - b. The Command Officer-in-Charge of the scene will determine when the officer involved is no longer needed at the scene and;
    - c. See that the officer is accompanied to the Detective Division.
  2. The command officer responding to the scene will be responsible for the following duties:
    - a. Command at the scene and protection of the scene and evidence until the arrival of the Detective Division who will assume command upon arrival.
    - b. The scene will be protected by immediately roping off the immediate area, if possible, and removing all unauthorized persons, including police officers not required at the scene. The scene will be protected until the completion of all investigations.
- E. In all other incidents involving the discharge of a firearm (shooting at a person, destroying an animal not specifically authorized by the commanding

officer, accidental discharge, etc.) the officer, his immediate supervisor/or Officer-in-Charge, will remain at the scene until the arrival of an Internal Affairs Unit investigator.

- F. All officers who are witnesses to an incident will remain at the scene until arrival of the Detective Division and/or Internal Affairs Unit investigators, so that arrangements for necessary statements can be made.
- G. The officer involved will protect his weapon for examination by the Internal Affairs Unit investigator.
  - a. When an officer is injured and has discharged his firearm, the firearm will be secured by his immediate supervisor or Officer-in-Charge, who will make the firearm available for examination
  - b. When more than one officer has discharged a firearm in an incident, a ballistics examination of all firearms discharged will be conducted.

i. STRESS UNIT INTERVENTION

- 1. Regardless of outward appearances, the use of deadly force against another person will have a profound effect upon the officer involved. It is imperative that the officer's psychological health be protected during this difficult time.
- 2. The First Superior Officer at the scene of a shooting, whether fatal or not, shall have responsibility for the following:
  - a. Assign another officer to act as a support officer. This officer shall remain with the involved officer and see to his physical and psychological needs. The support officer will shield the involved officer from unnecessary conversations with persons who do not have a valid need to know the facts of the incident.
  - b. The support officer shall remain with the involved officer at the scene, at the station, and at his home until a stress unit member is able to relieve him.
- 3. The Shift Commander shall have the responsibility of contacting a member of Stress Unit and advise him of the incident and where his services are needed.

[Type text]

4. A Stress Unit member shall respond to the scene or the station to relieve the support officer and take over responsibility for the involved officer's medical and psychological needs. The Stress Unit member shall also:
  - a. isolate the involved officer
  - b. facilitate the involved officers removal to the station as soon as possible when cleared by Internal Affairs and the Detective Division
  - c. contact the officer's family
  - d. begin peer counseling as needed
  - e. remain with involved officer as long as needed or arrange to be relieved by another stress unit member
  - f. provide input to investigating officers relative to the timing of questioning of and report writing by the involved officer
  - g. provide long term peer counseling as needed
  - h. arrange for professional services as needed

## **XV. DISCHARGE OF FIREARM REPORT 1.3.6 a**

- A. Each time an officer discharges a firearm, except those listed in Section XIV-A of this order, he will be required to submit a detailed report of the circumstances as soon as possible after the incident. The report will be completed in the following sequence and contain the following information:
  1. Name and badge number of officer(s) who discharged the firearm(s).
  2. Date and time of occurrence.
  3. Location of occurrence.
  4. Type, caliber, and serial number of firearm(s) discharged.

5. Type and caliber of ammunition fired.
6. Number of shots fired, and direction in which shots were fired.
7. Description of object fired at. (If person, name, race, sex, DOB, etc., if known). If an animal, a brief description.
8. Whether or not the object fired at was moving, standing or barricaded, and direction of travel if in a vehicle.
9. Whether or not the officer or officers were moving in a vehicle, standing, running, barricaded. etc.
10. Results of the shot(s) fired. (Extent of wounds, other objects struck, etc.).
11. Names of supervisor, commander, and investigators responding to scene.
12. What care, if any, was given by the officer to the person injured, and how was the injured person transported for medical treatment.
13. Other pertinent information concerning the incident written in narrative form. To be included are the reasons for the use of firearms, etc.

## **XVI. HOMICIDE BY OFFICERS IN THE PERFORMANCE OF POLICE DUTY.**

- A. When an officer of the Methuen Police Department, on or off duty, kills a person, a thorough and objective investigation will be initiated immediately, and completed as soon as possible by the Massachusetts State Police Detectives assigned to the District Attorney's Office, Detective Division, and Internal Affairs Unit. 1.3.8
- B. The officer responsible for a homicide shall be relieved of duty by his/her Commanding Officer, without loss of pay or benefits, pending the results of the investigation.
  1. The officer shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to duty at



[Type text]

any time. He/she shall notify the Chief of Police Prior to leaving the City.

2. The officer shall not discuss the case with anyone except prosecuting attorney and department personnel. This does not prohibit the officer from discussing the case with his/her attorney(s).
- C. The policy outlined hereinbefore is not intended to imply or indicate that the officer has acted improperly.
- D. When a decision has been made by the prosecutor or the Grand Jury relative to the homicide, the Chief of Police will:
1. Suspend the officer without pay if the prosecutor files criminal charges or the Grand Jury return a "true bill", or;
  2. Reinstatement the officer to active duty if the prosecutor determines the homicide to be justifiable, or the Grand Jury returns a "no bill", except in those situations where pending department charges require the officer to be under suspension.

## **XVII. USE OF FORCE REVIEW**

### **1.3.13**

The bureau commander of the officer involved will review all Subject Non-Compliance, Firearm Discharge and Use of Lethal Force Reports, in conjunction with the training supervisor, and forward a memorandum to the Chief of Police evaluating the officer's actions; including whether department policies were followed, and either endorsing the officer's actions or outlining corrective measures recommended to be taken. All Subject Non-Compliance Reports, Firearm Discharge and Use of Lethal Force Reports will be reviewed by the respective Bureau Commander and the Chief of Police who will determine the course of action necessary (i.e., remedial training, policy revision, weapon or equipment issues, discipline.)

## **XVIII. ANNUAL ANALYSIS**

### **1.3.13**

An annual analysis of Subject Non-Compliance reports, Use of Lethal Force, and Firearms Discharge reports will be conducted by the Support Services Bureau Commander at the end of each calendar year and submitted to the Chief of Police by March 1 of the following year. This report will investigate any patterns or trends that could indicate training needs and/or if procedure modifications are necessary.





# METHUEN POLICE DEPARTMENT

## USE OF FORCE REPORT

REQUIRED BY DEPARTMENT POLICY #400 - TO BE COMPLETED BY OFFICER INVOLVED

CASE #	LOCATION	DATE	TIME
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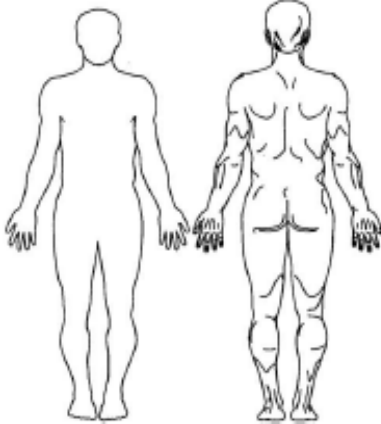
### OFFICERS INVOLVED

OFFICER	ID#	OFF. INJURIES
ASST. OFFICER	ID#	OFF. INJURIES
ASST. OFFICER	ID#	OFF. INJURIES

### SUBJECT'S INFORMATION

NAME	ADDRESS
INJURIES	FIRST RESPONDER TREATMENT
TREATING FACILITY	TREATING PHYSICIAN

TYPE OF FORCE USED    MANUAL    CHEMICAL    BATON    K9    FIREARM    TASER

Subjects actions, perceived circumstances and officers actions	APPLICATION AREAS
	 <p>Place "X's" on all points of contact</p>

### WITNESS INFORMATION

WITNESS	ADDRESS	PHONE
WITNESS	ADDRESS	PHONE
WITNESS	ADDRESS	PHONE

\_\_\_\_\_  
OFFICER

\_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
FIELD OPERATIONS COMMANDER

PROPER UOF     IMPROPER UOF     CORRECTIVE ACTIONS TAKEN

\_\_\_\_\_  
SUPPORT SERVICES COMMANDER

*\*IMPORTANT! - ATTACH COPIES OF ALL RELATED INCIDENT/ARREST REPORTS TO THIS REPORT. SUBMIT (1) COMPLETE PACKET TO THE FIELD OPERATIONS COMMANDER AND (1) COMPLETE PACKET TO THE SUPPORT SERVICES BUREAU COMMANDER BY THE END OF YOUR TOUR OF DUTY.*