

USE OF FORCE

POLICY & PROCEDURE NO. Chapter #400	ISSUE DATE: 03/03/2014
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.8	REVISION DATE: 03/03/2016

I. GENERAL CONSIDERATIONS AND GUIDELINES

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

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

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.

II. POLICY

It is the policy of the department that: [1.3.1]

- A. Officers use only the force that is reasonably necessary to make a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and others.
- B. Any employee of this department, sworn or civilian, whose actions or use of force in an official capacity results in the death or serious physical injury, shall be removed from line-duty assignment, pending an administrative review by a supervisor not involved in the incident. [1.3.8]

III. DEFINITIONS

- A. *Deadly Force*: Any use of force that is reasonably intended or likely to cause death or great bodily harm.
- C. *Non-Deadly Force*: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
- D. *Bodily Harm*: A bodily injury that does not create a substantial risk of death, cause serious and/or permanent disfigurement, or result in significant loss or impairment of the functioning of any body part.
- E. *Serious Bodily Injury*: A bodily injury that creates a substantial risk of death, causes serious and/or permanent disfigurement, or result in significant loss or impairment of the functioning of any body part.
- F. *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.

- G. *Probable Cause*: Probable cause for arrest exists, at the time of the arrest, when the facts within the knowledge of the arresting officer(s) 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.

IV. PROCEDURES

A. Use of Deadly Force

1. Officers are authorized to use deadly force to: [1.3.2]
 - a. Protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm; and/or
 - b. To affect an arrest only if:
 - i. The arrest is for a felony;
 - ii. The officer reasonably believes that the force employed creates no substantial risk to innocent persons; and
 - iii. The officer reasonably believes (i.e. has “probable cause”) that:
 - [a] The crime for which the arrest is to be made involved conduct including the use or threatened use of deadly force, or
 - [b] There is a substantial risk that the person to be arrested will cause death or serious bodily harm if such person’s apprehension is delayed.
2. Where practicable prior to discharging a firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.

3. The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. Use of restraining devices is mandatory on all detainees, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g., very young juvenile, handicapped, injured).

H. Deadly Force Restrictions

1. Officers may use deadly force to destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured when the officer reasonably believes that deadly force can be used without harm to the officer or others.
2. Firearms shall not be discharged as a bluff, warning, or signal shot. [1.3.3]
3. Officers should refrain from discharging a firearm at a moving or fleeing vehicle unless any occupant is using or threatening to use deadly force. Officers should not shoot when the vehicle is no longer an imminent threat.

C. Use of Non-Deadly Force [1.3.4]

1. Where deadly force is not authorized, officers may use only that level of force that is reasonably necessary to bring an incident under control.
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment to:
 - a. Protect the officer or others from physical harm;
 - b. Restrain or subdue a resistant individual, while making a lawful arrest or placing a person in protective custody; and/or
 - c. Bring an unlawful situation safely and effectively under control.

D. Medical Attention

1. After any level of force is used, including lethal weapons, less-lethal weapons, or weaponless force, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when: [1.3.5]
 - a. That person has a visible injury; or
 - b. In the case of use of pepper spray, immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness; or
 - c. That person complains of injury or discomfort and requests medical attention.

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported (in accordance with the departmental policy on **Transporting Detainee** to the appropriate hospital or medical facility. All medical treatment received shall be noted in the officer's report.

2. Injury to Detainee

- a. The officer shall promptly notify his/her immediate supervisor of the incident.
- b. The officer shall attempt to locate and identify all witnesses, and obtain and document their statements.
- c. The officer shall prepare and submit all required reports. If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a report outlining his/her actions and observations in the incident.

3. Patrol Supervisor

- a. If available, the Patrol Supervisor shall immediately respond to the scene of any incident where, as the result of the application of physical force, an officer is injured, or a prisoner has a visible injury, or

complaints of injury or discomfort and requests medical attention, and

- b. [S]he shall:
 - i. Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented;
 - ii. Ensure that the need for medical treatment for the detainee is properly evaluated and provided;
 - iii. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photos, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs; and
- NOTE: A photograph showing no injury may be as important as one which shows injury.
- iv. File a report on the incident and his/her observations with the officer-in-charge of the police station.

¹ *Com. v. Klein*, 372 Mass. 823, 363 N.E.2d 1313 (1977)