



USE OF FORCE

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| POLICY & PROCEDURE NO. 1.01 Rev. 0 | ISSUE DATE: __December 1, 2012__ |
| MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.3.1; 1.3.2; 1.3.3; 1.3.5; | EFFECTIVE DATE: __December 1, 2012__ |
| | REVISION DATE: ____ |

I. PURPOSE

The purpose of this Policy is to provide sworn officers with established guidelines, responsibilities and procedures on the use of lethal and intermediate force.

II. POLICY

The Taunton Police Department recognizes and respects the value of each human life, which cannot be measured. In vesting police officers with the lawful authority to use force to protect the public, a careful balancing of all human interests is required. It is the policy of the Taunton Police Department that only the force that is reasonable and necessary to accomplish lawful objectives shall be used by its officers.

All sworn officers will be issued a copy of this policy, and shall be trained in the use of force before being issued a Department authorized tool.

III. DEFINITIONS

- A. **Deadly Force:** That degree of force which a reasonable and prudent person would reasonably believe likely to cause death or

serious bodily harm.

- B. Dangerous Weapon: Any weapon which when used, is intended to produce death or serious bodily harm.
- C. Force: The amount of physical effort required by officer(s) to compel compliance from a person. This includes any use of force by an officer occurring in an official capacity whether on or off duty.
- D. O.C. (Oleoresicin Capsicum) Spray: an inflammatory agent, usually in aerosol form, derived from dried peppers; also called pepper spray. Oleoresin Capsicum spray issued by the department, currently Sabre in the foam, stream and cone delivery systems.
- E. Non-Deadly Force: That degree of force, which under the circumstances is neither likely nor intended to cause death or serious bodily harm.
- F. Intermediate tool: Any defensive tool, which is intended when properly used, to produce temporary incapacitation without serious bodily harm.
- G. Totality of Circumstances: The sum of all elements in a situation used to determine the presence or absence of excessive force.
- H. Objectively Reasonable: In determining the necessity for 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 level of threat or resistance presented by the subject and danger to the community.
- I. Serious Bodily Harm: 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.
- J. Force Model: Are force options that are divided into five (5) levels to guide the officer during a use of force situation.
- L. Perceived Subject Action: 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 and/or non-compliant categories.

- M. Perceived Circumstances: Are the reasonable officer's perspective of the severity of any crime, the existence of any and all safety threats to the officer or others, and the degree of compliance and/or non-compliance from the subject at the time of the encounter.

IV. TRAINING AND QUALIFICATION

- A. Prior to engaging in any law enforcement activity, sworn members shall be trained in the use of force, pursuant to Massachusetts General Law, and this policy. They must demonstrate a working knowledge of, and be tested on the materials presented.
- B. Lethal Tools:
1. Authorized tools are those with which the officer has been trained, and with which he or she has qualified in accordance with the standards established by the Department.
 2. Before being issued and/or authorized to carry any firearms for Department use, sworn members shall be trained in their use by a certified Departmental or MPTC firearms instructor.
 3. A police officer shall not be permitted to carry, on duty, any firearm with which he or she has not been able to qualify during the most recent qualification period. Remedial training shall be offered to this officer. Firearms qualifications shall be held at least once each calendar year and shall include firing under reduced lighting conditions and decision-type shooting.
 4. Members of the Department who are licensed to carry firearms pursuant to M.G.L.C. 140 section 131 and who own and carry personal firearm while off-duty are encouraged to attend a familiarization course designed by the Department or MPTC firearms instructor. This course will be held during regular qualification.
- C. Intermediate Tools:

1. The straight handled baton (expandable and rigid), ECD and oleoresin capsicum spray are the authorized intermediate tools for the Taunton Police Department.
2. Officers shall utilize only those tools that they have been trained with.

V. PARAMETERS FOR THE USE OF FORCE

The force tactics listed in each of the five force levels identified in the Use of Force Model are those tactics that officers are trained in. The department recognizes that there are other methods and tactics that can be used at each of the levels of force. If a tactic is used that is not listed, that tactic must be objectively reasonable as it relates to the officer's risk assessment and the subject's action.

A. Deadly Force:

An officer is authorized to use deadly force to:

1. Protect the officer and/or another person(s) from and unlawful attack, which the officer reasonably perceives as an immediate threat of death or serious bodily harm.
2. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat of death or serious bodily harm to the officer or others and only when the force employed creates no substantial risk of injury to innocent persons.
3. Render harmless an animal which presents a clear and immediate danger of death or serious injury to a human being, or an animal so severely injured that humanity requires its removal from further suffering.

B. Prohibitions on the Use of Firearms.

1. Warning shots are prohibited.
2. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

3. Officers shall not fire from or at a moving vehicle except in self-defense and/or defense of others from serious bodily harm and/or death, and it does not appear that innocent persons will be endangered.
 4. Firearms shall not be utilized when the circumstances do not provide the likelihood of striking the intended target.
- C. Police officers may also discharge a firearm under the following circumstances:
1. During range practice or competitive Sporting events or while engaged in legitimate hunting activities.
- D. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create a reasonable belief that it may be necessary to use the weapon in conformance with this policy.
- E. When their firearm is drawn, officers shall keep their finger off the trigger until the weapon is pointed at the intended target, and there is legal justification under State law and this policy to fire it. This policy is also known as the ‘on target/on trigger, off target/off trigger’ policy and is intended to prevent accidental weapons discharges.
- F. Non-deadly Force
1. An officer may use that level of non-deadly force that is objectively reasonable to bring an incident and/or subject under control. An officer is authorized to use non-lethal force to:
 - a. Effect an arrest
 - b. Protect the officer or another person(s) from physical harm.
 - c. Overcome resistance to a lawful act
 - e. Restrain or subdue a resistant subject, and/or
 - f. To bring an unlawful situation safely and effectively under control.
 2. Progression of Force

- a. The officer's response options within each of the five force levels identified in the Use of Force Model are not necessarily listed in the order of use, need. The officer may de-escalate, stabilize or escalate his/her response based upon his/her risk assessment and the perceptions of the subject's degree of compliance or non-compliance.
3. Use of Force Model:
 - a. Level One: The Compliant Subject:
 - i. The perceived subject actions: The officer perceives that subject's actions as cooperative and control is maintained via public acceptance, officer presence, verbalization skills, etc.
 - ii. The perceived circumstances are strategic: The officer must maintain a minimum level of awareness and preparedness to enhance the overall and ongoing status of officer safety anytime he/she is working.
 - iii. The reasonable officer's responses are cooperative controls: The cooperative controls would include those force tactics listed below.

COOPERATIVE CONTROL

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| Officer presence: | Appearance Fundamental tactics |
| Communication skills: | Dialogue Verbal commands |
| Approach techniques: | Confrontation equation (2:1) Relative positioning Contact/cover officer tactics |

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| Frisk techniques: | 1 officer on 1 subject 2 officers on 1 subject |
| Searching techniques: | 1 officer on 1 subject 2 officers on 1 subject |
| Restraining techniques: | Handcuffing Flex-cuffs Leg restraints 1 officer on 1 subject 2 officers on 1 subject |
| Transporting techniques: | Two-officer unit One officer unit Patrol wagon unit |

- b. Level Two: The resistant (passive) subject;
- i. The perceived subject actions: This is the preliminary level of subject non-compliance. The subject offers no physical or mechanical means to enhance resistance. The subject has not directed his or her physical strength and energy in establishing, achieving and/or maintaining a posture of resistance.
 - ii. The perceived circumstances are tactical: The officer perceives an increase in the threat potential within the confrontational environment, which would initiate the process where specific tactics and procedures would now be deployed.
 - iii. The reasonable officer responses are contact techniques: These contact controls would include those force tactics listed below.

CONTACT CONTROL

Restraint techniques

Elbow grasp

Contact Controls

Escort position
Handcuffing control position

- SUBJECT:
- c. LEVEL THREE: THE RESISTANT (ACTIVE)
- i. The perceived subject actions: The subject's non-compliance has increased in scope and intensity and now includes energy enhanced physical or mechanical defiance. The individual has directed his or her physical strength and energy in establishing, achieving and/or maintaining a posture of resistance.
- ii. The perceived circumstances are volatile: The officer is now confronted with the presence and/or potential of an increase in the threat intensity, severity, etc. The officer recognizes this increase in the threat potential and must deploy techniques and tactics that would overcome and/or control this increased risk.
- iii. The reasonable officer responses are compliance techniques: These compliance techniques would include those force tactics listed below.

COMPLIANCE TECHNIQUES

Compliance techniques:

Front wristlock
Rear wristlock
Arm bar
Takedown techniques
Distraction Techniques
O.C.
Pressure Point Control techniques

Baton control techniques:

Strong side arm lock
Offside arm lock

- SUBJECT:
- d. LEVEL FOUR: THE ASSAULTIVE (bodily harm)
- i. The perceived subjects actions: The officer's attempt to gain lawful compliance has concluded in a perceived or actual attack on the officer or another person(s). The officer makes the reasonable assessment that such actions by the subject would result in his/her or another's bodily harm.
- ii. The perceived circumstances are harmful: The officer perceives an accelerated assessment of danger. This situation has reached the degree where the physical well being of the officer is in jeopardy if the subject is not stopped and controlled.
- iii. The reasonable officer responses are defensive tactics: These defensive tactics would include those force tactics listed below.

DEFENSIVE TACTICS

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| Impact techniques: | Straight Baton (expandable or rigid) Tools of immediate means or opportunity. Pepperball gun |
| Personal Tools: | Head Hands Elbows Knees Feet Any other personal tools of immediate means or opportunity. |
| Assault defenses: | Hands Feet |

- e. LEVEL FIVE: THE ASSAULTIVE (serious bodily harm, death) SUBJECT;
- i. The perceived subject actions: The officer is now confronted by an assaultive act that reaches the ultimate degree of danger. The officer perceives that if these actions are followed through with, that the officer or others would be subject to death or serious bodily harm.
 - ii. The perceived circumstances are lethal: The officer perceives the highest degree of threat towards his/her or another's safety. The officer's reasonable assessment would be that if this situation were allowed to continue, he/she or another could be seriously injured or killed. A maximized system of defense must be initiated.
 - iii. The reasonable officer responses are deadly force: These deadly force tactics would include those force tactics listed below

DEADLY FORCE

Service weapons

Authorized handgun
Shotgun
Rifle
Sub-machine gun

V. REPORTING USES OF FORCE

The Department's Policy for Use of Force Reporting shall apply.

VI. DEPARTMENTAL RESPONSE TO USE OF FORCE INCIDENTS

- A. A Supervisor shall be immediately summoned to the scene and shall comply with on-scene investigative procedures, in the following situations:
 1. When a firearm is discharged for other than a training

purpose.

2. When a subject complains that an injury has been inflicted, or it is obvious that an injury has been inflicted.
 3. When a use of force results in death or serious bodily harm.
- B. In all cases where an action results in, or is alleged to have resulted in injury, or it is obvious that an injury has occurred, officers shall render appropriate aid and activate the Emergency Medical Services system as soon as safe and reasonable.
- C. Where a police officer's use of force tactic causes death or serious bodily harm, the Chief of Police or Officer in Charge shall be notified forthwith.
- D. A field supervisor shall be summoned and immediately respond to the scene of the reported use of a deadly force tactic by an officer. If necessary he/she shall assume command of the scene and initiate the preliminary investigation until such time as being relieved by a superior officer.
- E. Take control of any tool and/or instruments (e.g. firearm, baton, and motor vehicle) used and secure it in a safe place until such time as it may be delivered to the officer from the bureau investigating the incident. In the case of a firearm, the weapon shall not be unloaded or tampered with in any way, with the exception of placing the de-cock lever down, which if done, shall be expressly mentioned in his/her report A tag shall be placed on the firearm alerting others that it is a loaded firearm.
- F. Require a preliminary report from the officer(s) involved if it is medically feasible prior to the end of their tour of duty.
- G. Assign sufficient personnel to secure the scene to preserve physical evidence and request the assistance of crime scene personnel when necessary.
- H. The officer(s) whose weapon caused the injury shall be reassigned from line duty with pay, pending administrative

review, and psychological and peer counseling shall be made available by the Department at no cost to the officer and the officer's family. The firearm(s) used in the incident shall be confiscated by the investigating officers, and unless there is just cause not to do so, a replacement weapon shall be promptly issued to the officer.

- I. The official conducting the investigation shall file a preliminary report prior to the conclusion of the tour of duty, and will complete a detailed investigative report and submit same to the Chief of Police as soon as possible after the completion of the investigation of the circumstances surrounding the use of deadly force.
- J. During the course of the investigation, NO police personnel shall give any information concerning the incident to any member of the public or media without the expressed authority of the Chief of Police. In no case shall information prejudicial to any party be released prior to the completion of the investigation.

VII. ADMINISTRATIVE REVIEW OF CRITICAL INCIDENTS

- A. All reported uses of force shall be reviewed by the Chief of Police to ensure compliance with the law and policy, and whether:
 - 1. Departmental rules, policy or procedures were violated.
 - 2. The relevant policy was clear, understandable and effective.
 - 3. Department training and/or equipment were adequate.
- B. All use of force incident reports shall be retained as required by *Law* and this policy.
- C. There will be a regular review of use of force incidents, at least annually, by the Chief of Police and Commanding Officers to identify any concerns, to determine training or policy needs, and to detect officers who are involved in an inordinate number of use of force incidents, and to evaluate their performance.

- D. An annual summary report on use of force incident~ shall be published and will be made available to the public upon request.
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ISSUED: 01 December 2012

Edward James Walsh
Chief of Police



This policy supersedes all replace all previous use of force and use of force reporting, policies and procedures.