

Town of Middlefield, MA Police Department



USE OF FORCE POLICY

I. POLICY PURPOSE:

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 the police mission. Police officers are confronted continually with situations requiring or resulting in the use of various degrees of force to effect a lawful arrest, to ensure public safety, or to protect him/her from harm. The degree of force used is dependent upon the facts surrounding the situation the officer faces at that moment, and de-escalation tactics have been attempted and failed, or are not feasible based on the totality of the circumstances. Only a reasonable and necessary amount of force may be used. The degree of force the officer needs to use is dependent upon the amount of resistance or threat to safety the situation produces. A police officer is authorized to use deadly force whenever it is reasonable to combat deadly force, used or threatened, de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances, and there is imminent danger of death or serious bodily injury to the officer, or to any other person unlawfully attacked.

II. POLICY STATEMENT:

The purpose 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 re-establish control by overcoming resistance to the officer's lawful authority while minimizing injuries. The use of a firearm is the highest degree of force a police officer may apply. The decision to use a firearm, in the performance of his/her duties is the most crucial judgement a police officer is called upon to make. {1.2.2} The use of firearms to effect the arrest of a known felon, or to prevent the escape of a fleeing felon, should be restricted to those offenses where deadly force has been used or threatened and

where the police officer has reasonable cause to believe that death or severe bodily injury could result unless the felon is immediately apprehended. Firearms should not be used if other less drastic means are possible and when firearms are used, reasonable precautions must be taken to prevent injury to innocent persons.

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

DEFINITIONS:

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.

NON-DEADLY FORCE -Non-Deadly Force is that degree of force which in the circumstances is neither likely nor intended to cause death or serious physical injury.

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, or a substantial risk of death.

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.

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.

DEFENSIVE FORCE - The necessary infliction of physical battery to overcome violent resistance or to protect others from assault or injury.

DE-ESCALATION -Proactive actions and approaches used by an officer to stabilize a law enforcement situation that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, creating distance between the officer and a threat and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51 ½ of chapter 111, to address a potential medical or mental health crisis

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

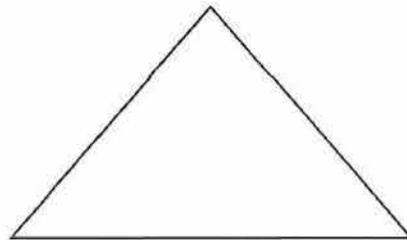
PROCEDURES:

Members of the Middlefield Police Department will use reasonable force when force is used to accomplish lawful objectives, when de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances. In each individual instance, lawful and proper force is restricted to only that force which is reasonable 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, less lethal weapons, or any tools of immediate means. A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.

CONTINUUM OF FORCE:

Three elements which must be considered in determining whether an application of force was reasonable

Perceived Circumstances



Perceived Subject Action (s)

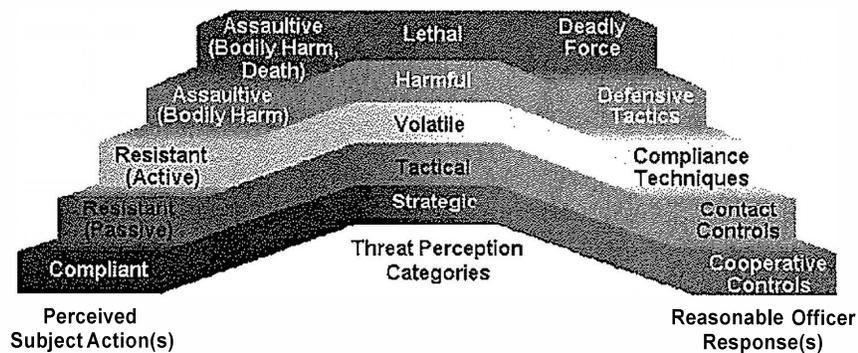
Reasonable Officer Response (s)

Perceived Circumstances- the officers 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 in the Use of Force Model

Perceived Subject Actions(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 *utilizing !tis/her training and experience*

USE OF FORCE MODEL



THREAT PERCEPTION CATEGORIES

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

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

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

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

Lethal- the highest level on the use of Force model correlates to the most intense color in the Threat perception color code red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.

PERCEIVED SUBJECT ACTIONS CATEGORIES

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

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

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

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

Assaultive (Serious bodily harm/ death)- the officer's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such 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 the officer or others.

OFFICER RESPONSE CATEGORIES

Cooperative Controls - include contemporary controls developed to preserve officer safety and security, including: communication skills, *escort techniques*, *professional presence etc.*

Contact Controls - includes resistant countermeasures designed to guide the non compliant subject. These hands on tactics include escort position etc.

Compliance Techniques - includes resistant countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include counterjoint techniques, baton as a restraining tool, oleo resin capsicum etc.

Defensive tactics - includes assaultive countermeasures designed to cease the subject's non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include baton strikes (designated areas), personnel weapon strikes, oleo resin capsicum, impact munitions etc. Neck restraints are prohibited. A law enforcement officer shall not use a chokehold. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

Deadly Force- The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death.

DUTY 10 INTERVENE

Unreasonable or excessive force is prohibited. Responding officers have a duty to ensure the appropriate level of force is utilized to apprehend and control a suspect, and have a duty to intervene if they witness unlawful actions unless intervening would result in imminent harm to the officer or another identifiable individual. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual. The officer shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a written statement describing the incident. The officer's statement shall be included in the supervisor's report.

LESS LETHAL FORCE

APPROVED EQUIPMENT

Only issued or approved equipment will be carried on duty. This includes:

- expandable baton;
- Oleoresin Capsicum spray;
- Handcuffs
- Impact munitions in designated units
- Pepper Ball in designated units

All prisoners shall be handcuffed except when transporting juveniles, elderly, handicapped, injured, or sick prisoners where it will be the officer's discretion. The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force.

After any level of less lethal force or deadly 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:

- That person has visible injury; or,
- That person complains of injury or discomfort and requests medical attention.

NOIE: 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. The medical treatment received shall be noted in the officer's report. Under most circumstances the Middlefield Fire Department, Ambulance will be notified and will take control of the medical needs as well as the transportation of the subject.

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

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

The officer shall prepare and submit all required incident and/or arrest reports when involved in an incident as defined in this policy as Resistant (Active) or greater unless otherwise directed by a ranking officer. When more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a supplement incident/arrest report outlining his/her actions and observations in the incident.

If available, the Chief of Police 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/she should:

- Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented. If any employee action(s) or the use of less lethal force results in the serious injury of any participant, the officer involved shall be removed from line of duty assignment as per this policy. {1.3.8}
- Ensure that the need for medical treatment for the prisoner is properly evaluated and provided.
- Determine if the Operations Captain should be notified and/or 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 that shows injury.

LESS LETHAL WEAPONS:

TRAINING:

All agency personnel shall be properly trained and certified when appropriate, in the use of any less lethal weapons (such as batons, chemical substances or impact munitions) before being authorized to carry such weapons. All agency personnel shall show proficiency in weapons issued by the department and will be retrained at least biennially. Training will only be conducted by MPTC certified instructors in Defensive Tactics. Agency personnel who fail any proficiency test shall be re-tested within one month by a certified instructor after sufficient remedial training. Personnel of the Middlefield Police Department are authorized to carry and use only equipment authorized by the Chief of Police.

OLEO RESIN CAPSICUM (aerosol):

Oleoresin Capsicum (OC) is a powerful inflammatory agent that occurs naturally in cayenne peppers. Variations of it have been used in pharmacology and for food spicing for years. It conforms to requirements of the Federal Food, Drug, and Cosmetic Act. Oleoresin is a naturally occurring mixture of oil and resin extracted from plants. Capsicum can be any of the various tropical plants in the genus CAPSICUM, the common pepper of the garden, ranging from mild to hot and having pungent seeds. The Middlefield Police Department utilizes three systems to deploy OC: individual units issued to each officer, large fogger units for mass deployment, and Pepper Ball, a system that delivers OC powder contained in a frangible sphere utilizing a compressed air launcher. OC used in spray and powder form causes inflammation of the eyes and airways, thus making anyone susceptible. When a person's eyes and airways swell, vision is limited and breathing is uncomfortable even if he/she is high on drugs. Adding to this situation is the burning

sensation on skin that has been exposed to OC. Because of these effects, OC - less lethal, distraction device - is emerging as an alternative tool for law enforcement.

Oleo Resin Capsicum may be used when physical force is necessary to:

- Protect an officer or third party from an assault;
- Subdue a person who resists arrests; or other lawful custody
- When it is obvious that a physical confrontation will occur with a person about to be placed in custody,
- To prevent a person from inflicting self harm upon themselves,
- When the officer is in fear for himself/herself or others,
- Control persons engaged in riotous or violent conduct.

O.C. is not intended to be a substitute for other weapons in a situation in which the use of other weapons is more appropriate. The officer involved will file the appropriate reports whenever O.C. substance is employed, in accordance with this policy. When a chemical substance is used, first aid shall be administered as soon as practicable under the circumstances. NOTE: No tactical advantage is realized by indiscriminate use of chemical substances against non-combatative persons.

GUIDELINES:

Oleoresin Capsicum spray should be used at a distance of 4' to 6' from the aggressor. It should not be used at such a close distance that force of the discharge (propellant) might reasonably cause injury to the eyes, unless exigent circumstances exist. Such circumstances will be detailed in the Subject Management Form

Oleoresin Capsicum is not to be used against persons the officer reasonably believes to be a juvenile, persons over sixty years of age, handicapped persons, or pregnant females, unless exigent circumstances exist. Those circumstances are to be detailed in the Subject Management Form.

Oleoresin Capsicum should not to be used under circumstances which will create an unreasonable risk to the subject being sprayed, unless exigent circumstances exist. Such circumstances will be detailed in the Subject Management Form. Examples of unreasonable circumstances are: at the top of a stairway, in front of an open flame, or while operating a moving motor vehicle.

Whenever a person who has been sprayed insists on medical attention while in our custody, an EMS unit is to be summoned to examine/treat him/her. The Shift Supervisor shall be notified.

Prisoner IN JAIL CELLS ARE NOT to be sprayed with OC, unless authorized by the officer in charge or when exigent circumstances exist. The officer in charge will document to the

A Supervisor detailing the circumstances that led to the OC use. This report will redone prior to the end of the tour of duty.

The Report (attached) will be completed every time OC is used.

The Report will be submitted to the officer in charge who in turn will submit said form to the proper authorities:

- Chief of Police (original)
- Officer in Charge of Departmental Training (copy)
- Officer in Charge of QC Training (copy)

POLICE BATON:

The Police Baton may be used:

- As a restraining or *controlling device* in instances where verbalization and physical strength have failed or would obviously be futile;
- As a defensive weapon to ward off blows;
- As a defensive weapon to deliver disabling blows to areas of the body as a means to halt or deter a subject when all lesser means of applying non-deadly force have failed or would obviously be futile. An officer is justified in using this type of force under the following circumstances:
 - To overcome *assaultive behavior* of an arrestee;
 - To overcome an assault on an officer or third party;
 - To deter persons engaged in riotous or violent conduct.

To identify target or striking areas reference should be made to the Baton Striking Chart, included as an addendum to this policy. Any time the police baton is used to strike a

person or a subject is injured when applying a takedown or *controlling technique* the appropriate reports must be completed.

IMPACT MUNITIONS: Although not always available to our Department, the use of impact munitions has become a popular tool in the use of force continuum. These munitions offer increased engagement distances, providing greater standoff from physical contact. They have been used effectively as a compliance tool to repel individuals engaged in riotous or violent behavior and more recently for the momentary incapacitation or disorientation of aggressive, lightly armed subjects. The ability to disorient or incapacitate an individual without engaging in physical contact inevitably ensures the safety of the officer while providing a favorable alternative to deadly force when officer or public safety is not compromised. Impact munitions may be used:

- *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:*
- To Overcome assaultive behavior of an arrestee
- To overcome an assault on an officer or third party
- To deter persons engaged in riotous or violent behavior
- To deter persons from inflicting harm upon themselves

Officers should only deploy impact munitions under the direction of the Officer in Charge, or his/her designee. However, under exigent circumstances where it is not possible to obtain the Officer In Charge's approval, impact munitions may be utilized providing that all other criteria in this written policy have been met. Any time an impact munitions is used to strike a person the appropriate reports must be completed.

PEPPERBALL SYSTEM:

Pepper Ball has multiple applications in the use of force continuum. In some instances it will be used to deliver oleo resin capsicum power in a manner comparable to O.C. spray without placing the officer at risk due to the increased distance from the subject it allows. Direct targeting of the subject shall be avoided unless exigent circumstances exist. The pepper ball delivery system allows the officer to utilize the device as an impact tool when the subjects' actions are assaultive. The pepper ball launcher may be used where the application of OC is authorized under the use of force continuum, against an Active Resistant Subject. In this instance direct targeting of the individual shall be avoided unless exigent circumstances exist. When a subject is encountered where direct targeting is utilized the areas of the head, face, eyes, base of neck, throat and spine will be avoided. This device may be used effectively as a compliance tool to repel individuals

engaged in riotous behavior. Any time the Pepper Ball system is utilized the appropriate reports must be completed. Pepper Ball may be used when physical force is necessary to:

- protect an officer or other person from an assault
- subdue a person who resists arrest, or other lawful custody when it is obvious that a physical confrontation will occur
- to prevent a person from inflicting selfharm upon themselves
- control persons engaged in riotous or violent conduct.

DEADLY FORCE:

A Middlefield Police Officer is authorized to use deadly force only when there is no less drastic means available to: {1.3.1} {1.2.2}

- Protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm; and/or {1.3.2}
- To effect an arrest only if:

The arrest is for a felony;

The officer reasonably believes that the force employed creates no substantial risk to innocent persons; and

- The force employed creates no substantial risk of injury to innocent persons; and
- The crime for which the arrest is made involved the use or attempted use, or threatened use of deadly force; and
- There is substantial risk that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed.

Where feasible, officers shall identify themselves as police officers and give warning before using deadly force.

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

A police officer may also discharge a weapon under the following circumstances:

- For authorized target practice, training, or competition, with weapons authorized by the Middlefield Police Department.

- To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options should be exhausted, however, before shooting the animal.

Officers who find it necessary to discharge firearms in this situation shall exercise due care for the safety of persons and property in the area and shall only fire when reasonably certain that there is no substantial risk to bystanders.

- to minimize the possibility of ricochet bullets, bird shot or "field loads" should be used in Department shotguns when possible.

Where feasible children should not be present.

The officer discharging the firearm shall submit an Incident Report according to departmental procedures.

A MIDDLEFIELD POLICE OFFICER IS NOT AUTHORIZED TO USE A FIREARM IN THE FOLLOWING CIRCUMSTANCES:

- As a warning shot; {1.3.3}
- To effect an arrest for a misdemeanor, except as provided previously in this policy.
- From a moving vehicle;
- At a moving vehicle except to defend him/herself when being fired upon or when the occupants of the vehicle being pursued have committed a felony in which deadly force was used and there is probable cause to believe that the occupants are the actual offenders; that there is reasonable cause to believe that there is imminent danger of death or serious bodily injury; that their immediate apprehension is necessary for public safety and there are no other reasonable means available to prevent their escape and secure their arrest. The discharge of a weapon at, or into a moving vehicle shall be based on necessity and the totality of the circumstances to prevent imminent harm to a person, and the discharge is proportionate to the threat of imminent harm to a person.

PERMISSIBLE WEAPONS AND AMMUNITION:

Department issues firearms which may be used by Officers. Officers may use other firearms as long as they are approved by the Chief and the officer must qualify with the firearms that they are using.

Department issues rifles and shotguns which will be used by officers who have qualified with them. Officers may use other rifles and shotguns as long as they are approved by the Chief and the officer must qualify with them.

Department will issue ammunition for all weapons. An officer shall not alter or modify his firearm or ammunition in any way without the express permission of the Chief of Police.

Officers must first qualify with the department issued ammunition on a course approved by the Department.

A police officer is authorized to carry an issued or authorized firearm at all times when on duty. It is however, the policy of the Middlefield Police Department that all sworn members maintain an active and current Massachusetts License to Carry Firearms. {1.2.2}

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

All weapons, when not worn, shall be kept in a secure area. When stored within the Middlefield Police Department weapons must be in storage room.

Officers are not required to take their issued firearms with them when they are off duty however, if they choose to do so the following must be adhered to:

Any Departmental weapon stored outside the police station must be secured in accordance with M.G.L. Chapter 140, sec. 131K.

As with all department equipment, any loss or malfunction of the locking device will be reported forthwith to the Chief of Police or his designee.

Officers are responsible for keeping their issued weapons clean and in good working order. A weapon that malfunctions shall be returned to the officer in charge of firearms training forthwith. The Officer in Charge of Firearms Training shall keep a listing of all weapons approved by the agency for official use.

TRAINING AND QUALIFICATION

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 with the standards established by the Municipal Police Training Committee.

Qualifications shall be approved by the Chief of Police and under the direction of the department's Field Training Officer.

Following a reasonable period of practice and training, all officers will be expected to qualify in accordance with the standards established by the Municipal Police Training Committee.

Officers who fail to qualify with their weapon(s) shall be denied permission to carry such weapon. The officers will receive additional instruction (remedial training) on their own time and will attempt to re-qualify with an approved firearm instructor within two weeks. If the officer fails that attempt, he/she will be placed on Administrative Assignment and will be assessed by the Chief of Police for failure to maintain basic police skills necessary for performing police duties.

At the completion of each qualification and/or training session, every firearm will be properly cleaned and inspected to ensure that it is in good working order.

No member of the Middlefield Police Department will be authorized to carry a firearm until he/she has:

- Been issued a copy of this policy and the department's use of non-deadly force policy and understands same. To insure that all officers understand the policy, it will be read and discussed at each annual firearm requalification
- Qualified at the range on a MPTC course.

The issuance and instruction on these policies shall be documented by the Chief of Police or his/her designee via memo.

OFF-DUTY WEAPON

Unless prohibited to do so by the Chief of Police, members of the department are authorized to carry the department pistol or their approved duty weapon while off duty.

This policy shall not be interpreted as restricting any member, who possesses a valid "License to Carry a Firearm" from carrying any firearm under conditions of law while off duty.

The use of a personal firearm by a off duty officer for any lawful and appropriate purpose shall not in and of itself be considered to be a grossly negligent act, and shall not in and of itself be cause for loss of personal indemnification by such officer.

SHOTGUNS-

Any officer who fails to qualify annually in accordance with the standards set by the Municipal Police Training Committee may not utilize the shotgun in the cruiser.

{1.3.10}

RIFLES-

Only officers who qualify with patrol rifles shall use them. The Officer in Charge of Firearms Training shall provide the Chief of Police with a list of officers who have successfully qualified with the rifle on an approved course.

REPORTING AND INVESTIGATION OF FIREARMS DISCHARGE {1.3.6}

The manner in which police officers use deadly force/firearms is an extremely critical issue to the department, and one that generates intense public scrutiny. When these incidents occur they demand a thorough and complete inquiry into all aspects of the incident. Only through an exhaustive inquiry can the facts of the incident evolve and public confidence be maintained.

FIREARMS DISCHARGE REPORTING:

When a member of the Middlefield Police Department discharges a firearm, other than for training, ballistics identification or weapons maintenance, legitimate competition, or to target practice, he/she will immediately notify the Chief of Police. If the Chief of Police is involved in the incident, the senior patrolman on duty will assume control of the scene until an officer of rank arrives to take command. { 1.3.6 A }

CHIEF OF POLICE INVESTIGATION:

The Chief of Police will immediately launch an investigation and ensure the following:

- First aid should be administered to any injured party as soon as is reasonably possible given the particular situation. { 1.3.5 }
- Middlefield Fire Department ambulance will be requested as soon as is reasonably possible to provide additional care to any person(s) injured as a result of a firearm incident involving any member of the Middlefield Police Department regardless of the severity of injury.
- Identify the officer(s) involved in the incident. Order the officer(s) involved to report to the Hospital to be evaluated by medical professionals. The officer involved should be accompanied to the hospital by another officer until the departmental peer support team can be activated (Peer Support).
- Obtain the names of those involved other than Middlefield Police Officers.
- Determine the scope of the scene and assign the appropriate personnel to protect the integrity of that scene. When at all possible, the scene should be maintained in the condition found for investigators.
- Request that crime scene technicians from the Massachusetts State Police respond to the scene.
- Impound the weapon involved immediately. The weapon should be preserved in the condition in which it is found. The investigating officer should use great care as the gun may still be loaded.
- Request that a ballisticsian from the Massachusetts State Police respond to the scene.

- Ensure the proper chain of custody of the impounded weapon until it is either returned to the officer, or turned over to a ballisticsian from the Massachusetts State Police.
- Interview all injured parties, if possible, to ascertain the circumstances involved in the shooting. A person who is injured as a result of a firearms incident involving any member of the Middlefield Police Department shall be transported or offered to be transported to the nearest care facility in accordance with the procedures set forth by the Middlefield Fire Department regardless of the severity of injury.
- If the incident has resulted in death or is likely to result in death, notify the District Attorney's Office that will assume control of the investigation.
- Notify the Chief of Police.
- Complete a preliminary report prior to the conclusion of the tour of duty, and complete a detailed report and submit the same to the Chief of Police as soon as possible after the completion of the investigation.

The officer(s) involved in the shooting will be relieved from duty for the remainder of the tour of duty. The officer shall be offered arrangements for stress unit or other psychological assistance that is consistent with departmental procedures (Peer Support #94). The officer will complete a written report as soon as possible, but not more than four days from the incident. The report shall include:

- The name of the officer and persons involved;
- The circumstances under which the firearm was used;
- Which firearm was used;
- The injury inflicted, if any, and care given to the injured party;
- A detailed description of the technique used in discharging the weapon including:
 - Whether the officer used a one handed or two handed grip;
 - Which hand gripped the weapon;
 - Whether sights were used to take aim;
 - The number of rounds fired by the officer;
 - The number of rounds fired by the officers antagonist;
 - A description of the weapon used by the antagonist if other than a firearm;
 - The distance from the officer to the antagonist;
 - Weather and light conditions at the time of the incident.

During the course of the investigation, NO police personnel will give any detailed information concerning the incident to any members of the public or news media without the express authority from the Chief of Police. In no case shall any information which is prejudicial to any party be released prior to the completion of the investigation.

The authority and responsibility for final departmental disposition of a firearms discharge incident rests with the Chief of Police.

The Officer in Charge of Training and the Chief of Police or his/her designee will review all reports involving firearms discharge on an annual basis. The report will be kept by the OIC training and will be used to determine training needs and assessing department procedure.

{1.3.7}

Officer will file a brief incident report any time that they must dispose of an animal which will include the circumstances surrounding the shooting, the weapon used, and the final disposition of the animal.

ADMINISTRATIVE RELIEF FROM DUTY

In every instance in which an employee's action(s) or use of force results in the death or serious bodily injury to another person, the following steps shall be taken:

- The employee will be placed in Administrative Assignment during and after completing all internal investigative requirements.
- The involved employee will be given the opportunity to call his/her family as soon as possible to avoid the possibility of their learning about the incident through other than official sources, e.g., press, radio, television, etc.

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

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

- To address the personal and emotional needs of the employee involved in the use of deadly force or action(s) which results in injury or death; and,
- To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.

Employees so relieved from regular duty status and assigned to Administrative Leave status shall remain in leave until the investigation is concluded and his/her emotional needs are met.

Employees in Administrative leave shall assure their availability to the department and/or State Police Investigators to assist, when necessary, in the investigation of the incident.

Whenever an employee is involved in a use of force/deadly force incident or action(s) that results in serious injury or death, he/she should be given the opportunity to attend proper stress counseling.

USE OF FORCE REPORTING

Written report shall be submitted whenever an employee:

- Discharges a firearm, for other than training or recreational purposes;
 - Takes any action that results in, or is alleged to have resulted in, the injury or death of another person
 - Applies force through the use of lethal or less-lethal weapons; or
 - Applies weaponless physical force which results or is alleged to have resulted in the injury or death of another person.

All employees shall complete a Subject Management Report when less lethal weapons and munitions are utilized.

REPORT REVIEW

The Subject Management Reports shall be completed and submitted for review to the employee's immediate supervisor, with copies forwarded to the Chief of Police. A review of the incident shall be conducted by a supervisor not involved in the incident.

REPORT ANALYSIS

Annually, the Chief of Police or his/her designee shall conduct a documented analysis of all Subject Management Reports and any report of weaponless physical force which results in serious bodily injury or death of another person.

This analysis may include review and consideration of such factors as:

The total number of use of force incidents for the year as well as previous year(s) comparisons (noting percentage increases/decreases)

Breakdown of type of force used or type of weapons used in each incident

Nature of the situation that required the use of force

Suspect information

Day of the week, time of day, squad, shift schedule, etc

Information on the officer(s) involved (number of years on the job)

Whether the officer was in uniform or plainclothes

Whether or not there were any injuries to the officer or the subject

Summary breakdown of the dispositions of the administrative reviews (Justified / not justified, compliance/ non-compliance with agency policy, etc)

The Chief of Police shall meet annually with Field Training Officer to review the annual analysis. The purpose of this analysis is to reveal patterns or trends that could indicate training needs or deficiencies, equipment upgrades, and/or policy modifications.

POLICY REVIEW: All employees of the Middlefield Police Department shall be given a copy of this policy, which shall be reviewed and discussed at Roll Call at least annually. All new employees will read and discuss this policy with the Chief of Police of the FTO process prior to being authorized to carry any weapon issued by the department while in the performance of his /her duty. The issuance and instruction of these policies shall be documented by the Chief of Police of the FTO or his/her designee via memo.