



**Town of Framingham  
Police Department**

**A. Policy on Use of Force #100-4**

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<b>Type of policy:</b> New ( )	Amendment ( X )	Re-Issue ( x )
<b>Effective date:</b> 10/16/08		
<b>Level:</b> Public Safety ( )	Police Division ( X )	Town Wide ( )

**Policy Statement**

Police officers are continually confronted with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, ensure public safety, or to protect persons from harm. The degree of force used, must be objectively reasonable and necessary, depending upon the facts and circumstances known to the officer at the time of the incident. The degree of force an officer is required, and therefore permitted, to use is dependent upon the amount of resistance or threat to safety the situation produces. All force used shall be held to the reasonable officer's standard as created in *Graham v. Connor*.

The objective of the use of force is to maintain and/or establish control over the situation. Control is achieved 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.

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written directive can offer definitive answers to every situation in which the use of force might be appropriate. Rather this directive will

set certain guidelines and provide an officer with a basis on which to utilize his or her judgment in making reasonable and prudent decisions.

## References

None

## Special Terms

**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.

**Less Lethal Force.** Force which is not intended to cause death or serious physical injury however has the potential to.

**Non-Deadly Force.** Any use of force other than that which is considered deadly or less-lethal. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

**Serious Bodily Injury.** Serious bodily 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.

**Circumstances.** The officer's perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance / non-compliance from the subject.

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

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

## i. Policy

Members of this Department shall only use that amount of force that is objectively reasonable and necessary, based on the facts and circumstances known to the officer at the time force is used, to affect lawful objectives and effectively bring an incident under control, or to protect his/her life and/or the lives of others. The amount and degree of force which may be employed will be determined by the facts and surrounding circumstances, and must be a "balanced" response appropriate for the reasonable officer's selection from the Use of Force

Model's response categories, in order to gain subject compliance and control.

The amount and degree of force which may be employed will be determined by the surrounding circumstances including, but not limited to:

- The nature of the offense/ perceived circumstances;
- The behavior of the subject against whom force is to be used/ perceived subject action(s);
- Actions by third parties who may be present;
- Physical odds against the officer; and
- The feasibility or availability of alternative actions.
- The facts known to the officer at the time of the incident;
- The need to make a decision in a tense, rapidly evolving situation.

## **II. USE OF FORCE MODEL**

The Use of Force Model is described below displays the least to the most severe measures. Officers should employ a "balanced" response (s) appropriate for the reasonable officer's selection from the Use of Force Model's identified response categories, in order to maintain or gain subject compliance and control. Conversely, officers must never overlook the possibility of force de-escalation when possible.

### Municipal Police Training Committee- 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.

#### LEVEL 1

<b>Subject Action (s).</b>	<b>Compliant.</b> Represents the vast majority of officer / citizen confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via, verbalization skills, etc.
<b>Threat Perception.</b>	<b>Strategic.</b> The broad "mind set" of the officer. The officer must maintain this functional foundation, centered upon strategies designed to enhance the status of safety.
<b>Officer Response</b>	<b>Cooperative Controls</b> Cooperative controls include contemporary controls developed to preserve officer safety and security, including: communication skills, restraint applications, etc. Remember the use of verbal persuasion can, in some cases, prevent and or minimize the need for physical force.

#### LEVEL 2

<b>Subject Action (s).</b>	<b>Resistant (Passive).</b> The preliminary level of citizen non-compliance. Here, the citizen, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort.
<b>Threat Perception.</b>	<b>Tactical.</b> The officer perceives an increase in threat potential within the confrontational environment and tactical procedures are designated and deployed.
<b>Officer Response</b>	<b>Contact Controls.</b> Contact Controls include resistant countermeasures designed to guide or direct the non-compliant subject. These "hands on" tactics would include the elbow / wrist grasp, escort position, etc.

**LEVEL 3**

<b>Subject Action (s).</b>	<b>Resistant (Active).</b> 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.
<b>Threat Perception.</b>	<b>Volatile.</b> The officer perceives an activated level of alertness and threat potential. Here the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter
<b>Officer Response</b>	<b>Compliance Techniques.</b> Compliance techniques include resistant countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include the wrist locks, chemical agents (to include PepperBall) , distraction techniques, takedowns etc. The ASP expandable baton may also be used as a non-impact/restraining come-along tool. The use of the TASER in Drive Stun mode is also categorized as a compliance technique.

**LEVEL 4**

<b>Subject Action (s).</b>	<b>Assaultive (Bodily Harm).</b> 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 <u>not</u> result in the officer's or other's death or serious bodily harm.
<b>Threat Perception.</b>	<b>Harmful .</b> 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.
<b>Officer Response</b>	<b>Defensive Tactics.</b> 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, kicking techniques, striking techniques, Less Lethal Impact Weapons (beanbag), and the Taser (when probes are deployed).

**LEVEL 5**

<b>Subject Action (s).</b>	<b>Assaultive (Serious Bodily Harm / Death).</b> The officer's attempt to gain lawful compliance has culminated in 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 <u>could</u> result in serious bodily harm or death to the officer or others.
<b>Threat Perception.</b>	<b>Lethal.</b> Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.
<b>Officer Response</b>	<b>Deadly Force.</b> 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 baton strikes, etc.(See Deadly Force Section Below)

**III. PROCEDURES: USE OF NON-DEADLY FORCE**

1. Only issued or approved equipment will be carried on duty and used when applying any level of force. In the event an officer is faced with a situation where there is a substantial risk of physical injury or death to themselves or another, and access to approved tools and weapons is not available or tactically feasible, he or she may resort to using a tool of immediate opportunity.
2. 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.). The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force.
3. After any level of force is used, the officer will evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when:
  - 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 not 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 deemed in need of immediate medical attention shall be transported in accordance with departmental policy on *Transporting Prisoners* to the nearest available medical facility or hospital. All medical treatment received shall be noted in the officer's report.

4. The officer shall promptly notify his immediate supervisor of the incident.
5. The officer shall attempt to locate and identify all witnesses, documenting their statements.

## **V. DEADLY FORCE: GENERAL CONSIDERATIONS AND GUIDELINES**

The purpose of the following section is to set forth guidelines for members of this Department in making decisions regarding the use of Deadly Force. The guidelines have been developed with serious consideration for the safety of both the police officers and the public, and with the knowledge that police officers are often called upon to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. The value of human life is immeasurable in our society. This Department places its highest value on the life and safety of its officers and the public. The department's policies and procedures are designed to ensure that this value guides police officers in their use of deadly force.

## **VI. PROCEDURES FOR THE USE OF DEADLY FORCE**

A member of this Department is authorized to use deadly force to:

1. Protect himself or others from what he reasonably believes to be an immediate threat of death or serious physical injury; or
2. An officer may use deadly force to prevent the escape and effect the arrest of a person only when:
  - a. The arrest is for a felony; and
  - b. The crime for which the arrest is made involves the use or attempted use, or threatened use of deadly force; and
  - c. The officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and
  - d. there is a substantial risk that the person to be arrested will cause death or serious physical injury if his apprehension is delayed.
  - e. Where feasible, and where such action does not expose the officers to risk, officers shall identify themselves as police officers and give some warning before using deadly force.

## **VII. FIREARMS PROCEDURES**

In addition to the above-mentioned situations, a police officer may also discharge a weapon under the following circumstances:

1. For authorized demonstrations, training, 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. Children should not be present



3. Officers who find it necessary to discharge firearms shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.
4. Because of the danger of unintentional death or injury, warning shots are prohibited.
5. Firearms shall not be used as signaling devices or to summon assistance, except in extreme circumstances where there is no other means to communicate
6. Firing to **disable** a vehicle is **prohibited**.
7. Officers **shall not** discharge a firearm **from within** a moving vehicle.
8. Officers shall move out of the path of any oncoming vehicle (unless there is no ability to retreat) instead of discharging a firearm at it or any of its occupants. Moving to cover, repositioning and or waiting for additional responding units to arrive and maintain a tactically superior police advantage maximizes officer safety and minimizes the necessity for using deadly force. Firearms **shall not be fired at a moving or fleeing vehicle unless;**
  - a. the officer or another person is currently being threatened with deadly force by means other than solely the moving vehicle or
  - b. there is no reasonable ability to retreat.

**NOTE: The prohibitions in section VII exists for the following reasons: Officers should be aware of the potential inability of a bullet to penetrate the metal or glass surfaces of an automobile and the likelihood of ricocheting bullets. If the bullet(s) disable the operator, the vehicle may crash and cause injury to officers or other innocent persons. Officers must realize that it is highly unlikely that a bullet will stop a moving vehicle.**

9. Firearms shall not be utilized when there is substantial risk to the safety of other persons, including risks associated with vehicle accidents.
10. Care shall be taken to ensure the safety of the general public in the vicinity.
11. An officer shall avoid the unnecessary display of firearms. 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.) an officer may carry his/her firearm in a position that will facilitate its speedy, effective, and safe use.

### VIII. USE OF FORCE REPORTING AND INVESTIGATION

1. Every employee who uses force (with or without a weapon) that results in injury or death, and/or who discharges a firearm (except for authorized demonstrations, training, or competition), or uses a non/less lethal weapon shall submit a report in a timely manner, subject to applicable law.
2. A separate Use Of Force Report shall be generated during the booking process (completed by the Booking Officer). The report will be filed separately by Records Personnel who will forward a copy to the Field Operations Commander for analysis.
  - If the subject is not processed during booking (i.e. bailed from hospital) or force was used during crowd control tactics, etc. a Use of Force (Ctrl +click to follow link) report will be generated manually from the FORMS folder in the "S" drive. The Use of Force report form will be completed by the officer applying the force who will submit the form along with his/her SOR report.
3. If injuries result from the use of force, every employee who witnessed the incident shall, subject to applicable law, submit a supplemental narrative to be included with the initial report,
4. Employees shall note all facts and circumstances involving any use of force and firearms/weapons discharge in the relevant incident report. This Report shall also contain:
  - a. The names and addresses of victims and witnesses;
  - b. The extent of treatment of injuries, if any;
  - c. The name of the treatment facility and physician administering treatment.
4. The Patrol Supervisor shall respond to the scene of an incident where an officer or other person is seriously injured. [S]he shall:
  - a. Ensure that all injured parties receive any necessary assistance, including medical treatment, and that any injuries are properly documented.

- b. If an injury or complaint of pain exists, supervisors shall obtain photographs.

**NOTE:** A photograph showing no injury may be as important as one which shows injury.

- c. Determine if an investigator should respond to the scene and the level of investigative services to be utilized (including photos, measurements and diagrams.)
- d. File a report on the incident with the Shift Commander.

5. The Shift Commander shall:

- a. Ensure photographs are taken of any injuries (or complaint of injury)
- b. Review the report(s) describing the use of force, and all other related reports;
- c. Notify the Deputy Chief-Operations.
- d. Ensure that all witnesses and injured parties have been interviewed.
- e. Assign sufficient officers to secure the scene to preserve physical evidence and request the assistance of investigators and/or crime scene technicians as appropriate.
- f. Make arrangements for counseling assistance for the officer (*see Critical Incident Stress policy*), or members of his family.
- g. Forward copies of all reports to the Deputy Chief-Operations

**NOTE:** In those incidents of the use of force where serious bodily injury or a death results, the District Attorney's Office will be notified forthwith.

6. The Deputy Chief-Operations shall be responsible for the following:

- a. Notify the Chief
- b. Ensure that a thorough investigation was conducted by a supervisor not involved with the incident and that all reports were properly prepared and submitted;
- c. Review all reports submitted;
- d. Maintain a separate file of all Use of Force incidents by officers for the purpose of conducting an annual analysis of all Use of Force for reports, recommending to the Chief further action if necessary (i.e. policy upgrades, training needs, equipment upgrades).

7. During the course of the investigation, information concerning the incident will be released to the public or news media only through the department's Public Information Officer (unless otherwise authorized by the Chief.)

#### **IX. ADMINISTRATIVE RELIEF FROM DUTY DUE TO AN ACTION THAT RESULTS IN DEADLY FORCE**

In every instance where the use of force or any action results in death or serious bodily injury to another person, the following steps shall be taken.

1. The supervisor shall impound the weapon involved immediately. In doing so, the investigating officer shall preserve the weapon in the condition in which [s]he finds it.
2. If necessary, the officer/employee involved shall be taken to Metro-West Medical Center for evaluation due to the abnormal stress placed on him/her in these circumstances.
3. The officer/employee involved will be placed on Administrative Duty Status pending administrative review. The involved officer's/employee's invocation of legal rights shall not affect the length of this status.
4. The involved officer/employee will be given the opportunity to call his/her family as soon as possible.
5. Assignment to Administrative Duty status shall be with no loss of pay or benefits.
6. Administrative duty is intended to serve two purposes:
  - a. To address the personal and emotional needs of an officer/employee involved in an action which results in injury or death; and
  - b. To assure the community that verification of all the facts surrounding such incidents are fully and professionally investigated.
8. Officers/employees on Administrative Duty shall, subject to applicable law, be reasonably available to investigators to assist, when necessary, in the investigation of the incident.
9. Whenever an officer/employee is involved in an incident that results in a serious injury or death, the officer/employee will be referred to the appropriate employee assistance program (see **Critical Incident Stress policy**).

**X. POLICY TRAINING**

This Use of Force policy will be issued and reviewed annually at Firearms In-Service training, whenever a new *type* of weapon is issued to them, and with any newly hired officers (during their field training orientation). The review and issuance of this policy will be documented.