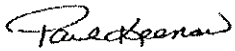


Quincy Police Department

<p>GENERAL ORDER#: 91-40 Section: Law Enforcement Operations Title: Use Of Force/Less Than Lethal Impact Projectiles Authorized Signature: </p>	<p>Issued: 12/05/1988 Effective: 12/14/1988 Amended Date: 06/25/2020 Amended G.O. #: 88-2 Page 1 of 14</p>
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1.0 PURPOSE. To establish policy and procedures for Quincy Police officers making decisions regarding the use of force, deadly and non-lethal. This policy has been developed with serious consideration for the safety of both the police officers and the public, and with the knowledge that officers must make split second decisions in life and death situations consistent with the objective reasonableness standard set forth in *Graham v. Connor* 490 U.S. 386 (1989).

2.0 BACKGROUND. The Quincy Police Department recognizes that police officers exercise broad discretion in determining when to invoke the criminal process through arrest or citation. The Department believes it is important that each officer understand that application of the criminal process is only one option available in dealing with those difficult situations that police are often called upon to resolve. In serious criminal matters application of the law (arrest or citation) will be more common than when dealing with minor disputes or disturbances. In those minor disputes and disturbances, officers are encouraged to consider Department objectives, policies and eventual outcomes before selecting an appropriate course of action.

The Quincy Police Department places its highest value on the life and safety of its officers and the public. The Department's policies, rules and procedures are designed to ensure that this value guides police officers' use of firearms or any other type of deadly force. The citizens of the Commonwealth have vested in their police officers the power to carry and use deadly force in the exercise of their service to society. This power is based on trust and, therefore, must be balanced by a system of accountability. The serious consequences of the use of deadly force by police officers necessitates the specification of limits for officers' discretion. Therefore, it is imperative that every effort be made to ensure that each use of deadly force is not only legally warranted, but also reasonable.

Even though all officers must be prepared to use deadly force when necessary, the utmost restraint must be exercised in its use. Consequently, no officer will be disciplined for discharging a firearm in self-defense or in defense of another when faced with a situation which immediately threatens life or serious bodily injury. Just as important, no officer will be disciplined for not discharging a firearm if that discharge might threaten the life or safety of an innocent person.

In determining when to use force, officers of the Department are to be guided by the principle that a reasonable amount of force, given the totality of the circumstances, is permissible. Any use of force must be justified. Unnecessary force can never be justified.

3.0 POLICY. It is the policy of the Quincy Police Department that the use of force is never to be considered routine, is permissible only to overcome resistance directed against the officer or others, and only in a reasonable amount. The Quincy Police Department values the safety of its officers and the public. It is believed that police officers should use any form of force with restraint. An officer's force response must be objectively reasonable in consideration of the officer's perception of the risk/threat presented, and the officer's perception of the subject's actions or inactions.

4.0 DEFINITIONS.

4.1 Deadly Force. Deadly force is any force which an officer reasonably believes is likely to cause death or serious bodily injury. The discharge of a firearm is always considered the use of deadly force.

4.2 Serious Bodily Injury. An injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the function of any bodily member or organ.

4.3 Discretion. The latitude provided police officers in deciding whether to invoke the criminal process.

4.4 Probable Cause. (As it relates to Use of Force) Personal knowledge and reasonable inferences drawn from practical police experience and/or reliable information from others that causes a reasonable police officer to believe that it is more likely than not that a threat exists.

4.5 Force. The amount of physical effort required by an officer to compel compliance from a person. This includes any use of force by an officer occurring in an official enforcement capacity whether on or off duty.

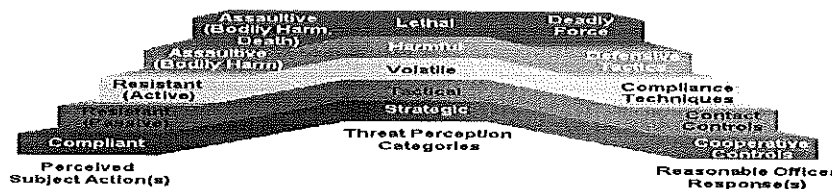
6. **Non-lethal Force.** That degree of force which, under the circumstances, is neither likely nor intended to cause death or serious bodily injury.

1. **Objectively Reasonable.** In determining the necessity for use of force, and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances including, but not limited to: the seriousness of the crime, the threat level or resistance presented by the subject, and the danger to the community.

1. **Reasonableness.** Reasonableness means “within reason,” moderate and/or fair action suitable to the confrontation. Reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split second decisions about the amount of force necessary in a particular situation (Graham vs. Connor USSC 1989). The final decision as to the prudence and reasonableness of a police action will be determined on a case by case basis by those officers called upon to judge the propriety of a fellow officer’s action. Such judgments may not conflict with the expressed provisions of this policy.

1. **Totality of the Circumstances.** The sum of all elements in a situation used to determine the presence or absence of excessive force.

5.0 USE OF FORCE MODEL



1. Risk Assessment/Threat Perception Categories

1. **Strategic:** The broad mindset of the officer. The officer must maintain this functional foundation, centered upon strategies designed to enhance the status of safety. The officer must maintain a level of awareness and preparedness to enhance the overall and ongoing status of officer safety anytime they are working.
2. **Tactical:** The officer perceives an increase in the threat potential within the confrontational environment which would initiate the process where specific tactics and procedures are now deployed.

3. **Volatile:** The officer is now confronted with the presence or potential of an increase in the threat intensity and severity. The officer recognizes this increase in the threat potential, and must deploy techniques and tactics that will overcome and/or control this increased risk.
4. **Harmful:** The officer perceives an accelerated assessment of danger. The situation has reached the degree where the physical well being of the officer or another person is in jeopardy if the subject is not stopped and/or controlled.
5. **Lethal:** The officer perceives the highest degree of threat towards their own or another's safety. The officer's reasonable assessment would be that if this situation were allowed to continue, the officer or another, could be seriously injured or killed. A maximum system of defense must be initiated.

1. Perceived Subject Actions/Reasonable Officers Response Categories

1. Level One:

Perceived Subject Actions are Compliant: The officer perceives the subject's action as cooperative and control is maintained via public acceptance, officer presence, and communication/verbalization skills.

Reasonable Officer's Responses are Cooperative Controls: The cooperative controls would include controls to preserve officer safety and security including, but not limited to: communication and verbalization skills, proper restraint application, and officer presence.

1. Level Two:

Perceived Subject Actions are Resistant (Passive): This is the preliminary level of subject non-compliance. The subject offers no physical or mechanical enhancement towards the resistant effort. The subject has not directed their physical strength and energy in the establishing, achieving, and/or maintaining a posture of resistance.

Reasonable Officer's Responses are Contact Controls: Contact controls are hands on techniques designed to guide, support and direct the subject. The techniques would include, but not be limited to, the escort position, elbow grasp, wrist grasp, shoulder grab, etc.

1. Level Three:

Perceived Subject Actions are Resistant (Active): The subject's non-compliance has increased in scope and intensity and now includes energy enhanced physical or mechanical defiance. The subject has directed their physical strength and energy in establishing, achieving, and/or maintaining a posture of resistance.

Responsible Officer's Responses are Compliance Techniques: Compliance techniques are techniques utilized to overcome the suspect's resistive effort at an appropriate level in order to gain compliance and control. They would include, but not be limited to, OC spray, counter joint manipulations, distraction techniques, pressure point techniques, pain compliance, and batons as controlling devices.

1. Level Four:

Perceived Subject Actions are Assaultive (Bodily Harm): The officer's attempt to gain lawful compliance has concluded in a perceived or actual assault on the officer or another person. The officer makes a reasonable assessment that such actions by the subject would result in the officer's or another's bodily injury.

Reasonable Officer's Responses are Defensive Tactics: Defensive tactics include countermeasures designed to cease the subject's assaultive behavior in order to regain control and assure compliance. Defensive tactics would include, but not be limited to, weapon and weaponless strikes; personal weapons, batons, and weapons of immediate means and opportunity, are some examples of tools and techniques that could be used.

1. Level Five:

Perceived Subject Actions are Assaultive (Death/Serious Bodily Harm): The officer is confronted by an assaultive act that reaches the ultimate degree of danger. The officer perceives the subject's actions could subject the officer or another to death or serious bodily injury.

Reasonable Officer's Responses are Deadly Force: Deadly force techniques and tools are those which are likely to cause serious bodily injury or death. Deadly force tactics would include, but not be limited to, the use of firearms, baton strikes to specific target areas, and weapons of immediate means and opportunity.

6. Progression of Force

1. The officer's response options within the five force levels identified in the Use of Force Model are not necessarily listed in the order of need or use. Confrontational situations are frequently dynamic and constantly changing. Officers must be able to respond at the appropriate level. The officer may de-escalate, stabilize, or escalate their response based on their risk assessment and the perception of the subject's degree of compliance or noncompliance.
1. The officer's response options within the model are those tactics officers are trained in. The Department recognizes that there are other methods and tactics that can be utilized at each level of force. If a tactic is used, it must be objectively reasonable as it related to the officer's risk assessment and the subject's actions or inactions.

7. Parameter For the Use of Force

1. Non-lethal Force

An officer may use non-lethal force that is objectively reasonable to bring an incident and/or subject under control. An officer is authorized to use non-lethal force to:

- Effect an arrest
- Protect the officer or another person from physical harm
- Restrain or subdue a resistant subject
- To safely bring an unlawful situation under control

2. Deadly Force

An officer is authorized to use deadly force in the following situations:

- To protect themselves or another from an unlawful assault which the officer reasonably perceives as an immediate threat of death or serious bodily injury.
- To prevent the escape of a fleeing felon whom the officer has probable cause to believe; committed a felony during the commission of which they inflicted or threatened to inflict death or serious bodily injury upon the officer or another; or there is a substantial risk that the felon in question will cause death or serious bodily injury to

the officer or another if their apprehension is delayed. Officers should give some warning of their intent to shoot where feasible.

- To render harmless an animal which presents a clear and immediate danger of death or serious bodily injury to a human being, or the animal is so severely injured that humanity requires its removal to prevent further suffering.

3. Duty to Intervene

- Officers of the Quincy Police Department have a duty to intervene when they encounter another Officer using force that is perceived as more than objectively reasonable given the totality of circumstances.

8. Reporting Procedures

1. When an officer uses either:

- Deadly force against a person or an animal, or
- A non-lethal tool (OC spray, baton, or personal weapons used as a defensive tactic) against a person or animal, or
- Force that results in a recognizable injury

the officer shall file a complete and accurate Use of Force Report via the Department's Blue Team application prior to the end of their tour of duty (unless delayed for a medical reason or other unforeseen circumstances with approval from the Chief's Office).

1. An officer who uses deadly force or non-lethal force shall make a verbal report to their immediate supervisor (in person, by phone, or by radio).

1. An officer is not required to file a Use of Force report when the force is used for controlling, searching and handcuffing, or for any force used at approved training exercises, unless a recognized injury occurs or is requested by a supervisor.

1. An Officer aware that a fellow Officer has used force perceived as more than objectively reasonable given the totality of circumstances, shall report the incident to the Chief's Office, in writing, without delay.

1. This policy is not intended to preclude an officer from reporting any use of force tactics not identified herein.

1. All Use of Force reports will be forwarded to the Chief's Office.

9. Discharge of Firearms

1. Officers shall immediately, when tactically feasible, notify a shift supervisor anytime they discharge their issued/authorized firearm (including rifles/shotguns) except for training purposes, hunting, competitive shooting, or practice at an approved range.

1. If the firearm discharge occurs off duty, the officer shall notify the Communications Sergeant. The Communications Sergeant will insure an entry is made into the administrative journal, and will notify the officer's captain. The officer shall file a report on their next tour of duty. If the officer is injured, the report will be filed as soon as medically possible.

10. Investigation of Use of Force Incidents

1. The Office Of the Chief shall review each incident to determine if the forced used was in compliance with departmental polices, rules and procedures
1. The officer involved may be issued replacement equipment until the Office Of the Chief completes the review of the incident.
1. When an officer has used force, and that force resulted in death or serious bodily injury, the officer may be reassigned to administrative duties pending review of the case by the Office Of the Chief.
1. The officer involved may be referred to stress counseling. Union representatives will have the right to recommend appropriate stress counseling programs to the Chief. If there is no agreement as to the appropriate stress counseling programs, the Chief will determine the program to be referred.

11. Department Response to Use of Force Incidents

1. A supervisor shall immediately be summoned to the scene and comply with on-scene investigative procedures in the following situations:
 - When a firearm is discharged in accordance with section 9.0
 - When the use of force results in serious bodily injury or death
 - When an officer has utilized a deadly force tactic
1. A patrol supervisor will assume command of the scene and initiate the preliminary investigation until relieved by a superior officer.
1. A patrol supervisor shall take control of any tool or instrument which has caused serious injury or death. The instrument will be secured in a safe place until it may be delivered to BCI.
1. A patrol supervisor will assign sufficient personnel to secure the scene to preserve physical evidence and request assistance of crime scene personnel when necessary.
1. A patrol supervisor will require a preliminary incident report from the officer(s) involved, if it is medically feasible, prior to the end of their tour of duty.
1. Where the officer's use of force has resulted in serious bodily injury or death, the shift supervisor shall be immediately notified. The shift supervisor will notify the officer's captain. The captain shall notify the Chief.
1. The shift supervisor will assume overall command when they arrive on scene, ensure all proper procedures are conducted, make certain the scene is secured, and that all proper notifications are made.
1. In cases where an action resulted in injury (or alleged injury), officers shall render aid and activate the emergency medical system as soon as it is safe and reasonable to do so.

12. Oleoresin Capsicum (OC) Aerosol Spray

1. OC spray is used as a compliance technique. It can be used when a subject's actions would lead a reasonable officer to classify the subject as a level three (resistant/active) subject or higher.

Nothing in this policy dictates that any lesser or equal force options be applied prior to the use of OC spray.

1. The Department will issue OC spray to all officers.
1. Officers will carry their Department issued OC spray.
1. Officers will use OC spray in accordance with training standards.
1. After control has been established and/or resistance has ceased and the scene is safe, the officer should make a reasonable effort to allow the affected subject relief from the discomfort associated with the application of OC spray. These decontamination procedures may include:
 - Removing the affected person from the spray area to fresh air or some other form of ventilation;
 - Allowing the subject to flush the affected area with clean water or saline solution, if available, to relieve some of the discomfort to the eyes or skin;
 - Informing the subject contact lenses must be removed (officers will not remove contact lenses from any subject);
 - Instruct the subject to avoid rubbing their eyes;
 - Seek medical treatment if the subject exhibits any signs of adverse reactions to the OC spray.
1. Refresher training on OC spray will be conducted according to the training schedule developed by the Training Director.

13. BATONS

- 13.1 A baton is designed as a non-lethal impact tool. It can be utilized to strike when a subject's actions would lead a reasonable officer to classify the subject as a level four (assaultive) subject or higher. It can be used as a controlling and leverage tool when a subject's actions would lead a reasonable officer to classify the subject as a level three (resistant/active) subject.

Nothing in this policy dictates that any or all lesser or equal force options be applied prior to the utilization of a baton.

- 13.2 All officers will be issued a baton. The make, model, and type will be determined by the Chief of Police. Officers will only carry batons issued or approved by the Department. Approval will be documented in writing and shall be placed in the officer's training file.
- 13.3 Officers assigned to the patrol division will carry their baton on their person or have it readily available.
4. Officers will use the baton in accordance with training standards.
 1. Officers should whenever practical photograph the area(s) impacted by baton strikes. Any photographs should be burned to a disk and included in the case file.
 1. Officers will seek medical treatment for any subject injured by the application of baton strikes. Any recognized injuries will be properly documented.
 1. Refresher training on the use of the baton will be conducted according to the training schedule developed by the Training Director.

14. FIREARMS

1. Officers will only carry their issued service firearm while on duty.
1. No firearm can be modified in any manner without approval from the Training Director. Any modification will be documented in writing (indicating the type and nature of the modification) and placed in the officer's training file.
1. Officers shall only carry Department issued ammunition.
1. Officers are responsible for keeping their issued firearms clean and in good working order. If a firearm malfunctions it shall be returned to a department armorer. The officer and armorer shall notify the officer's captain, shift commander and the training director.
1. All officers will take reasonable precautions to ensure their issued firearm is secured and protected from loss, misuse, or theft.
1. All officers will qualify with their issued firearm.
1. An officer who fails to qualify with their issued service firearm or other weapon shall be denied permission to carry that weapon.

14.8 Qualification shall include an inspection of the firearm used by the officer to insure it is clean and in good working order.

14.9 An officer who fails to qualify with their issued service firearm may be assigned administrative duties pending qualification.

14.10 Firearms qualification schedules will be developed by the Training Director and the Department's Range Master.

11. Officers must qualify with rifles and shotguns prior to using them.

1. It is the responsibility of the officer not to use a rifle or shotgun unless qualified and familiar with the operation thereof.

15. FIREARM RESTRICTIONS

15.1 Officers may discharge their firearms only when it will not unreasonably endanger innocent persons.

2. Officers shall not discharge their firearms to threaten or subdue persons whose actions are destructive to property or injurious only to themselves unless such actions are an imminent threat of death or serious bodily injury to the officer or another.

15.3 Officers shall not discharge their firearms at a moving vehicle unless there is an imminent threat of death or serious bodily injury to the officer and/or others, and there is no reasonable means of escape.

15.4 Officers shall not discharge their firearms from a moving vehicle at a pursued vehicle unless the occupants thereof present an imminent threat of death or serious bodily injury to the officer or another.

5. Officers shall not fire warning shots, or shots to signal for help.

15.6 Officers shall not draw their firearms unless there is a reason to believe there is a threat of death or serious bodily injury.

15.7 Officers will not be authorized to carry a firearm until they have qualified on an approved firing range, have read this section of the manual, and signed a copy of this chapter indicating they understand it.

16.0 Mass License to Carry Firearms: all sworn QPD officers must have a valid LTC.

17. Less-Than-Lethal Impact Projectiles

1. The QPD has adopted the *less-than-lethal* force policy to assist in the de-escalation of potentially violent confrontations.

1. References:

- *Less-Than-Lethal Impact Projectiles*- CTS 40 millimeter (60 gram) foam rubber baton round
- *Weapon*- The Penn Arms 40mm launcher
- *Less-Than-Lethal Target Zone Chart*- Chart describing the human body target areas (see below)

1. Special Terms:

- *Less-Than-Lethal Force*- Application of force with less potential for causing death or serious physical injury than lethal methods
- *Less-Than-Lethal Impact Projectiles*- Projectiles which are intended to incapacitate a subject with a minimal potential for causing death or serious physical injury

1. Procedure

1. Only trained officers will utilize the less-than-lethal projectile system.
2. The “foam baton” projectile is designed to cause incapacitation and reduce the subject’s ability to continue his or her actions. The level of energy necessary to cause incapacitation creates the potential for injury, but generally presents a relatively low probability of causing serious physical injury or death.

3. Potential for Causing Death or Serious Physical Injury

1. The potential for causing death or serious physical injury with such projectiles is a reality. However, this potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury (including such areas as the head, chest, back, thoracic and abdominal cavities and the groin).
2. When engaging a target, the officer should evaluate the effectiveness of each round. Compliance and/or incapacitation are the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the officer is encountering and the established safety priorities.
3. Deployment Areas

1. The impact projectiles (foam baton) will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.
 2. The impact weapon-training chart is the recognized model for determining contact areas for impact projectile weapons, based on potential for injury.
- i. Green Areas- These areas will be considered when incapacitation is necessary and a minimal potential for injury is the appropriate response.
- ii. Yellow/Red Areas- These areas will be considered when an escalation of force above green (areas) is necessary and appropriate, acknowledging and increase in the potential for serious physical injury/death.
 - iii. Head/Neck- Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary, and appropriate.
4. The three (3) QPD Penn Arms 40mm launchers will be dedicated to the three (3) Patrol Supervisor Cruisers (F-769, F770, F771). Each launcher will be stored in a rifle case with 5 CTS model 4557 foam baton rounds.
5. Patrol Supervisors are responsible for ensuring that the launchers and 5 issued foam baton rounds are in the cruiser at the beginning and end of their tour of duty. Any deficiencies should be immediately reported to the Patrol Commander and logged in the journal.
 6. Launchers assigned to vehicles must be removed and properly stored prior to the vehicle being sent out for maintenance.

1. Use

1. Officers may use *less-than-lethal* Impact Projectiles when a subject's behavior is considered **Assaultive (bodily harm)/Level Four or above**. This stage is reached when an officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others (to include self-harm, i.e. suicide attempts).
2. The 40mm launches may also be deployed on aggressive animals which may pose a threat of injury to an officer or civilian.
3. The use of impact projectiles (foam baton rounds) are considered a level of force that *when deployed to designated areas (see impact weapon training chart) of suspect(s) body are considered "less-than-lethal" or unlikely to cause death or serious physical injury*. The use of kinetic energy impact projectiles is considered Deadly Force, if intentionally deployed at the head or neck.
4. Dedicated System- The issued 40mm launcher will be dedicated to *less-than-lethal* projectiles, and marked in some fashion consistent with such designation (i.e. orange taped stock). Officers assigned will inspect the chamber each time the weapon comes under their control to ensure the total absence of lethal ammo. **NO LETHAL AMMUNITION WILL BE STORED WITH THIS WEAPON.**
5. Back-up officers armed with lethal weapons should provide cover in cases involving any armed and/or dangerous subjects, even if no firearms are involved.
6. It is important, whenever possible, that all officers involved know (including any potential responding officers) that a less-than-lethal projectile is being deployed so they don't mistake the sight and sound from the launcher going off as a live ammunition discharge. Whenever reasonably possible

officers using less-than-lethal 40mm launchers shall issue a verbal warning of the impending deployment of the weapon.

7. Suspects struck by a less-than-lethal round SHALL, when safely under control, be transported to a medical facility.

8. All visible injuries will be photographed and documented in the officer's report.

1. Reporting

1. Every officer who uses less-than-lethal projectile/force shall submit a Use of Force report in accordance with section 8.0 above. Include names and addresses of victims and witnesses; extent of treatment of injuries, if any; and the name of the treatment facility and attending physician.
2. Every officer who uses less-than-lethal projectile/force shall notify the assigned SWAT Team Armorer or qualified 40mm Instructor of the deployment so that the 40mm rounds can be replaced.

1. Maintenance

1. Extended range impact weapons shall be inspected when the weapon is initially obtained and/or issued and at least annually to ensure mission readiness by the assigned SWAT Team Armorer or qualified 40mm Instructor. Any weapon not working properly will be taken out of service for repairs.
2. The assigned SWAT Team Armorer/qualified 40mm Instructor will notify all affected personnel regarding any weapon that has been taken off line for repairs.

