

Pepperell Police Department – Policies and Procedures  
Use of Force

**Use of Force**

<b>POLICY &amp; PROCEDURE NO. 1.01</b>	ISSUE 2/23/06 DATE:
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**I. Purpose**

To establish uniform guidelines for the lawful use of reasonable force by officers when necessary. This policy defines levels of force available and provides officers with a continuum of force describing possible responses for different situations. It includes procedures for providing medical assistance when necessary after a use of force as well as departmental reporting and investigative procedures.

**II. 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 effect 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 the officers face. Only a reasonable and necessary amount of force may be used. The degree of force the officer is required 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

Pepperell Police Department – Policies and Procedures  
Use of Force

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.

### **III. Policy**

**A.** It is the policy of the Pepperell Police Department that officers shall use only the force necessary to accomplish lawful objectives such as 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. **[1.3.1]**

#### **B. Lethal Force**

Officers are authorized to use lethal force to:

1. Defend himself or another from unlawful attack which he reasonably perceives as an imminent threat of death or serious bodily harm, or
2. Effect an arrest, only when:
  - The arrest is for a felony; and
  - The officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and
  - The officer has probable cause to believe that:
    - The crime for which the arrest is being made involved the use, attempted use, or threatened use of lethal force; and
    - There is substantial risk that the person to be arrested will cause death or serious physical injury if his apprehension is delayed.**[1.3.2]**

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

#### **C. Less-Lethal Force**

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

Pepperell Police Department – Policies and Procedures  
Use of Force

- In self-defense;
- In defense of another against unlawful violence or attack to his/her person or property;
- To overcome resistance to arrests;
- To conduct searches and seizures;
- To prevent escapes from custody;
- To preserve the peace;
- To prevent the commission of crimes; or
- To prevent suicide or self-inflicted injury. [1.3.4]

#### IV. Definitions

**A. Reasonableness Standard:**

Requires careful attention to the facts and circumstances of each particular case, including whether the suspect poses an immediate threat to the safety of the officer or others, the severity of the crime and the level of resistance offered by the suspect. The standard allows for the fact that officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving. The standard requires that the officer's actions are objectively reasonable in light of the facts and circumstances confronting them. [1.3.2]

**B. Lethal Force/Deadly Force:**

That degree of force that a reasonable and prudent person would consider likely to result in death or serious bodily harm. The discharge of a firearm toward a person is an example of the use of lethal force. [1.3.2]

**C. Less-Lethal Force/Non-Deadly Force:**

That degree of force that, under the circumstances, is neither likely nor intended to cause death or serious bodily harm. The use of approved defensive/physical tactics, approved OC sprays, authorized batons, kinetic energy impact projectiles and authorized electronic control weapons would be examples of the use of less-lethal force.

**D. Serious Bodily Harm/Serious Physical Injury:**

Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement or results in the loss or long-term impairment of any limb, organ or bodily function. [1.3.2]

**E. Oleoresin Capsicum (OC):**

Pepperell Police Department – Policies and Procedures  
Use of Force

An inflammatory agent made from the resin of peppers, which affects a sprayed subject's eyes, skin and respiratory system.

**F. Electronic Control Weapon (ECW):**

Weapons designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

**G. TASER®:**

A brand name for the ECW currently used and authorized by this department.

**H. Kinetic Energy Impact Projectile:** Flexible or non-flexible projectiles which are intended to incapacitate a subject with a minimal potential for causing death or serious physical injury, when compared to conventional projectiles.

**V. Procedure**

**A.** The amount and degree of force that may be employed will be determined by the facts and circumstances of each situation and the officer's reasonable perception of the threat. These include but are not limited to:

- Nature of the offense
- Behavior of the subject(s)
- Actions of third parties who are present
- Drugs or alcohol effecting the subject
- Relative age, size, physical condition, skill level of the officer v. the subject
- Number of potential assailants v. the number of police on the scene

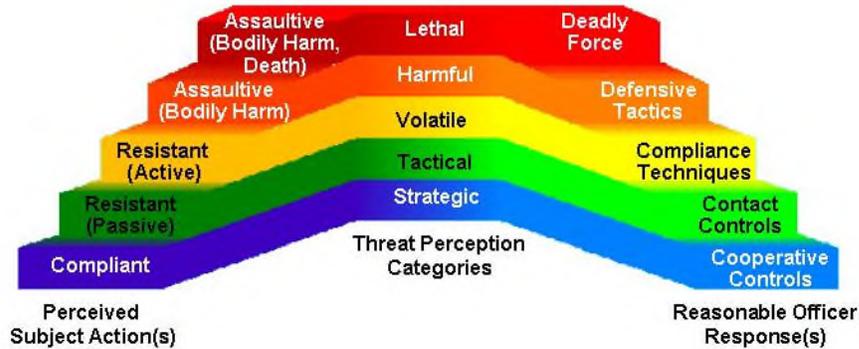
**B.** When an officer determines that the use of force is necessary, he shall, to the extent possible, utilize the appropriate level of force as determined by the particular needs of the situation.

**C.** The preferred means of using force are set forth below in the Risk Assessment/Use of Force Continuum (See Section V, F below). An officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe application of force, except where the officer reasonably believes that lesser means would not be adequate in a particular situation and the use of force is necessary to accomplish his lawful objective or to protect himself or another from serious physical injury or death. Conversely, officers must not overlook



Pepperell Police Department – Policies and Procedures  
Use of Force

**MPTC Use of Force Model**



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. <sup>TM</sup> 1998, G. Connor. All rights reserved.

**Threat Perception Color Code** - the tactically applied and color adapted correlation of the Threat Perception Categories on the Use of Force Model.

**Control Superiority Principle** © - the understanding and visualization method utilized to reinforce the inherent principle of officer force superiority over the subject’s degree of compliance / non-compliance.

**Assessment / Selection Arrows** - the mechanism utilized to indicate the dynamic nature of an officer’s decision-making process of Tactical Transition © during the enforcement encounter.

**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

## Pepperell Police Department – Policies and Procedures Use of Force

the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter.

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

**Lethal** - the highest level on the Use of Force Model correlates to the most intense color in the Threat Perception Color Code ©, red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.

### **Perceived Subject Action (s) Categories**

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

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

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

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

**Assaultive (*Serious Bodily Harm / Death*)** - the officer's attempt to gain lawful compliance has culminated in an attack, the perception of an attack or the potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death to the officer or others.

### **Officer Response (s) Categories**

Pepperell Police Department – Policies and Procedures  
Use of Force

**Cooperative Controls** - include contemporary controls developed to preserve officer safety and security, including: communication skills, restraint applications, etc.

**Contact Controls** - includes resistant countermeasures designed to guide or direct the non-compliant subject. These “hands on” tactics would include the elbow/wrist grasp, wristlock, etc.

**Compliance Techniques** - includes resistant countermeasures designed to counter the subject’s enhanced degree of resistance. These tactics could include pressure point control tactics, armlocks, distraction techniques, OC sprays, an ECW in “drive stun” mode, etc.

**Defensive Tactics** - includes assaultive countermeasures designed to cease the subject’s non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include baton strikes, approved kicking techniques, firing an ECW cartridge, etc.

**Deadly Force** - includes assaultive countermeasures designed to cease an assault which is lethal or could cause great bodily harm on the officer or others. These tactics could include the use of a firearm, lethal strikes, etc.

**G. Training and Qualification**

1. No member of the Pepperell Police Department will be authorized to carry or use any lethal or less-lethal weapon, on or off duty, until that member has:
  - Been issued a copy of the Department’s Use of Force policy and procedure, and
  - Received instruction on these policies and procedures, and
  - Had the issuance and instruction documented by the Training Supervisor, and **[1.3.12]**
  - Qualified with that weapon under the direction of a certified instructor. **[1.3.10]**
2. Biannually, the Pepperell Police Department will conduct in-service firearms training, including patrol rifle training. Shotgun qualification will take place at least annually. At least annually officers will receive training in less lethal weapons. Officers will receive training in weaponless control techniques at least biennially. All training will be conducted by a certified weapons or tactics instructor. **[1.3.11(a)]**
3. Firearm training shall include training on the Department’s use of force policy, especially the use of lethal force and safe gun handling procedures. **[1.3.11]**

Pepperell Police Department – Policies and Procedures  
Use of Force

4. Proficiency will be demonstrated in accordance with standards established by the Massachusetts Police Training Committee, the manufacturer of the weapon and/or other professional law enforcement training agencies (e.g., FBI, NRA, etc.) **[1.3.10]**
5. Training and proficiency shall be documented and on file with the Department's Training Coordinator. **[1.3.11(b)]**
6. Firearms training and qualifications shall be under the direction of the Department's certified Firearms Instructors. **[1.3.11(a)]**
7. Officers will be required to qualify at least annually with their service firearm and any other firearm they intend to carry in performance of their duties as a member of the Pepperell Police Department.
8. Qualification shall include an inspection of all issued firearms by the department's Firearms Instructors to ensure that they are in good working condition. Any issued firearm that is deemed unsafe by the Department's Firearms Instructors will be removed from service and a replacement firearm issued pending the repair of the defective weapon. **[1.3.9(d)]**
9. Officers who do not meet training objectives or who fail to qualify with their issued firearm shall complete a remedial training course and qualify before being allowed to return to duty. **[1.3.11(c)]**
10. Officers will demonstrate proficiency in the use of all less-lethal weapons during annual training before being allowed to continue to carry them on duty. All less-lethal weapons will be inspected and approved by the qualified instructor during the training. Weapons that are damaged or expired must be replaced. **[1.3.9(d), 1.3.10]**
11. Department administrators and supervisors that are not certified with any department authorized weapon such as ECW or OC should receive initial awareness training so they can make educated decisions about the administrative investigations they review.
12. This Department does not authorize the use of neck restraints or similar weaponless control techniques with a potential for serious injury unless used as a tool of immediate means (Section I, 5).

#### **H. Administrative Leave**

1. Whenever an officer uses force in an official capacity that results in death or serious bodily injury or discharges his firearm (other than training,

Pepperell Police Department – Policies and Procedures  
Use of Force

accident, or to euthanize an animal), the officer shall be immediately relieved from regular duty and assigned to administrative leave. [1.3.8]

2. Assignment to administrative leave shall be with no loss of pay or benefits. The officer shall remain on administrative leave at least until the investigation is concluded.

**I. Authorized Weapons**

1. LESS LETHAL: [1.3.4]

a. Oleoresin Capsicum (OC):

The Department issues and authorizes the carrying of oleoresin capsicum. Only types issued by the department may be carried in the course of duties. The department issues non-flammable stream delivered OC spray.

b. Baton:

Impact weapons carried by members of the Pepperell Police Department must be approved by the Chief of Police and the department's Defensive Tactics Instructor. The Department authorizes collapsible and expandable straight batons and any straight police baton made of wood, aluminum, polymer or nylon.

c. ECW:

The Department issues Taser® X26P/X26 electronic control weapons to authorized officers to be carried in support/weak side (opposite of firearm side of the body) holsters issued or accepted by the Chief of Police and the department's ECW Instructor. The use of the Taser is governed by Massachusetts General Law (chapter 140 section 131J), and may be used by law enforcement officers to defend themselves or others.

d. Extended Range Impact Device:

The primary type used by the Department is the .12 gauge flexible baton. The authorized .12 gauge less-lethal rounds are manufactured by Combined Tactical Systems, Inc. and are referred to as Super-sock "bean-bag" rounds. Similar rounds such as those manufactured by Defense Technologies ("Def-Tech") may also be used. These rounds are used in dedicated Mossberg 590 pump style shotguns distinguished by blaze orange stocks and pump actions.

e. Authorization:

Only less-lethal weapons and ammunition authorized by the Department may be used by agency personnel, on or off duty, in law enforcement responsibilities. [1.3.9(a)]

Pepperell Police Department – Policies and Procedures  
Use of Force

2. FIREARMS:

- a. Under Massachusetts General Law (chapter 41 section 98), a police officer is authorized to carry an issued or authorized firearm at all times when on duty and may carry such firearm while off duty within the Commonwealth of Massachusetts. **[1.2.2]**
- b. The standard service firearm issued by the Pepperell Police Department is the Glock Model 21 .45 caliber semi-automatic handgun. Detectives and administrators may be issued Glock Model 30 .45 caliber handguns or other similar handguns.
- c. Only firearms and ammunition authorized by the Department may be used by agency personnel, on or off duty, in law enforcement responsibilities. **[1.3.9(a)]**
- d. If an officer desires to have a personally owned firearm and ammunition authorized as an off duty weapon, he is required to receive approval from the Chief of Police and qualify with each firearm biannually with the Firearms Instructor. The Firearms Instructor is responsible to keep updated records of approved off duty firearms owned by officers as well as the biannual qualifications. The officer is responsible to provide ammunition for the qualification. **[1.3.9(a)]**
- e. Officers shall not alter or modify their Departmental firearms in any way without prior written approval from the Chief of Police.
- f. All officers shall be responsible for the safe handling and security of their firearms at all times. Firearms must be secured in such a manner as to prevent theft and unauthorized/accidental use in accordance with M.G.L. c140, s. 131L. **[1.3.9(f)]**
- g. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon that malfunctions shall be returned to one of the Department's Firearms Instructors forthwith. **[1.3.9(d)]**
- h. The Pepperell Police Department's Firearms Instructor shall maintain a record of all firearms approved for use by officers while on or off duty. This record shall include:
  - Manufacturer
  - Type
  - Description
  - Identifying Model No.
  - Serial Number
  - Identity of Assignee

Pepperell Police Department – Policies and Procedures  
Use of Force

- Name of Firearms Instructor/Armorer approving the firearm
  - Date of approval
  - Course fired
  - Scores used for proficiency or qualification [1.3.9(e)].
- i. The Department’s Firearms Instructors shall inspect and approve all new firearms before they are issued to any officer for use and shall inspect all previously issued firearms during the semi-annual qualifications to ensure that they are in good working condition. [1.3.9(c)]

3. SPECIAL WEAPONS:

- a. The following special weapons will be maintained at the police station or in Department vehicles, available for use by trained officers:
- Mossberg 590 .12 Gauge Shotgun
  - Sig Sauer M400 Patrol Rifle
- b. In addition, Pepperell officers who are assigned to NEMLEC are authorized to carry and use those weapons in which they are trained by NEMLEC.

4. AUTHORIZED AMMUNITION:

- a. Officers shall only use issued/authorized ammunition with a Department issued firearm on or off duty. The following ammunition is authorized:
- .45 caliber 230Gr. jacket bonded hollow points
  - 5.56x45mm 62Gr. full metal jacket
  - 12 Ga. 2 ¾” rifled slug
  - 12 Ga. 2 3/4 “ drag stabilized bean bag
  - X26P/X26 cartridge (25’ XP)
- b. Officers who have personally owned firearms which have been approved by the Chief of Police as authorized off duty weapons shall use only that ammunition which has been approved by the Chief and recorded by the Firearms Instructor. [1.3.9(b)]

5. TOOL OF IMMEDIATE MEANS:

This section allows an officer to use whatever equipment/tool/implement/tactic is available and readily at hand if

Pepperell Police Department – Policies and Procedures  
Use of Force

circumstances arise that prevent him from using normally accepted police tools and equipment (i.e. police flashlights are used for illumination and portable radios for communications and not as impact tools unless circumstances prevent an officer from protecting himself or another from assault and no other force option was reasonable or accessible). These tools shall only be used against Assaultive (Bodily Harm or Serious Bodily Harm/Death level) subjects.

**J. Use of Firearms**

1. 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 in accordance with this policy (Section III, B.).
2. A police officer may also discharge a weapon under the following circumstances:
  - a. For authorized target practice or competition, with weapons authorized by the department.
  - b. To destroy an animal that is a threat to public safety or one so badly injured that humanity requires that it be relieved from further suffering.
    - i. In the case of an injured domesticated animal, officers shall make an attempt to contact the animal's owner. If the owner of a domestic animal cannot be determined or located, the Animal Control Officer will be contacted before an officer destroys an animal. It will be the Animal Control Officer's responsibility to respond immediately to the location of the injured animal and assume responsibility for the animal. In the event the Animal Control Officer cannot be contacted or is unable to respond to make a timely assessment, the police officer will determine the course of action in accordance with existing policy.
    - ii. Great care should be taken to protect the public from a ricocheting bullet and, if possible, the killing of an animal in the presence of children should be avoided.
3. WARNING SHOTS:

Because of the danger of unintentional death or injury, warning shots are prohibited. [1.3.3]

Pepperell Police Department – Policies and Procedures  
Use of Force

4. MOVING VEHICLES:

- a. Officers shall not discharge a firearm FROM a moving vehicle unless the suspect represents an imminent threat of death or serious bodily injury to the officer or another, and then only as a last resort.
- b. Officers shall not discharge a firearm AT a moving vehicle except to defend the officer's own life or the life of another when the occupants of the suspect vehicle are employing lethal force, which the officer reasonably perceives as an imminent threat of death or serious physical injury, and the officer reasonably believes that such discharge will not endanger innocent persons and there are no reasonable alternative means of escape.
- c. Firing strictly to disable a vehicle is prohibited.

**K. Use of Less Lethal Force**

Less lethal force options shall be used in compliance with the particular weapon's training and place on the Use of Force Continuum, including the following procedures:

1. OLEORESIN CAPSICUM (OC SPRAY):

- a. OC spray is used as a Compliance Technique in response to perceived Active Resistance by the subject.
- b. Because of the possibility of being overcome by any aerosol agent, officers should avoid using OC spray within a confined area or while within physical contact of the resisting subject.
- c. An officer who employs the use of OC spray shall provide treatment to the affected subject as soon as practical as defined in the Medical Aid section of this policy.
- d. The use of OC spray on a handcuffed prisoner is discouraged. A handcuffed subject may only be sprayed as a last resort.

2. BATON:

- a. Baton strikes are used as Defensive Tactics in response to perceived Assaultive (Bodily Harm) actions by a subject.

Pepperell Police Department – Policies and Procedures  
Use of Force

- b. The police baton may also be used as a Compliance Technique against Resistant (Active) subjects if the officer has that advanced level of training.
- c. Blows capable of inflicting possible fatal or serious permanent injuries shall be avoided unless Deadly Force is warranted.
- d. The baton shall not be raised above the head to deliver a blow.
- e. The striking of a handcuffed subject with a baton is prohibited.

3. EXTENDED RANGE IMPACT DEVICE:

- a. The kinetic energy impact projectiles are deployed at the Defensive Tactics level of the Use of Force Continuum in response to perceived Assaultive (Bodily Harm) behavior by the subject. They may be considered a Deadly Force option in response to perceived Assaultive (Serious Bodily Harm/Death) behavior by the subject if deployed to the head or neck.
- b. The primary kinetic energy impact projectile type used by the Pepperell Police Department is the Flexible Baton - .12 gauge.
- c. Kinetic energy impact projectiles will be delivered to subject target areas consistent with training and based on the circumstances, established safety priorities, and the level of force authorized.
  - Green Areas – considered when incapacitation is necessary with a minimal potential for injury.
  - Yellow/Red Areas – considered when an escalation of force above the green areas is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.
  - Head/Neck Area – intentional impact to these areas shall be avoided unless the use of deadly force is justified.
- d. The Pepperell Police Department will utilize a dedicated system to deploy the “super-sock” rounds. The Department will utilize Mossberg 590 pump style shotguns clearly distinguished by blaze orange stocks and pump actions. These weapons will be used for no other purpose and shall be examined prior to deployment by the deployment officer.

Pepperell Police Department – Policies and Procedures  
Use of Force

- e. A lethal “cover” officer should always be used in cases involving any armed or dangerous subjects, even if no firearms are involved.
- f. Subjects who are struck by a projectile shall be transported to a medical facility in accordance with the Medical Aid section of this policy.
- g. Whenever possible, an ambulance should be requested to standby if deployment of the less-lethal shotgun is anticipated.

4. ELECTRONIC CONTROL WEAPONS (ECWs):

- a. There are three separate types of reportable ECW applications:
  - i. Spark Display- a non-contact demonstration of the ECWs ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and avoid the ECW being deployed in the Drive Stun or Probe mode. Spark checks conducted to test the unit at the beginning of the officer’s shift are not reportable incidents.
  - ii. Drive Stun- Contact is made by pressing the front of the ECW (cartridge removed) into the body of a subject and activating the ECW. The Drive Stun causes significant localized pain in the area touched by the ECW but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject but may assist in taking a subject into custody.
  - iii. Probe- The ECW is most effective when the cartridge is fired and probes make direct contact with the subject. Proper application will result in temporary immobilization of a subject and provide the officer a “window of opportunity” in which to take the subject into custody. Optimum range for deployment is 7-15 feet with 25-foot maximum distance.
- b. Weapon Readiness:
  - i. The ECW shall be carried in support/weak side (opposite of firearm side of the body) holsters issued or accepted by the Chief of Police and the Department’s ECW Instructor.

Pepperell Police Department – Policies and Procedures  
Use of Force

- ii. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
  - iii. Officers approved to use the device shall be issued a minimum of one spare cartridge as a back up in case of cartridge failure, the need for reapplication, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
  - iv. Only battery power sources recommended by the manufacturer shall be used in the ECW.
  - v. The ECW shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment. Note: The restrictions in this section do not apply during a "tactical reload" of a cartridge.
- c. Deployment:
- i. There are two levels of force where ECWs are authorized:
    - An ECW used in Drive Stun mode (and Spark Displays) is justified as a Compliance Technique in response to perceived Active Resistance by the subject.
    - An ECW used in Probe mode is justified as a Defensive Tactic in response to perceived Assaultive (Bodily Harm) behavior by the subject.
  - ii. When practical, the officer should give a warning to the subject and other officers before firing the ECW.
  - iii. Whenever possible, officers should aim for the primary target area(s), as instructed during training, generally lower center mass.
  - iv. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.
  - v. Attempt to avoid hitting the subject in sensitive tissue areas such as head, face, groin, or female breast area, however darts penetrating these areas will be removed by medical

Pepperell Police Department – Policies and Procedures  
Use of Force

personnel at a medical facility (see Medical Aid section of this policy for aftercare issues).

- vi. ECW may be used to control an aggressive animal that is threatening the safety of a person.
- vii. Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
- viii. Only one officer should activate an ECW against a person at a time.
- ix. When the device has been used operationally, the officer will collect as evidence, package, and mark as a biohazard; the air cartridge, wire leads, probes. Several AFIDS should also be collected and packaged separately as evidence.

d. Restrictions – ECWs should not be used:

- i. in the known presence of combustible vapors and liquids or other flammable substances;
- ii. against suspects in control of a motor vehicle in motion unless exigent circumstances exist;
- iii. in probe mode on handcuffed persons;
- iv. in drive stun mode on handcuffed prisoners except as a last resort;
- v. on pregnant women, young children under the age of 17 or on elderly persons over 70 years of age, on visibly frail persons, or on persons with cardiac pacemakers (if known) unless exigent circumstances exist;
- vi. where the suspect is in a position where a fall will likely cause a substantial injury or death;

e. Supervisor Actions – after an ECW activation, the on-duty supervisor shall:

- i. Conduct an initial review of the ECW activation.
- ii. Ensure photographs are taken of the site of the probes impact and any related injury.

Pepperell Police Department – Policies and Procedures  
Use of Force

- iii. Ensure report is completed.
- iv. Take custody of the ECW that was used and submit the unit to the Chief of Police or his designee for data downloads. The Chief or his designee will print the information and attach it to the Use of Force report.
- v. In the absence of an on-duty supervisor, the officer who deployed the ECW shall notify the Lieutenant or Chief to ensure proper actions have been taken.

5. PERSONAL WEAPONS:

- i. Personal weapons include, but are not limited to depending upon an officer's training and experience: knees, hands, fists, feet, forearms, elbows, and palm-heels.
- ii. The use of personal weapons is authorized as Defensive Tactics in response to perceived Assaultive (Bodily Harm) behavior by the subject.
- iii. Personal weapons are authorized as part of approved lower level tactics, such as knees in distraction techniques or fingers in the use of a pressure point control tactics, as Compliance Techniques against a Resistant (Active) subject.

**L. Medical Aid**

- 1. Officers will provide for appropriate medical attention to any subject injured as a result of an officer's use of physical force or a lethal or less lethal weapon. After any level of force is used, the officer should evaluate the need for medical treatment and arrange for that treatment when the non-compliant subject has a visible injury or complains of injury or discomfort and requests medical attention. Officers shall render immediate medical aid, within their level of training, and call for further assistance when necessary. Photographs of injuries are encouraged.  
**[1.3.5]**
- 2. OLEORESIN CAPSICUM: All subjects intentionally sprayed with O. C. shall be offered first aid/decontamination as soon as practical. That is, when the subject is secured, co-operative, non-violent and posing no threat to the officer or anyone else present. First aid/decontamination shall consist of:

Pepperell Police Department – Policies and Procedures  
Use of Force

- a. Advise subject that symptoms are temporary and should disappear within 30-45 minutes.
- b. Have the subject remain still and breathe normally, relaxing as much as possible.
- c. Face the subject into the wind or have them use an improvised fan to aerate the face.
- d. Allow subject to use large amounts of cool water to flush their face and eyes.
- e. Advise the subject NOT to rub their face or eyes.
- f. Do not use any lotions or salves, commercial eyewash or saline solutions.
- g. Subjects wearing contact lenses should remove them.
- h. A non-oil based soap may be used to help remove the resin from the skin, pat dry only.
- i. If any symptoms persist beyond 45 minutes, with no sign of dissipation, seek further medical attention.

3. EXTENDED RANGE IMPACT DEVICE:

- a. Whenever possible, an ambulance should be requested to standby if deployment of the less-lethal shotgun is anticipated.
- b. Subjects who are struck by a projectile shall be transported to a medical facility for examination.

4. ELECTRONIC CONTROL WEAPONS (ECW):

- a. Normally, the ECW darts may be removed by officers from the subject once he or she has been restrained using the procedure outlined in training. Universal precautions shall be followed to protect the officer from the transfer of body fluids.
- b. All persons who have been exposed to a probe ECW activation will receive a medical evaluation from at least an emergency medical technician.

Pepperell Police Department – Policies and Procedures  
Use of Force

- c. The suspect shall be taken to an emergency care facility if any of the following situations apply:
  - i. In all cases where the probe has penetrated sensitive tissue areas (such as the groin, eye, female breast, face, or neck). The officer shall impound all probes removed at a medical facility for evidence.
  - ii. If the subject had a known pre-existing medical condition especially one affecting the cardio-vascular system i.e. a pacemaker, cardiac surgery.
  - iii. Where it appears that the tip of the barbed probe broke off and remains under the skin.
- d. A subject exposed to an ECW activation will be monitored regularly while in police custody even if they received medical care.
- e. Following an ECW activation, officers should use a restraint technique that does not impair respiration.
- f. Photographs of the affected area should be taken after the probe is removed.

**M. Reports and Investigation\***

1. USE OF FORCE REPORTS:

- a. An officer shall inform his supervisor following any use of force and shall file an incident report and a separate Use of Force report whenever the officer:
  - i. takes any action that results in, or is alleged to have resulted in, injury or death of another person; or **[1.3.6(b)]**
  - ii. applies force through the use of lethal or less lethal weapons; or **[1.3.6(c)]**
  - iii. applies weaponless physical force at any level above “Cooperative Controls” on the Use of Force Continuum. **[1.3.6(d)]**
- b. The Use of Force report will fully document the incident and be submitted by the end of the involved officer’s shift. An officer who is injured and unable to submit the required reports at the time

Pepperell Police Department – Policies and Procedures  
Use of Force

of the incident shall file the reports as soon as he is physically able to do so.

- c. A supervisor shall review the reports to ensure that they contain all the facts and circumstances involving the use of force and forward the completed reports to the Lieutenant. **[1.3.7]**
- d. Reports by officers after ECW use shall include the area of the body hit by probes or drive stun and if the arrestee was compliant with or without probe deployment (i.e. voluntary compliance after spark test). Photographs of ECW probe impact areas and any related injuries (if any) should be included with the report.

2. REPORTING FIREARMS DISCHARGE:

- a. An officer shall file an incident report any time he discharges his firearm for other than training or recreational purposes. **[1.3.6(a)]**
- b. Accidental discharges will be documented in an incident report by the officer. The report shall be reviewed by a supervisor. The officer's report should fully explain the circumstances surrounding the discharge. All reports of firearm discharge shall be forwarded to the Lieutenant for review. **[1.3.6(a), 1.3.7]**

3. REPORTING USE OF LETHAL FORCE - Whenever shots are fired or any use of force results in serious physical injury or death to any person, the following individuals shall:

a. Involved Officer:

i. While at the scene, the involved officer shall:

- If necessary, request emergency medical aid;
- Promptly notify the dispatcher and officer-in-charge (absent an on-duty supervisor, the Lieutenant and/or Chief shall be notified by the officer or dispatcher);
- Unless injured, remain at the scene and protect and secure it to the extent possible, pending the arrival of appropriate investigators; and
- Protect the firearm and/or ammunition for examination and submit said items to the appropriate investigator.

Pepperell Police Department – Policies and Procedures  
Use of Force

- ii. The officer should refrain from speaking or discussing the incident with anyone except with those directly involved or with legal counsel.
- iii. Prepare a detailed report of the incident in a timely manner **[1.3.6(b)]**.
- iv. The officer should be available, at reasonable times, for interviews and statements regarding the incident.

b. Ranking Officer:

- i. Immediately respond to the scene
- ii. Ensure that proper medical aid has been administered.
- iii. Take charge of and protect the scene pending the arrival of investigative personnel.
- iv. Take control of the firearm/weapon used in the incident.
- v. Notification of removal from line-duty assignment, pending administrative review, to any employee whose action(s) or use of force result in death or serious physical injury. Inform the involved officer that he will be temporarily reassigned to administrative leave pending the completion of the departmental investigation. (The purpose of this assignment is two-fold: 1) to address the personal and emotional needs of the officer involved and 2) to assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.) **[1.3.8]**
- vi. Notify the Chief of Police and the Lieutenant.
- vii. Notify the District Attorney's Office if the use of force results in death or appears likely to result in death.
- viii. Prepare detailed reports as required as soon as practicable. **[1.3.6(b)]**
- ix. Review all reports filed regarding the incident and ensure that they are complete and contain all of the facts and circumstances surrounding the incident. **[1.3.7]**
- x. Forward the completed reports to the Lieutenant.

Pepperell Police Department – Policies and Procedures  
Use of Force

c. Lieutenant:

- i. In the above circumstance, the Lieutenant shall initiate a departmental investigation into the incident.
- ii. He or his designee shall respond to the scene as soon as possible and assume overall command of the scene and investigation. All assistance will be rendered to investigators from the District Attorney's Office if the use of force resulted or may likely result in death.
- iii. Review all reports filed regarding the incident and ensure that they are complete and determine whether the use of force was in compliance with department policy and procedures **[1.3.7]**.
- iv. The Lieutenant shall submit a comprehensive report to the Chief of Police. All use of force reports will remain on file in the Lieutenant's office.

4. USE OF FORCE REVIEW:

- a. The Lieutenant will review all Use of Force, Firearm Discharge and Use of Lethal Force reports and forward a memorandum to the Chief of Police evaluating the officer's actions; including whether department policies were followed, and either endorsing the officer's actions or outlining corrective measures recommended to be taken **[1.3.7]**.
- b. All Use of Force, Firearm Discharge and Use of Lethal Force reports will be reviewed by the Chief of Police who will determine the course of action, if any (i.e., remedial training, policy revision, weapon or equipment issues, discipline, etc.). **[1.3.7]**
- c. An annual analysis of Use of Force, Firearms Discharge, and Use of Lethal Force reports will be conducted by the Lieutenant at the end of each calendar year and submitted to the Chief of Police by March 1 of the following year. This report will investigate any patterns or trends that could indicate training needs and/or procedure modifications necessary **[1.3.13]**.
- d. Copies of reports involving the use of an ECW shall be forwarded to the Lieutenant.

Pepperell Police Department – Policies and Procedures  
Use of Force

- e. The Lieutenant or his designee should conduct random audits of ECW data downloads and reconcile Use of Force Reports with recorded activations.
- f. The Chief of Police or his designee shall forward biannual reports of ECW activations to the Executive Office of Public Safety. The reports will contain:
  - i. Statement containing the number of sworn Pepperell Police officers, number of ECWs owned by the Department, and number of incidents involving ECWs.
  - ii. Copy of any ECW incident reports.
  - iii. Copy of data printouts from ECWs

5. F.B.I. USE OF FORCE REPORTING:

- a. Within five days of receiving a use of force report, the Lieutenant shall submit a report to the F.B.I. Use-of-Force Data Collection database if the use of force involved or resulted in:
  - i. The death of a person due to an officer's use of force;
  - ii. The serious bodily injury of a person due to an officer's use of force; or
  - iii. The discharge of a firearm by an officer at or in the direction of a person that did not otherwise result in death or serious bodily injury.
- b. The Lieutenant shall submit a zero report to the F.B.I. Use-of-Force Data Collection database monthly if there were no use of force incidents as described above.

**\* Employees must complete the necessary reports in this section unless the requirement of such report shall violate the officer's Fifth Amendment protections and/or if transactional immunity for said officer(s) would be triggered.**