

SALEM POLICE**DEPARTMENT MANUAL****CHAPTER 19.0****DATE OF ISSUE**
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Chief Lucas Miller

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1 of 17

☐ **NEW** ☒ **AMENDS** ☐ **RESCINDS****WEBSITE****19.1 PURPOSE**

The purpose of this policy and set of procedures is to outline the protocols that must be followed whenever an officer exerts any degree of force in the performance of his or her duties. This directive describes the very narrow parameters under which deadly force is authorized; the circumstances when an officer may legally discharge a firearm in the performance of his/her duties; and the guidelines officers are to follow when exerting any degree of force in the performance of his or her duties.

Police officers have been entrusted with special powers and authority to achieve their mission of preserving the peace, providing protection and security to the public, and enforcing criminal laws. These powers are unique to the police, and are not possessed by the general public. With this grant of public trust, police officers are obligated to exercise their powers judicially, and with appropriate restraint.

Whenever a police officer exercises any degree of force in the execution of his or her duties, the burden is on the police department to prove that such force was used in the accordance with department policy and established state and federal law. Because the police department carries an affirmative burden to demonstrate that the exercise of force was necessary and appropriate, the department must conduct a complete and thorough review of all such incidents. Not only does such a review satisfy legal mandates, it also serves to validate the use of force as a legitimate exercise of police authority in the eyes of the public. To this end, the department has established a system of self-reporting and administrative evaluation. It is only through strict adherence to these guidelines that the department can adequately defend the actions of its officers and, at the same time, preserve public confidence.

19.2 GENERAL CONSIDERATIONS AND GUIDELINES

Force is only permitted to the degree necessary to accomplish lawful objectives. (1.3.1) 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.

With regard to firearms, the citizens of the Commonwealth have vested in their police officers the power to carry and use firearms in the exercise of their service to society. The legal authority to carry and use lethal or non lethal weapons by agency personnel in the performance of their duties is authorized through the Chief of Police and defined in **MGL Chapter 41 Section 98. (1.2.2)**

19.3 DEFINITIONS

- A. 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.
- B. 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.
- C. 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.
- D. Probable cause: Probable cause for arrests exists if, at the time of 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.
- E. 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.
- F. Defensive Force: The necessary infliction of physical battery to overcome violent resistance or to protect others from assault and injury.
- G. Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the

escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

I. CHOKEHOLD: The use of 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 with the intent of or with the result of causing bodily injury, unconsciousness or death. Chokeholds are strictly forbidden by statute and are not trained by this department.

K. SERIOUS BODILY INJURY. Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss or impairment of a bodily function, limb or organ; or (iii) a substantial risk of death.

19.4 POLICY_ (1.3.1)

- A. In determining when to use force, officers are to be guided by the principle that the least amount of force necessary in any situation is the greatest amount of force that is permissible. Any use of force must be justified. Unnecessary use of force can never be justified. Force can only be used to overcome resistance directed against the officer or to affect the safety of another, always with a high degree of restraint. Actual use of force by police officers is permitted only to the degree necessary to accomplish lawful objectives and to overcome any unlawful resistance. Officers should be fully cognizant of the fact that a negligent act could be alleged if use of an impact weapon or deadly force occurs when a lesser degree of non-lethal force could have been applied to accomplish the same objective of overcoming resistance and the use of physical force should be discontinued when resistance ceases or when incident is under control.
- B. Officers will use the standard of objectively reasonable as the determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.
- C. Members of this department may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officers own life, or

in defense of any person in immediate danger of serious physical injury, or to prevent the escape and effect the arrest of a fleeing felon whom the officer reasonably believes will pose a significant threat to human life should escape occur.

D. An officer present and observing 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.

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 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 detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report."

- Anti-retaliation provisions for law enforcement personnel who report abuse by other law enforcement personnel

19.5 USE OF FORCE MODEL

A. The use of force model is a visual representation of force options designed to facilitate an understanding of appropriate levels of force by officers. This is accomplished by establishing parameters that exhibit the actions of both the subject and the officer on a comparative scale.

The following use of force model is designed to provide an overview and visual representation of the force options available to officers in the department. It is a fluid instrument that attempts to embody the dynamics of a confrontation.

The department recognizes that building flexibility into an officer's determination of the appropriate use of force is advisable and acceptable-if not essential-given the standard for evaluating an officers use of force claim is reasonableness under the facts and circumstances known to the officer at the time. This is an affirmative stance by the department designed to provide additional confidence

and needed support to the officer in making their decisions regarding use of force in the field.

A number of factors are taken into consideration when an officer selects force options, and when evaluating whether an officer has used reasonable force. The department recognizes that officers are expected to make split-second decisions and the amount of time available to evaluate and respond to a situation may impact the officer's decision. By establishing a policy that includes a use of force model, the department hopes to provide additional guidance to officers in making those decisions. The amount and degree of force which may be employed will be determined by the employment of reasonably objective standard that is the totality of circumstances surrounding the incident and known to the Officer at the time which could include, but not limited to:

1. The nature of the offense, including the severity of crime at issue.
 2. The behavior of the subject against who force is to be used
 3. Whether the suspect poses an immediate threat to the safety of the Officers or others.
 4. Actions by third parties against third parties who may be present.
 5. Physical odds against the officer or officers.
 6. The feasibility of availability of alternative actions. This includes the age, size, strength, skill level, injury or exhaustion of the officer and the number of officers vs. the number of subjects.
 7. Other exigent circumstances.
- B. When an officer determines that the use of force is necessary, the officer shall, to the extent possible, utilize the appropriate level of force as determined by the particular needs of the situation. It is important to note that an officer need not attempt to gain control over an individual by the use of the lowest level of force in the model when reason dictates and the officer can articulate that a higher level of force is reasonable. Likewise the skipping of steps may be appropriate given the resistance and threat encountered.
- C. The use of force options are set forth below in ascending order from the least severe to the most drastic measure. These options should be used in accordance with the guidelines established in this policy and set forth by the MPTC in the totality triangle as it is taught in their defensive tactics in-service training.

In general, an officer or officers should attempt to use the minimum force necessary to safely accomplish his or her lawful objective.

1. Verbalization: Verbalization is defined as the verbal persuasion used by the officer in an attempt to defuse the situation or inform a suspect that he/she is under arrest.
2. 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 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 51½ of chapter 111, to address a potential medical or mental health crisis.

A law enforcement 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 to: (i) effect the lawful arrest or detention of a person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the commission and the municipal police training committee pursuant to subsection (d) of section 15 of Chapter 6E.

3. Physical Strength/hand control: Is defined as the level of force normally required to overcome passive or defensive resistance that is not intended as an act of overt aggression toward the officer when an individual refuses to comply with verbal instructions.

Use of a chokehold or a maneuver that restricts an individual's ability to breathe for the purposes of incapacitation is an unacceptable use of physical strength/hand control unless deadly force is authorized under the circumstances.

4. Restraint Techniques: Is defined as those techniques an officer feels necessary to use to effect "take down and control holds" by using his/her hands and/or utilizing a Monadnock Expandable Baton (MEB).
5. O.C. Pepper Spray/Chemical Substances: Department approved non-lethal chemical substance or oleoresin capsicum (O.C.) when used to overcome active or passive resistance or an assault, or deter riotous behavior. Department approved tools for dispensing O.C. or chemical substance are O.C. 5% or 10% spray or stream and the Jaycor tactical Pepperball System.
6. Impact Weapons: The department approved Monadnock Expandable Baton (MEB) or the Jaycor Tactical Pepperball System, when used as an impact instrument by the officer to defend himself/herself or another from threat of serious physical injury.
7. ECW: The TASER X26P may be used as a compliance technique or a defensive tactic. For further guidance refer to *SPD Policy 119.0 Use of ECW*.
8. Jaycor Tactical Pepperball System: May be utilized by appropriately trained department officers to disperse violent, dangerous, armed, barricaded, or riotous individuals or crowds. (see PP# 106.0)
9. Firearms or Deadly Force: The use of deadly force is the last option within the continuum of force and is only authorized in accordance with the guidelines established in Section 9 of this policy.

19.6 PARAMETERS FOR THE USE OF NON-DEADLY FORCE

The application of non-deadly force by a police officer in the performance of his duty will generally be limited to defensive situations where it is necessary;

- A. In lawful self-defense, or attack to his/her person or others; or
- B. To overcome resistance to arrests, to conduct searches and seizures, and to prevent escapes from custody; or
- C. To preserve the peace, prevent the commission of offenses, or prevent suicide or self inflicted injury.

19.6.1 PROCEDURES: NON-DEADLY FORCE

- A. Only issued and approved equipment will be carried on duty and used when applying any level of non-deadly force.
- B. The use of restraining devices is mandatory on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g. Prisoner is handicapped, etc.). Absent physical controls or restraint techniques, the mere placing of handcuffs on a prisoner will not be construed to be a use of physical force.
- C. After any level of non-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: (1.3.5)
 - 1. That person has a visible injury; or
 - 2. That person complains of injury or discomfort and requests medical attention.

Note: Any person requesting and /or deemed to be in need of immediate medical attention shall be transported (in accordance with departmental transportation procedures) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officers report.

- D. The officer shall promptly notify the Street Supervisor of the use of force incident.
- E. The officer shall also attempt to locate and identify all witnesses, documenting their statements.
- F. 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.
- G. If available, the street 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 complains of injury or discomfort and requests medical attention, and he/she shall:
 - 1. Ensure that officers receive any necessary assistance, including medical treatment, and that any injury to officers is properly documented.
 - 2. Ensure that the need for medical treatment for the prisoner is properly evaluated and provided.
 - 3. Interview all witnesses and victims.
 - 4. Determine if a detective should respond to the scene and the level of the 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 which shows injury.

5. File a report on the incident and his/her observations with the officer in charge of the police station.

19.6.2 CHOKEHOLDS

The use of 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 with the intent of or with the result of causing bodily injury, unconsciousness or death. Chokeholds are strictly forbidden by statute and are not trained by this department.

19.7 LESS-LETHAL WEAPONS

All officers shall be properly trained, and certified when appropriate, in the use of any less-lethal weapons (such as batons or chemical substances) before being authorized to carry such weapons. (1.3.4.) (1.3.10) (1.3.11)

All officers authorized to carry lethal or less lethal weapons shall be issued copies of, and be instructed in the Use of Firearms and Use of Force policy before being authorized to carry any department issued weapon. This training shall be documented by the Training Division. (1.3.12) (1.3.10) (1.3.11)

A. Chemical Substances: Chemical substances may be used when physical force is necessary to protect an officer or other person from an assault or subdue a person who resists arrest or controls a person who engages in riotous or violent conduct. Note: It is preferred that chemical substances not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same end. No tactical advantage is realized by indiscriminate use of chemical substances against non-combative persons.

1. Chemical substances are not intended to be a substitute for other weapons in situations in which the use of other weapons is more appropriate.
2. The officer will file appropriate reports whenever a chemical substance is used, first aid shall be administered as soon as practicable under the circumstances. (1.3.9)

B. Police Baton: The department approved police baton may be used: (1.3.9)

1. As a restraining or come along tool in instances where verbalization and physical strength have failed or would obviously be futile.
2. As a defensive weapon to ward off blows.
3. 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 non-deadly force have failed or would obviously be futile. An officer is justified in using this type of force under the following circumstances:
 - a. To overcome violent resistance of an arrestee.
 - b. To overcome an assault on an officer or a third party.
 - c. To deter persons engaged in riotous or violent conduct.
4. Any time a Police Baton is used to strike a person or a subject is injured when applying a take-down or come-along hold the appropriate reports must be completed. (1.3.6C)

C. Pepperball System: Pepperball projectiles are plastic spheres that are filled with powdered or liquid Oleoresin Capsicum (OC). The projectiles when delivered by an air powered launcher, burst upon impact and release the OC. Pepperball projectiles subdue suspects by inflaming the mucous membranes in their nose, lungs, and respiratory tract. When inhaled, pepperball projectile OC leads to coughing, shortness of breath, and involuntary closing of the eyes. Response to inhaling pepperball projectile OC powder varies greatly among individuals. In most cases the symptoms last for a few (five to twenty five) minutes. The pepperball system can deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts. Only the department approved and issued Jaycor Pepperball Launching System and projectiles are to be used.

1. The Salem Police Department authorizes sworn members who are trained in the use of the Jaycor Pepperball Launching System to use this tool in the following situations:
 - a. When they reasonably believe the subject to be taken into custody is either an Active Resistant (Level III) or Assaultive-Bodily

Harm (Level IV) or higher on the MPTC use of force model.

- b. Officers may use the pepperball system to deliver OC to an area when the use of OC is justified, but unsafe for an officer to approach a subject close enough at hand deliver the agent.
- c. Officers may use the pepperball system to directly impact a subject with the projectiles in accordance with the MPTC use of force model, when higher use of force options may be justified (but if an opportunity exists for the use of OC or impact techniques before these other options are employee) or upon the order of a supervisor on the scene, pepperball may be used to disperse unruly or rioting crowds threatening unlawful property damage or physical force.

- 2. Medical Aid: Officers shall render appropriate medical aid, when tactically feasible, after the use of lethal, less than lethal force or weaponless use of force. As the use of the pepperball system or Tasers are a reportable use of force and the rendering of medical aid is also a reportable procedure, all personnel shall adhere to the standard of reporting such incidents to superior officers prior to the end of the current tour of duty. (1.3.5.) (1.3.6C)

D. Electronic Control Weapon: Salem Policers who are trained shall be authorized to carry an ECW, TASER X26P. They shall adhere to Salem Police Department Policy 119.0 Use of Electronic Control Weapons. Anytime the TASER is deployed the Street Supervisor shall respond to the scene, a report shall be written and appropriate medical aid shall be rendered.

19.8 DEADLY FORCE

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 & public, with the knowledge that officers must sometimes make split second decisions in life and death situations. The value of human life is immeasurable in our society. This

department places its highest value on the life and safety of its offices and the public. The department's policies and procedures are designed to ensure that this value guides police officers in their use of deadly force. Physical force that can reasonably be expected to cause death or serious physical injury. 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.

19.8.1 PARAMETERS FOR THE USE OF DEADLY FORCE

A member of this department is authorized to use deadly force only when there is no less drastic means available to: **(1.3.2)**

- A. Defend himself/herself or another from unlawful attack which he/she reasonably perceives as an immediate threat of death or serious bodily injury; or
- B. Effect an arrest when:
 - 1. The arrest is for a felony; and
 - 2. 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 physical injury if his/her apprehension is delayed.
 - d. Where feasible, officers should identify themselves as police officers and give some warning before using deadly force.

19.9 FIREARMS PROCEDURES

Police Officers are issued firearms and trained in their use, for self-protection and the protection of the public. A police officer is authorized to use a firearm to:

- 1. Protect himself/herself or others from what he/she reasonably believes to be an immediate threat of death or serious physical injury; or
- 2. To prevent the escape and effect the arrest of a fleeing felon whom the officer reasonably believes

will pose a significant threat to human life should escape occur, in accordance with the conditions set forth in "Parameters for the Use of Deadly Force".

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

1. For authorized target practice or competition with weapons authorized by the department.
2. To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options shall be exhausted, however, before shooting the animal.
 - a. 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 fire only after receiving the permission of the Patrol Supervisor and when reasonably certain that there is no substantial risk to bystanders.
 - b. Where feasible, children should not be present.
 - c. It will not be necessary to complete a use of force report for the discharge of a weapon when destroying an animal, however a report should be created and note the discharge of the weapon to destroy the animal. The Department of Public Works shall be called to the scene to remove the euthanized animal to the city garage for storage/disposal according to their rules. A copy of the report will be filed with the Animal Control Officer for his/her files.

19.9.1 WARNING SHOTS

Because of the danger of unintentional death or injury, warning shots are prohibited. (1.3.3)

19.9.2 SIGNALING DEVICES

Firearms shall not be used as signaling devices or to summon assistance.

19.9.3 MOVING VEHICLES

1. Officers shall not discharge a firearm from within a moving vehicle.

A law enforcement officer shall not discharge any firearm into or at a fleeing motor vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a person. Discharging a firearm at

a moving vehicle by an officer is prohibited, except to defend themselves or another when the occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious physical injury to themselves or another, and the officer reasonably believes that they will not endanger innocent persons. It is imperative that officers not position 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).

2. Firing to strictly disable a car is prohibited.
3. In every incident, the officer shall take into account the location of vehicular and pedestrian traffic and the potential hazard to innocent persons.
4. Firearms shall not be utilized when circumstances do not provide a high probability of striking the intended target, or when there is a substantial risk of the safety of other persons, including risks associated with vehicle accidents.

19.9.4 DRAWING OR DISPLAYING

An officer shall avoid the unnecessary display of firearms and not draw a firearm except where there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g. searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress, etc.) the officer should carry his firearm in a position that will facilitate its speedy, effective, and safe use. Officers shall not point firearms at persons in circumstances, which are clearly unjustifiable.

19.9.5 OFFICER INVOLVED SHOOTING INCIDENTS

Anytime a Police Officer fires his weapon the incident shall be investigated according to Salem Police Policy 19.5 *Use of Force and Officer Involved Shooting Investigations*.

19.9.6 PERMISSABLE WEAPONS AND AMMUNITION (1.3.9)

Officers or Officers assigned to NEMLEC RRT shall only carry firearms and ammunition issued or authorized by the department while on duty. The Salem Police duty weapon is a Smith & Wesson M&P 40 cal. Patrol Officer's carry a 4.25" barrel length. Administrative personnel and Officers who work in

plain clothes may opt to carry a compact version with a 3.5" barrel length. The approved ammunition is a 40 caliber hollow point 180 grain t-series.

An officer shall not alter or modify his/her firearm or ammunition in any way.

The approved Departmental shotgun is a Remington 870 pump action equipped with both buckshot containing 9 pellets and slugs.

The Departmental approved rifle is a Bushmaster-Model XM15-E2S and the ammunition is .223 cal-5.56mm. (1.3.9a)

Special police officers will carry the same make and model of firearm currently carried by full-time Salem Police Department officers. The special police officer has the option to carry either the large or small frame version of the weapon. The firearm will be supplied by the special police officer; on-duty ammunition will be supplied by the Department.

19.9.7 SECURITY OF WEAPONS

1. Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are protected from loss, misuse, or theft. Note: All weapons shall be secured in compliance with Mass General Law chapter 140 section 131L security of weapons. All Department owned patrol rifles shall be checked in and out of the cage in the equipment room at the beginning and end of the Officers' shift. (1.3.9F)

19.9.8 MAINTAINANCE OF WEAPONS

1. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon, which malfunctions, shall be returned to the department armorer forthwith for repair or replacement. The Training Division shall be responsible for maintaining an inventory of all department issued weapons and authorized firearms. Records of all weapons shall be maintained in the Accreditation Office and the Armory. (1.3.9d) (1.3.9e)

19.9.9 TRAINING AND QUALIFICATION

(1.3.10) (1.3.11)

1. 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.
2. Qualifications shall be under the direction of the department's firearms instructors, who shall be certified by the MPTC or an equal standard (1.3.11).
3. Following a reasonable period of practice and training, all officers will be expected to qualify in accordance with the standards established by the MPTC.
4. Officers who fail to qualify with their service weapon(s) shall be denied permission to carry such weapon. The officers will receive additional instruction and will be given a reasonable amount of time to qualify while assigned to administrative duties.
5. Qualification shall include an inspection of any firearm used by the officer to ensure that it is in good working order, by a qualified departmental firearms instructor/armorer. This inspection will be conducted and documented annually at firearms qualification. (1.3.9c)
6. No member of this department will be authorized to carry a firearm until he/she has been issued a copy of the department's use of firearms/ use of force policy, received instruction and qualified with the firearm at the range. (1.3.11) (1.3.12)
7. Before an Officer is permitted to carry a patrol rifle on duty they shall qualify with a certified MPTC (or equivalent) firearm instructor. They shall qualify on a MPTC (or equivalent) approved course and they shall requalify annually.

19.9.10 OFF DUTY WEAPON (1.3.9)

1. Any weapon that an officer carries on his person while off duty for protection or to enable him/her to take action as a police officer (especially a weapon carried by an officer to and from an officer's assigned tour of duty) excluding the officer's issued service weapon will be considered an off duty weapon.
2. Any officer who desires to carry an off duty weapon must first submit a written request to the Chief of Police detailing a complete description of the firearm.
3. If the Chief of Police approves the weapon, the officer must qualify with the weapon at the range.
4. Any officer who has not qualified with his/her approved off duty weapon shall not be indemnified by the department for any use of such weapon until such time as the officer has qualified with the off duty weapon. The officer may still

carry his service weapon off duty if he/she has qualified with it.

5. All ammunition carried in an approved off duty weapon must be of a type approved by the department.
6. All approved off duty weapons must be carried in a type of holster approved by the Chief of Police or his designee.
7. All officers shall qualify with their off duty weapons on at least an annual basis. (1.3.10)

19.9.11 SPECIAL WEAPONS

1. Unless authorized to be carried in the police vehicle at all times by the Chief of Police, Special Weapons (such as shotguns, patrol rifles, etc., and the ammunition for same) will be maintained in a secure area of the police department. When not carried in the patrol vehicle on routine patrol, special weapons will only be issued with the knowledge and permission of the officer in charge of the police station, to officers who have qualified with them.
2. All officers authorized to use any of the department's special weapons will qualify with the weapon(s) they are authorized to use, in accordance with standards established by the MPTC, the manufacturer, or the department's firearms instructors, at least annually.
3. A listing of all officers who have qualified with each special weapon will be maintained with the weapon.
4. Special weapons may be selectively issued by the Officer in Charge of the police station if, in his/her opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons in such circumstances shall use those weapons in accordance with the provisions of applicable departmental guidelines issued at the time.
5. Prior to issuing any special weapon, the Officer in Charge of the police station shall inquire of any officer to whom he/she intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a Police Officer not to accept a special weapon unless he/she is qualified in its use.
6. At the sole discretion of the Chief, he/she may permit an Officer to carry a personally owned rifle on duty. However the following steps must occur first.
 - a. The rifle and ammunition must mirror the Departmental approved patrol rifle.
 - b. The Officer must submit a request in writing to the Chief seeking permission.

- c. The rifle must be inspected by a certified armorer.
- d. The Officer must qualify with the rifle. All records of weapons, inspections and qualifications will be kept on file in the armory. A copy will be provided to the Accreditation Manager.
- e. All personally owned rifles shall be secured in accordance with MGL chapter 140 section 131L security of weapons

Note: The Chief of Police may at any time and for any reason revoke an Officers ability to carry their personally owned rifle.

19.12 REPORTING USE OF FORCE

USE OF FORCE REPORTING All employees shall, immediately notify the Watch Commander and submit a written report, when he/she uses force for the following:

- 1) Discharges a department-authorized firearm for other than training or recreational purposes. (1.3.6a)
- 2) Takes an action that results in, or is alleged to have resulted in, injury or death of another person; (1.3.6b)
- 3) Applies force through the use of lethal or less lethal weapons: (1.3.6c)
- 4) Applies weaponless physical force that results in, or is alleged to have resulted in, injury or death of another person. Weaponless physical force shall be defined as physical force used by an officer, without the use of a weapon. Some examples of weaponless physical force include, but are not limited to; open hand strikes, knee strikes, punches and kicks. (1.3.6d)

Use of Force Reports shall be reviewed by a Watch Commander not involved in the incident, and distributed to the Patrol Division Commander and Training Division. (1.3.7)

An annual analysis of Use of Force Reports will be conducted by the Accreditation Manager to indicate training needs and/or policy modifications. The Use of force analysis shall be reviewed by the Patrol Division Commander annually. (1.3.13)

19.13 PLANNED MASS DEMONSTRATIONS

- a. 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 discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants.

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

c. A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of 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, rubber pellets or dog is proportionate to the threat of imminent harm.

3. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement 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.

d. The Massachusetts Peace Officer Standards and Training Commission ("POST") 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

10/15/2013 add 10% spray or stream to O.C. page 5 #4

09/29/2015 19.5 section C. 6. Amended, 19.7 section D. added. 19.9.5 added

11/16/2016 add 19.9.6 #4, add 19.9.9 #7, remove 19.9.11 #1, add 19.9.11 #7

01/20/17 add 19.3 G. & H. 19.4 add C. add de-escalation on pg. 6

03/19/21 Changes to comply with Police Reform Bill see file