

RANDOLPH POLICE DEPARTMENT

POLICY AND PROCEDURE

USE OF FORCE

UOF - 6

Date of Issue: 9/15/13

Review Date/Revised: 10/21/13, 12/21/13, 2/6/14, 3/26/15, 11/21/15, 11/20/16, 5/7/17, 10/1/17, 9/12/18, 10/6/19, 10/21/20, 2/1/2021, 3/28/22, 12/1/22, 3/15/23, 9/17/23

Issuing Authority:

Chief Anthony T. Marag

Certification Standards: 1.1.1 1.1.2 1.1.3 1.1.4, 1.1.5 1.1.6 1.1.7, 1.1.8 1.1.9 1.1.10 1.1.11 1.1.12 1.1.13 1.1.14 26.0.4

Accreditation Standards:

Optional Accreditation Standards:

Policy Statement

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 officers in their use of deadly force. Police Officers are continually confronted with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, ensure public safety, or to protect persons from harm. Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation should be deployed, if feasible and the situation dictates. The goal of de-escalation is to gain voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force [1.1.1 (1)].

The degree of force used must be objectively reasonable and necessary, depending upon the facts and circumstances known to the officer at the time of the incident. The degree of force an officer is required, and therefore permitted, to use is dependent upon the amount of resistance or threat to safety the situation produces. All force used shall be held to the reasonable officer standard.

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 guidelines and provide an officer with a basis on which to utilize sound judgment in making reasonable and prudent decisions.

Policy

1.1.1

It is the policy of the Department that officers use only force that is permissible under applicable federal and state laws and regulations. Personnel shall use reasonable force when force is used, based on the facts and circumstances known to the officer at the time, to accomplish lawful objectives and effectively bring an incident under control, or to protect his/her life and/or the lives of others. [1.1.1 (1)] The amount and degree of force which may be employed will be determined by the facts and surrounding circumstances and must be a “balanced” response appropriate for the reasonable officer’s selection in order to gain subject compliance, control, and end the threat. Once control is obtained the use of force must terminate. Circumstances will dictate if use of force is needed again during the encounter. Patrol Supervisors, when practical, should respond to all calls with the high likelihood of a use of force incident.

When exigent and unforeseen circumstances cause officers to deviate from the provisions of this Policy, officers are still expected to act with intelligence, sound judgment and in full conformity with both state and federal laws and constitutional provisions. Any such deviations from the provisions of this Policy shall be examined on a case-by-case basis. The amount and degree of force which may be employed will be determined by the surrounding circumstances including, but not limited to: [1.1.1 (1)]

- The seriousness of the offense/event and officer’s perception of the circumstances.
- The behavior of the subject against whom force is to be used/ perceived subject action(s) as threatening to the officer or persons present.
- Behavior of subject; resisting or attempting to evade arrest by flight.
- Actions by third parties who may be present.
- Physical odds against the officer.
- The feasibility or availability of alternative actions.
- The opportunity to use de-escalation tactics at any time during the encounter
- The facts known to the officer at the time of the incident.
- The need to make a split-second judgment in circumstances that are tense, uncertain, and rapidly evolving.

Duty to Intervene

1.1.1

1.1.2

26.0.4

An officer present and observing another officer (regardless of rank) 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, regardless of the rank of the officer so observed, unless

intervening would result in imminent harm to the officer or another identifiable individual [1.1.1 (5); 1.1.2 (5); 26.0.4 (1, 2)].

The failure of a law enforcement officer to intervene as set forth in 550 CMR 6.05 may subject the officer to disciplinary action, retraining, revocation, or de-certification by the Commission, civil liability or criminal prosecution [26.0.4 (6, 8)].

An officer who observes another officer, regardless of rank or tenure, using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor (or another supervisor if the officer is a supervisor) as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with this Department's policy. The officer's written statement shall be included in the supervisor's (whom is not involved in the event) report [1.1.1 (6); 1.1.2 6A-C; 26.0.4 (3)].

Any harassment, intimidation, or retaliation against any officer (who intervenes against another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances to prevent or stop an excessive force incident or made a report regarding the witnessed excessive force incident) shall be a violation of this Department policy and shall, upon a sustained internal administrative investigation, be subjected to the imposition of departmental discipline up to and including termination and decertification. [1.1.1 (1); 1.1.2; 26.0.4 (9)]

Definitions

1.1.1

1.1.2

Deadly Force - As used in this policy is defined as that degree of physical force that can reasonably be expected to likely to cause death or serious physical injury. [1.1.2 -1A]

De-escalation tactics – proactive actions and approaches used by an officer to stabilize a law enforcement situation so 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 (tactical repositioning), tactical retreats, and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, to address a potential medical or mental health crisis. De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible [1.1.1 (1); 1.1.2 -1B]

Force - The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a use of force for purposes of 550 CMR 6.03. Use of force does include the pointing of a firearm, ECW at an individual and the use of OC spray on an individual or directed towards an individual.

Non-deadly Force – Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Kettling – Confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Active Resistance - Advanced level of non-compliance, where a subject's resistance is increased in scope or intensity and includes energy-enhanced physical or mechanical resistance.

Passive Resistance - The preliminary level of non-compliance, where a subject, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort. For example -- Passive Resistance. An individual who is noncompliant with officer commands that is nonviolent and does not pose an immediate threat to the officer or the public.)

A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible, including issuing a summons instead of executing an arrest where feasible.

Probable Cause - Probable cause exists if, at the time of an arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and sufficient to warrant an officer 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.

Objectively reasonable - in determining the necessity for an 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 the danger to the officer, subject, and/or community.

The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are forced to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used.

Reasonable Belief - The known facts and circumstances that would cause an ordinary and prudent officer to act or think in a similar way under similar circumstances .

Reasonable Force: Reasonable force is determined under the legal standard set forth in Graham v. Connor, 490 U.S. 386, 395 (1989). Reasonable force is defined as force which is objectively reasonable because it is necessary to overcome resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority.

Serious Bodily Injury - Injury that creates a substantial risk of death or permanent disfigurement or results in protracted loss or impairment of any body function, limb or organ [1.1.2-1D].

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.

Subject(s) Action(s) - The subject(s) action(s) as perceived by the reasonable officer.

Officer(s) Response(s) - The response appropriate for the reasonable officer's selection from the Use of Force Model's response categories, in order to maintain or gain subject compliance and control.

The Division of Police Standards may review when the following occurs: Officer-Involved Injury or Death [26.0.4 (7)]: Any event during which an officer:

- 1) discharges a firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death to another;
- 2) discharges any stun gun as defined in said section 121 of said chapter 140, actually or proximately causing injury or death to another;

- 3) uses a chokehold, actually or proximately causing injury or death of another. Chokeholds remain a violation of MGL 6E regardless of circumstance.;
- 4) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
- 5) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
- 6) deploys a dog, actually or proximately causing injury or death of another;
- 7) uses deadly force, actually or proximately causing injury or death of another;
- 8) fails to intervene, as required by MGL C 6E section 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another [26.0.4 (7)]; or
- 9) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

**Minors, EDP's,
Mentally Ill and
Physically
Disabled
Persons**

Encounters may arise between law enforcement and those individuals who are known or suspected of being minors, emotionally disturbed persons (EDP's), mentally ill or physically disabled. Such encounters may require special police skills and abilities to effectively and legally respond to the given situation. Officers should never, however, compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of emotional, mental and/or physical illness.

Should the officer determine that an individual may be a minor, emotionally disturbed, mentally ill and/or physically disabled and a potential threat to himself/herself, the officer, or others; or may otherwise require law enforcement intervention for humanitarian reasons, the following responses should be taken, bearing in mind officer safety is most important:

1. Request a backup officer.
2. Take steps to utilize de-escalation tactics. Where possible, eliminate emergency lights and sirens, disperse crowds, and

assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts are not occurring, avoid physical contact, and take time to assess the situation.

3. Move slowly and do not excite the person. Provide reassurance that the police are there to help and that he/she will be provided with appropriate care.
4. Communicate with the individual in an attempt to determine the root of the person's actions. Relate your concern for his/her feelings and allow the person to express their feelings. Where possible, gather information on the subject from acquaintances or family sworn personnel and/or request professional assistance, if available and appropriate to assist in communicating with the person and/or de-escalating the situation.
5. Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.
6. Avoid topics that may agitate the person and guide the conversation toward topics that may help ease the individual.
7. Always attempt to be truthful. If the subject becomes aware of a deception, he/she may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.
8. Consider containing the situation, establishing distance, waiting for additional help, and/or the arrival of trained medical staff.
9. If no other persons are in danger and if police presence is inflaming the situation and leaving the scene could help diffuse the situation – consider a tactical retreat. Additional resources, plans, time, and follow up may be needed.

While the policies and guidelines regarding the use of force do not change due to a subject's mental or physical status, officers should take this status into account (where the status is known) in their approach of the subject in an effort to de-escalate the situation.

Once a person is under control, officers should consider whether common restraint tactics may be more dangerous to the individual due

to the subject's age, mental, emotional or physical status, and consider available and appropriate reasonable accommodations.

As with any use of force, officers should always provide an immediate medical response to individuals who are exhibiting signs or complaining of injury or illness following a use of force.

**Parameters
for the
Use of
non-deadly
force**

1.1.0

1.1.4

An officer shall not use physical force upon another 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 and proportionate to:

- a. to effect the lawful arrest or detention of a person;
- b. to prevent the escape from custody of a person;
- c. to prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm while protecting the safety of officer or others; or
- d. defend against an individual who initiates forces against an officer [1.1.1]

It is preferred that less-lethal force not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same result. Officers should issue a verbal warning and allow a reasonable amount of time for response unless a warning could endanger the officer or others.

Each less-lethal force option is not intended to be a substitute for other options in situations in which the use of other force options are more appropriate.

Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual's head, chest, neck, or spine, and shall not force an individual to lie on their stomach.

A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

Absent exceptional circumstances, officers shall not use less-lethal force on susceptible population groups, or for the sole purpose of protecting property.

The use of less-lethal force is not authorized for indiscriminate use, non-violent behavior or when an individual is handcuffed unless a threat to the officer or others exists.

A subject who is exposed to less-lethal force shall be actively monitored while in police custody after they have received medical care. If the subject requests further medical attention, they shall be transported immediately by EMS to a medical facility. [1.1.5]

**Non Deadly
Use of Force
Options
1.1.4**

Presence/Appearance - The image that an officer conveys may influence the outcome of the situation. The officer should be neat and well groomed, be mindful of body language, and maintain the highest level of vigilance.

Verbalization - Verbalization is verbal persuasion used by an officer attempting to defuse a situation, or verbal commands to a subject. Verbalization is present in all subsequent force options.

Aerosol Control Spray - A department issued, or approved aerosol substance used to overcome resistance or an assault, deter riotous or violent behavior, or deal with armed and/or dangerous subjects in a barricaded situation. See Policy Oleo-resin Capsicum Spray Use of Less Lethal Weapons. (OC spray is not considered a chemical weapon in the CMR)

Weaponless Physical Force - Non-lethal weaponless force (usually by means of an officer's body) is used to gain compliance. Examples of weaponless physical force include, but not limited to: strikes and kicks. [1.1.6 (2)]

Restraint Techniques - Those techniques used to take down and control subjects who are exhibiting active resistance. These techniques may be applied by using the hands or the baton. The department does not authorize the use of neck restraints or choke holds [1.1.2 (3)].

NOT PERMITTED – Chokehold – The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death. No officer will be trained in the use of this defined chokehold. [1.1.2-1C]

Impact Weapons/Defensive Strikes/Specialty Impact Munitions (SIM) - This includes the use of the canine, the baton as an impact weapon, approved striking techniques used by an officer to defend

him/herself or others from the threat of serious physical injury and Specialty Impact Munitions (SIM, bean bag launcher) used as extended-range impact devices. See Policies: Baton, Use of Less Lethal Weapons.

Canine - A trained police dog utilized in conjunction with its handler. See Policy K-9 Canine.

Electronic Control Weapon (ECW): TASER – A department issued or approved ECW used to overcome resistance or an assault, deter violent behavior, or deal with armed and/or dangerous subjects. ECW's utilize conducted electronic energy to affect sensory and motor nervous systems to yield pain compliance and temporary incapacitation. See **Electronic Control Weapon – Taser Policy**

**Tools of
Immediate
Need**

Only issued or approved equipment will be carried on duty and used when applying any level of force. In the event an officer is faced with a situation where there is a substantial risk of physical injury or death to themselves or another, and access to approved tools and weapons is not available or tactically feasible, he or she may resort to using a tool of immediate opportunity.

In such cases an officer may use a tool or object that is in-hand or readily accessible (i.e. flashlight, radio, ticket book, handcuffs) to fend off the immediate assault; however, as soon as is reasonable and practical, the officer shall transition from the tool of immediate means to department approved equipment to resolve the situation.

Handcuffing

Use of restraining devices shall be utilized on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (prisoner is handicapped, etc.). The mere placing of handcuffs, physical contact to guide subject or empty hand contact controls to guide or remove subject from an area and handcuff will not be construed to be a use of physical force.

The use of a Taser in drive stun mode to gain compliance over a handcuffed prisoner who is resisting be placed into a cruiser for transport is prohibited. Furthermore, to use a Taser in any mode (drive stun or full deployment) against a handcuffed individual is limited to when the handcuffed individual is assaultive. The assault behavior displayed should be a very serious and significant threat to officer safety to justify the use of the Taser. Simply thrashing around, wildly

kicking, and other similar behavior will not be grounds for a Taser application. A spitting prisoner is not grounds for a Taser application.

**Deadly Force
General
Guidelines**

The purpose of the following section 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 police officers are often called upon to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. The value of human life is immeasurable in our society.

When feasible based on the totality of the circumstances, the officer shall verbally identify him or herself as police officer and warn the subject of the intent to use deadly force.

**Use of Deadly
Force
Parameters
1.1.2**

A sworn member of this Department is authorized to use deadly force only after 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 and

- (a) The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;
- (b) The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
- (c) The officer uses only the amount of force that is objectively reasonable. [1.1.2 (2)]

A law enforcement officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

This may include situations in which there are no viable alternatives available and deadly force is necessary for the officer to:

- a) Defend himself/herself or another from unlawful attack which he/she reasonably perceives as an imminent threat of death or serious bodily injury; **OR**
- b) Effect an arrest, only when:

- i. The arrest is for a felony; and

ii. 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 bodily injury if his/her apprehension is delayed.

Where practical, and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force.

An officer shall not use a chokehold [1.1.2 (3)].

Officers shall not use deadly force in an attempt to threaten or subdue persons whose actions are only destructive of property or harmful to themselves but not toward other persons.

**Pointing of
Firearms**

Officers shall avoid pointing firearms at subjects in circumstances, which are clearly unjustifiable. However, in situations involving a strong possibility of great danger, the officer should carry his firearm in a position that will facilitate its speedy and safe use. While an officer should not point his weapon unless he is prepared to use it, the fact that he has done so should not be interpreted as an obligation to fire. In the event it is necessary to point a firearm at a subject, officers shall note justification for the use of force within a Use of Force report.

**Warning Shots
and Signaling
Device 1.1.3**

The use of warning shots is not authorized [1.1.3].

**Motor Vehicles
and
Discharging of
Firearms
1.1.2**

A law enforcement officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm; and only if the following conditions exist:

- (a) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to

strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, which includes moving out of the path of the vehicle;

(b) Officers have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle at close proximity while dismounted);

(c) The officer is not firing strictly to disable the vehicle; and

(d) The circumstances provide a high probability of stopping or striking the intended target. [1.1.2 (4)]

**Mass
Demonstrations**

When a police department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to

- a. communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, and
- b. discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants.

The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication to carry out the plans within the department.

An officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of kinetic impact devices or rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless:

1. de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
2. the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm.

If an officer utilizes or orders the use of tear gas or any other chemical weapon, kinetic impact device, rubber pellets, ECW, or a dog against a crowd, the officer's appointing agency shall file a report with the Massachusetts Peace Officer Standards and Training Commission (POST) detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog. Including a detailed justification of why use of said weapons was objectively reasonable.

Canines should not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.

The use of Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

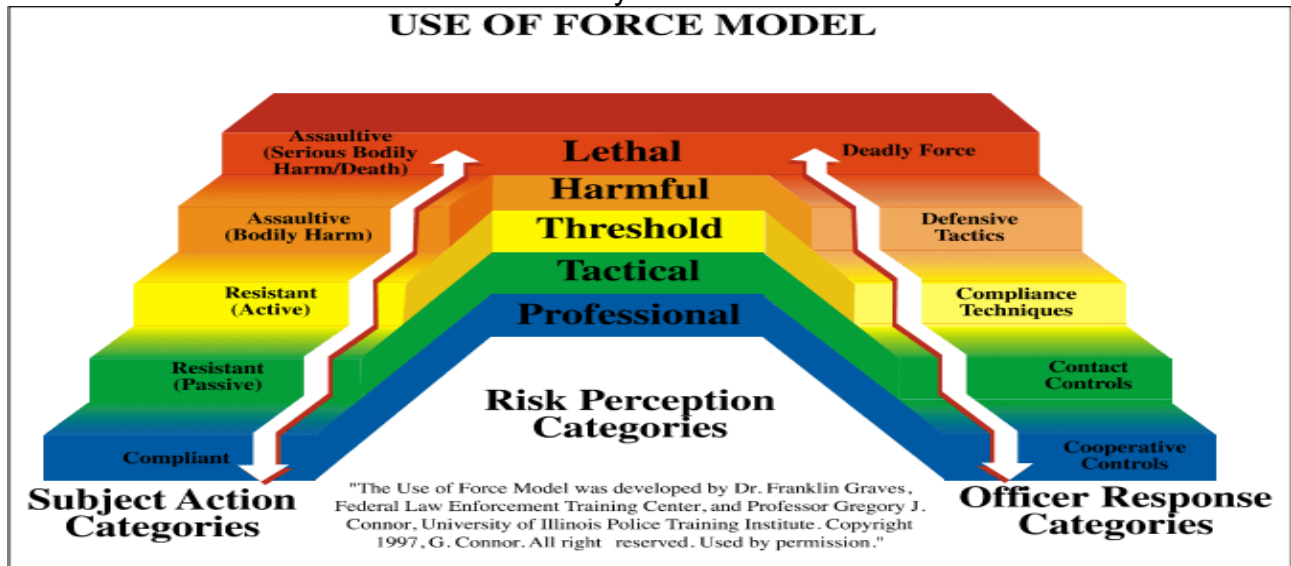
The Commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

Model of Force

Each encounter an officer is involved in should be viewed as a dynamic and evolving event. This requires the officer to continuously monitor both the situation and the actions of the subject(s) involved. Based on the officer's assessments of the perceived subject actions and situation, he/she will determine to escalate, de-escalate, or maintain the current force options.

The Use of Force Model was developed in 1991 by Dr. Franklin Graves, Federal Law Enforcement Training Center and Professor Gregory J. Connor, University of Illinois Police Training Institute and is used by the Municipal Police Training Committee. It provides basic subject classifications and potential officer responses. A subject may fit into more than one classification at a given time, and it is up to the officer to reasonably apply the necessary and appropriate force options based on the situation faced at the time.

The potential responses listed may not include all force options open to the officer at a point in time, based on his/her level of training and available equipment. It shall be stressed, as a part of this policy, that the Use of Force Model is a guideline and suggested courses of action but are not the only course of action.



	Response Options
Classification	
Compliant subject Level1	<p>This subject complies with officer requests/orders and offers no resistance either verbal or physical. The vast majority of persons an officer will encounter are in this classification.</p> <p>Potential responses: Communication skills; physical contact to guide subject; or compliant handcuffing techniques.</p>

<p>Passive Resistant subject Level 2</p>	<p>The preliminary level of non-compliance. While the subject does not comply with officer requests/orders and may issue verbal non-compliance, there is no physical resistance or flight.</p> <p>An example is a subject that goes limp or lies on the ground, but offers no resistance to being handcuffed or moved by officers.</p> <p>Potential response: Empty hand contact controls to guide or remove subject from an area and handcuff.</p>
<p>Active Resistant subject Level 3</p>	<p>Non-compliance includes physical effort or flight by the subject that is directed at avoiding the arrest.</p> <p>Examples include flight by either foot or conveyance, lying on the ground and locking arms under body, holding on to other persons or objects, or tensing up, twisting or pulling away from the officer.</p> <p>Potential responses: Empty hand techniques to gain control (wristlock, arm-bar); distraction techniques (joint manipulation, pressure points); irritants (OC), or baton arm-lock. Use of the ECW in a drive stun is also an example of a response at this level.</p>
<p>Assaultive / Bodily harm Level 4</p>	<p>The officer perceives that a subject attempts to injure an officer or another person or engages in conduct that has the potential to injure an officer or another person.</p> <p>Examples include empty hand assaults such as pushing, shoving, punching, wrestling or grasping.</p> <p>Potential responses: Defensive tactics designed to cease the non-lethal assault such as empty hand strikes (elbow, knee, head-butt, kicks, punches, and blocks); or less-lethal weapons (baton strikes, blocks, and bean-bag gun). Full Deployment of the ECW where the probes "hit" the subject would also be a response at this level.</p>

Assaultive / Serious Bodily Harm or Death Level 5	<p>The officer perceives that a subject is engaged in conduct that is likely to produce death or serious bodily harm to an officer or another person</p> <p>Examples include empty hand attacker trying to disarm an officer, strangling, and assaults with weapons.</p> <p>Potential responses: While a department-issued or approved firearm is the preferred response in a deadly force encounter, it is recognized that a situation may arise where an officer has been disarmed or is caught unaware by a sudden and violent assault. If such occurs, the following options should also be considered: less-lethal weapons (baton strikes to red target areas, bean-bag gun with modified points of aim to upper torso/head); or tools of immediate means</p>
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Threat Perception Categories

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

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.

Medical Aid
1.1.5

In an effort to minimize pain, suffering and further injuries, officers shall, as soon as possible, render appropriate medical aid (based on officers training on level of care) to individuals after the use of lethal or less lethal weapons, weaponless tactics or other use of force incidents as defined by this policy, whenever a person: [1.1.5 A-C]

- Has a visible injury [1.1.5 Fi]
- Is unresponsive or unconscious [1.1.5 Fiii]
- A person in medical distress i.e., unable to breath, labored breathing, wheezing, etc. [1.1.5 Fii]
- Suspect or detainee complains of injury or requests medical attention [1.1.5 E]
- Injuries sustained during apprehension or law enforcement action (i.e. injuries from falls or injuries from broken glass, cruiser and pursuit crashes, K9 contact, detainees who are injured, etc.) [1.1.5 D]

The instances of when medical attention is necessary listed in the previous paragraph should also be given during any call of service, or during the detention or arrest of a person when applicable [1.1.5 F].

Proper Medical Aid may include [1.1.5]:

- increased observation of a person to detect obvious changes in their condition,
- the flushing of chemical agents from the eyes of an affected person,
- applying first aid within the scope and training of the officer/agency employee for any obvious severe injuries or unconsciousness,
- CPR,
- evaluation by an emergency medical technician or paramedic,
- or for more serious or life-threatening incidents, immediate aid by medical professionals includes transportation to a medical facility

The fire department can perform an examination of the subject either at the scene of the deployment or at the police station. All medical attention received will be noted in the officer's report. [1.1.5]

When transporting individuals involved in contentious police actions or following a use of force incident, consideration should be given to utilizing police personnel not directly involved in the action, if feasible [1.1.5].

The officer will promptly notify his immediate supervisor of the incident as soon as practical. Officers will attempt to locate and identify all

witnesses, documenting their statements. The patrol supervisor should also collect evidence, photographs of injuries, and witness statements for their use of force investigation.

**Duty to Report
Use of Weapon
or Physical
Force
1.1.6**

Department personnel shall submit a written report to the Chief of Police whenever they:

- Discharge, deliberately or unintentionally, of a firearm, whether on or off duty, other than for training, ballistic identification, weapon maintenance, legal hunting, legitimate firearms competition, or target practice at an approved range. [1.1.6 – 1A]
- Apply force through the use of any lethal or less lethal weapon. [1.1.6 – 1BC]
- Apply weaponless physical force (i.e. weaponless hand control or restraint techniques) involving the use of striking techniques or utilize a restraint technique on an actively resisting subject. [1.1.6 – 1D]
- Take actions that result in or are alleged to have resulted in an injury or the death to another person.
- Any TASER spark warning.

An officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a use of force report may be subject to decertification.

In addition to submitting an incident report, officers shall also submit a Firearms/Weapons Discharge Report or Use of Force Report, as appropriate.

These reports shall be reviewed by the Patrol Sergeant and by the shift commander and submitted to the patrol Deputy Chief. After the patrol Deputy Chief reviews it, it will be forwarded to the Chief of Police for storage in his administrative office [1.1.6 (4)].

Any time, any officer uses force as listed in the policy requiring a report to be filed, a use of force report form will be completed and forwarded to their immediate supervisor. One form cannot cover all officers. Each officer is required to fill his or her own form out.

Non-sworn personnel have a duty to report to their supervisor should they witness any of the above use of force.

Law enforcement agencies shall report to the National Use of Force Data Collection Database when actions by a law enforcement officer

resulted in the death or serious bodily injury of an individual, or when a law enforcement officer, in the absence of death or serious bodily injury, discharged a firearm at or in the direction of a person.

**Review of
Reports
1.1.7
1.1.14**

Copies of all reports concerning the discharge of firearms/weapons or use of physical force shall be forwarded to the Deputy Chief, who shall review the incident to determine whether the use of force was consistent with department policy, department training, and officer/public safety. In cases where the Deputy Chief is involved in the incident under review, the Chief of Police will assign a supervisor not involved in the incident the review responsibilities. [1.1.7 (1-3)]

The Deputy Chief may also utilize the input from the department firearms instructor and use of force instructors.

The Chief of Police will conduct a documented annual analysis on use of force reports [1.1.14 – 1]. The analysis shall include date and time of the incident, type of force or weapon involved, types of encounters, injuries of all involved, trends or patterns race, age, and gender of the subjects, the findings on any trends or patterns and the impact of the findings on policies, practices, equipment and/or training. [1.1.14 – 2A-E, 3 & 4]

Use of force reports shall be stored and filed by the Chief. Any information or reports released to the media shall be at the discretion and authorization of the Chief.

**Investigation
When Use of
Force Results
in a Death or
Injury**

PATROL SUPERVISOR

1. LESS-LETHAL FORCE

In any incident involving an officer's use of less lethal force including weaponless physical force, where either the officer or the suspect(s) are injured or claim to be injured; or less-lethal weapons, or an electronic control weapon (ECW), the Patrol Supervisor / Officer-in-Charge shall: [1.1.5; 1.1.6; 1.1.7]

- i. Immediately respond to the scene.
- ii. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. [1.1.5]

- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. [1.1.5]
- iv. Conduct an initial review of the circumstances for the use of force.
- v. Identify and interview officers and witnesses.
- vi. Photograph the scene. Officers should make reasonable efforts to protect the subject's privacy.
- vii. Gather and collect evidence.
- viii. If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs. A photograph showing no injury may be as important as one, which shows injury.
- ix. if the subject is admitted to a medical facility for treatment, respond to the facility and document the condition or injuries. [1.1.5]
- x. Ensure Incident or Arrest and Use of Force Reports are completed by the deploying officer prior to the conclusion of his/her tour of duty
- xi. Complete the Use of Force report (Supervisors section) and incident report and forward to shift commander.

2. LETHAL/DEADLY FORCE AND FIREARMS

In any incident involving the use of deadly force; or discharge of firearms, including a kinetic energy impact projectile, the Patrol Supervisor shall: [1.1.5; 1.1.6; 1.1.7]

- i. Immediately respond to the scene.
- ii. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. [1.1.5]
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. [1.1.5]

- iv. Conduct an initial review of the circumstances for the deployment of force
- v. Identify involved officers and witnesses.
- vi. **FOR INCIDENTS RESULTING IN DEATH OR EXPECTED DEATH:** In any incident involving the death or expected death of an officer or subject, the Patrol Supervisor shall also notify the Massachusetts State Police CPAC Unit and the District Attorney as soon as possible and secure the scene until such time that the CPAC Units arrives. In any incident involving the death or expected death of an officer or subject, the Detective Deputy Chief will respond, assume control of the scene and conduct an investigation.
- vii. **FOR OFFICER-INVOLVED SHOOTING INCIDENTS: SEE OFFICER INVOLVED SHOOTING POLICY**

SHIFT COMMANDER RESPONSIBILITIES

- 1. The Shift Commander may respond to the scene of any incident involving weaponless physical force or instances of less-lethal force.
- 2. The Shift Commander shall respond to all incidents involving the use of deadly force, whether such force results in death or serious bodily injury.
- 3. The Shift Commander shall make all resources, facilities, and personnel of the Department available to assigned investigators.
- 4. The Shift Commander shall ensure that the involved officer(s) is provided with appropriate Federal/State civil rights and union protection.
- 5. The Shift Commander shall politely refer all media requests for information to the Public Information Officer (PIO).
- 6. If the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, (unruly/violent bystanders/crowd), that officer should be transported to another, more appropriate location.

7. The Shift Commander shall immediately institute an investigation into any incident involving the use of deadly force whether such force results in death, serious bodily injury or no injury at all, and shall notify the Chief of Police and the Deputy Chiefs of the situation.

See Officer Involved Shooting policy

**Employee
Re-assignment
1.1.8**

Any department member whose actions (not limited to use of force) or use of force results in death or serious physical injury, or any officer whose use of a firearm results in any injury, shall be immediately re-assigned to temporary administrative duty or administrative leave approved by the chief. If necessary, the employee involved shall be taken to the hospital or physician for evaluation due to the abnormal stress placed on him/her in these circumstances. [1.1.8]

Employees involved will be provided an opportunity to contact their family as soon as possible after the incident, so that the family does not learn about the incident through other sources.

This re-assignment shall be with no loss of pay or benefits and is intended to:

- Address the personal and emotional needs of the employee involved in the incident, and
- Assure the community that verification of all facts surrounding the incident is fully and professionally explored.

Whenever an employee is involved in an incident that results in a serious injury or death, the officer/employee will be referred to the appropriate employee assistance program. An employee assigned to administrative duty or leave, shall remain on duty or leave until an administrative review (by a supervisor not involved in the incident) is concluded and the officer/employee needs are met [1.1.8].

Employees assigned to administrative duty shall be available to assist the department in the investigation of the incident.

Re-assignment should not be considered by any person as a punishment or an indication of wrongdoing by the involved employee.

Review policy Public Safety Statement.

**Weapons
Training and
Qualification**

No officer (new officer or veteran officer receiving a new weapon) of this Department will be authorized to carry any lethal or less-lethal weapon until he/she has: [1.1.13 (1 & 2); 16.3.6]

- a. Been issued a copy of this Use of Force (including duty to intervene & de-escalation) Policy, received documented instruction and [1.1.13 - 1A-D & 2-D; 26.0.4 (4)]
- b. Completed the necessary training and qualifications promulgated by the Municipal Police Training Committee (MPTC); and
- c. Signed a receipt indicating that he/she has received a copy of this Use of Force Policy and has been afforded the opportunity to discuss it and ask questions regarding the policy, which shall be maintained by the instructor and Training Coordinator. [1.1.11; 1.1.13 – 1C & 2C]
- d. An officer must demonstrate proficiency before carrying new weapons (lethal and less lethal) [1.1.10 1&2AB; 1.1.12 – 1B].
 1. All weapons training and qualification records and officer scores shall be documented and maintained by the Training Coordinator. [1.1.11 (4); 1.1.12 – 2B]
 2. All training in use of force and ECW shall be conducted by MPTC-approved instructors and shall comply with MPTC standards and be documented. [1.1.11 (5); 1.1.12 – 2B]
 3. At least annually, all officers authorized to carry weapons are required to receive in-service training on the Department's Use of Force (including duty to intervene & de-escalation) and Taser Policy and demonstrate proficiency with all approved lethal weapons and ECWs that the officer is authorized to use. In-service training for other less lethal weapons and weaponless control techniques (defensive tactics) shall occur at least biennially. [1.1.11 1AB & 2A-C; 1.1.12 – 1B, 2A; 26.0.4 (5)]
 4. An 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 an officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

DEFENSIVE TACTICS AND DE-ESCALATION

Annually, all officers shall continue to receive the in-service training on defensive tactics and de-escalation mandated by the Municipal Police Training Committee. All new officers should receive de-escalation training [1.1.1 (2)].

ECW – TASER TRAINING

All officers who are certified to carry and deploy the ECW shall complete annually a minimum of one (1) hour in-service documented proficiency and policy training, conducted by certified weapons instructor with remedial training available, if needed. [1.1.10; 1.1.11 (6); 33.1.2; 33.5.1; 33.6.1 (a); 33.6.1 (b)]

FIREARMS TRAINING

1. All personnel authorized to carry a Department-issued weapon shall qualify with their issued weapon and any other weapon they are authorized to carry while on duty at least annually. [1.1.10; 1.1.11 (a); 16.3.6]
2. All approved lethal weapons shall be under the direction of the department's Training Coordinator and approved MPTC weapons and tactics instructors. [1.1.11 (a); 16.3.6]
3. Following a period of training and practice, all officers will be expected to qualify in accordance with the standards established by the MPTC.
4. Only officers demonstrating proficiency in the use of Department-issued or authorized weapons will be authorized to carry or use those weapons. [1.1.10; 1.1.11]
5. Qualification and proficiency shall include an inspection of any firearm used by the officer to ensure that it is in good working condition. [1.1.9]
6. If the Chief of Police approves an off-duty weapon, the officer must qualify with the weapon at the range, at least annually. [1.1.10; 1.1.11]
7. All officers authorized to use any of the Department's special weapons, such as rifles, will qualify with the weapon(s) they are authorized to use, in accordance with the standards

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established by the MPTC, the manufacturer, or the Department's Weapons and Tactics Instructor, at least annually. [1.1.9]

8. All proficiency tests will be documented and forwarded to the Training Officer.

Remedial training for all weapons training (lethal and less lethal) and weaponless physical force will be offered, including a re-qualification, should it be needed prior to the officer's next shift [1.1.11 (6); 1.1.12 – 2C].

Officers shall adhere to department range safety rules at all times when handling an authorized firearm.