



Burlington Police Department

Use of Force PAT-001

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Approved by Chief of Police:

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Use of Force

Definitions

Deadly Force – Deadly force is defined as that degree of force which a reasonable and prudent person would consider likely to cause death or serious physical injury.

Non-deadly force – Non-deadly force is that degree of force which is neither likely nor intended to cause death or serious physical injury.

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.

Probable cause – Probable cause for arrest exists if, at the time of the 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.

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.

Weaponless Physical Force: any physical force applied to another that does not involve the use of a weapon; such as arm bars, headlocks, kicks, punches, knee strikes, etc.

Policy

It is the policy of the Burlington Police Department that officers shall use only the force reasonably necessary to accomplish lawful objectives and effectively bring an incident under control. [1.3.1]

Members of the Burlington Police Department may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury, or to prevent the escape and effect the arrest of a fleeing felon who the officer has probable cause to believe will pose a significant threat to human life should escape occur. [1.3.2]

In each individual instance, lawful and proper force is restricted to only that force necessary to control and terminate unlawful resistance and to prevent any physical attack against the police officers or any other person. This would include deadly and/or non-deadly force, with lethal and non-lethal weapons.

Use of Force, Continued

Use of Force Response Model

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;
- the behavior of the subject against whom the force is to be used;
- actions by third parties who may be present
- physical odds against the officer; and
- the feasibility or availability.

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

The officer's response within each of the five force levels identified in the Municipal Police Training Committee (MPTC) Use of Force Model (See following chart), are not necessarily listed in the order of use and/or need. The officer may de-escalate, stabilize or escalate his/her response based upon his/her risk assessment and perceptions of the subject's degree of compliance or non-compliance.

The force tactics listed in each of the five force levels identified in the Use of Force Model are those tactics that officers are trained in. The Department recognizes that there are other methods and tactics that can be used at each of the levels of authority. If a tactic is used that is not listed it must be objectively reasonable as it relates to the officer's risk assessment and the subject action.

Use of force Level	Reasonable officer's Perception of the subject	Reasonable officer's Response to the subject
Level 1	Compliant	Cooperative controls <ul style="list-style-type: none"> • officer presence • verbal communication
Level 2	Passively resistant	Contact controls <ul style="list-style-type: none"> • touch techniques • escort position • K9 non-contact
Level 3	Actively resistant	Compliance techniques <ul style="list-style-type: none"> • OC spray • Controlling and restraining techniques • Electronic Control Weapon in Drive Stun • K9 non-contact

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Use of Force, response model, Continued

**Continuum of Force
(continued)**

Use of force Level	Reasonable officer's Perception of the subject	Reasonable officer's Response to the subject
Level 4	Assaultive and presenting a threat of bodily injury	Defensive techniques <ul style="list-style-type: none"> • Personal Weapons: head, hands, elbows, knees, feet • OC spray • Electronic Control Weapon in Drive Stun or Probe Mode • Impact weapon • Less Lethal – 40mm • K9 contact deployment
Level 5	Assaultive and presenting a threat of serious bodily injury or death	Deadly force

Where feasible, officers shall identify themselves as police officers and give a warning before any use of force.

All force tactics may be applied in all areas of the police station, and to restrained/handcuffed subjects if it is objectively reasonable.

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Use of Deadly Force
[1.3.2]

The guidelines for the use of deadly force have been developed with serious consideration for the safety of both the police officer(s) and the public, and the knowledge that officers sometimes must make split second decisions in life and death situations. The policy and the rules set forth by the Burlington Police Department are based on the Municipal Police Training Committee's (MPTC) Use of Force Model.

Officers are authorized to use deadly force only when there is no less drastic means available to them:

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

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

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:

- in self defense;
 - in defense of another against unlawful violence or attack to his person or property;
 - to overcome resistance to arrests;
 - to conduct search and seizures;
 - to prevent escapes from custody
 - to preserve the peace;
 - to prevent commission of crimes; or
 - to prevent suicide or self-inflicted injury.
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**Training and
Qualification**
[1.3.9]
[1.3.12]

No member of the Burlington Police Department will be authorized to carry or use any lethal or less lethal weapon until that member has:

- been issued a copy of the department's Use of Force policies and procedures;
 - read and reviewed and been instructed in these policies and procedures
 - successfully passed a written examination on these policies and procedures;
 - qualified with that weapon under the direction of a certified instructor.
-

Medical Aid
[1.3.5]

Officers shall immediately evaluate the need for medical aid following any use of force incident and shall render appropriate first aid treatment as soon as it is safe to do so. If necessary, emergency medical transportation and treatment shall be obtained.

**Administrative
Leave**
[1.3.8]

Whenever an employee uses any action(s) or use of force in an official capacity results in death or serious physical injury, the employee shall be immediately relieved from line assignment, pending an administrative review.

1. Assignment to administrative leave shall be with no loss of pay or benefits
2. The officer shall remain on administrative leave until:
 - a. the investigation is concluded, and
 - b. the officer's emotional and personal needs have been dealt with.

An officer involved in a use of force incident that results in death or serious physical injury will be referred to appropriate stress counseling.

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Firearms

Authorized Weapons

The standard service firearms issued by the department are: [1.3.9(a)]

- Glock, Model 22, .40 S&W caliber, semiautomatic pistol
- Glock, Model 23, .40 S&W caliber, semiautomatic pistol
- Glock, Model 27, .40 S&W caliber, semiautomatic pistol

Officers shall carry firearms issued by the department while on duty and may carry this weapon while off duty.

Officers may carry their duty weapon off-duty. [1.3.9(c)]

Officers shall not alter or modify their firearms in any way.

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. c.140, s.131L. [1.3.9(f)]

Officers are responsible for keeping their issued weapons clean and in good working order. A weapon that malfunctions will be removed from service and a replacement firearm issued, pending repair of the defective weapon by the department armorer. [1.3.9(d)]

The department's firearms training officer shall maintain a record of all firearms approved for use by officers while on or off duty. This record shall include: [1.3.9(e)]

- manufacturer
- type
- description
- identifying model number
- serial number
- identity of assignee
- name of firearms instructor/armorer approving the firearm
- date of approval
- course fired
- scores used for proficiency or qualification. [1.3.11(b)]

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Firearms, Continued

Authorized Weapons (continued)

The department's firearm instructors shall inspect and approve all new firearms before they are issued to any officer for use and shall inspect all previously issued firearms to ensure that they are in good working order. The weapons will be left with and inspected by the department's armors yearly. [1.3.9(c)]

Special Weapons 1.3.9(a)]

The following are special weapons maintained by the Burlington Police Department: (* indicates SWAT weapons; authorized for SWAT certified officers only)

Make	Model	Caliber
Benelli shotgun	M1 Super 90	12 GA
Colt/Bushmaster	AR-15	.223
Remington shotgun	870	12 GA
*Springfield	Armory M1A	308
*Springfield Socom	Armory M1A	308
Defense Technology	Less Lethal Launcher	40mm

Ammunition [1.3.9(b)]

Officers shall only use issued/authorized ammunition with a department issued firearm on or off duty. All magazines shall be loaded to full capacity.

Weapon	Authorized ammunition
Glock Model 22 Glock Model 23 Glock Model 27	.40 S&W caliber, Winchester Ranger, 165 grain, hollow point.
Benelli M1 Super 90	12 gauge 1-ounce slug
Colt/Bushmaster AR-15	Hornady Tap, 223 caliber, 55 grain or ball ammo.
Springfield Armory M1A S/A rifle	Federal BHT 168 grain
Springfield Armory M1A Socom rifle	149 grain armor piercing ball
Defense Technology 40mm Less Lethal launcher	40mm Direct Fire/Impact

Officers may use Ball or other ammunition authorized by their assignment and approved by the OIC of Firearms Training.

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**Authorized
Holsters****Duty belts:**

- Safariland model 6360 ALS Level 3 duty holster GL22 STX basketweave
- Safariland model 6360 ALS Level 3 duty holster GL22 STX tactical (webgear)

Officers may only wear the above model holsters with flashlight attachments if authorized by the OIC of firearms training. The only authorized flashlight is the ITR M3 weaponlight.

Electronic Control Weapon Holster

- The EWC shall be carried in an approved holster on the side of the body opposite the service handgun.

Tactical drop holster:

- Safariland model 6304 ALS GL22, with/without light.

Plainclothes assignments:**Full-time officers:**

- Safariland 6378 ALS Concealment, GL22STX, flat black. Officers have the discretion of using either the paddle or belt clip mount. This is the only authorized plainclothes holster for full-time officers once it is issued in accordance with General Order GEN15-01.

Special officers:

- Safariland 6378 ALS Concealment, GL22STX, flat black. This is the only authorized holster along with the above-referenced duty holster in accordance with General Order GEN17-02.

Officers must engage all holster safety mechanisms/releases unless involved in a lethal force/tactical situation pursuant to department and MPTC training.

Officers assigned to undercover duties may wear holsters approved by the OIC of firearms training.

There is no laser modification/attachment authorized to be used.

**Special
Weapons in
Police Vehicles**

The twelve-gauge shotgun / 40mm less lethal launcher / patrol rifle will be stored/mounted in the department patrol vehicle as directed by the manufacturer. All officers who use a police vehicle equipped with special weapons, (i.e., shotguns, launchers, rifles, sniper rifles, and ammunition for same) must qualify in their use before being deploying same.

During normal patrol operations, the shotgun / launcher / patrol rifle will be carried in the patrol vehicle mounted/stored in a locking device approved by the Chief of Police.

Special weapons shall be carried in the following manner:

1. chamber empty
2. safety on
3. magazine loaded with approved ammunition (40mm – empty)

Firearms, Continued

**Officer Exiting
Police Vehicle**

Officers exiting police vehicles that are equipped with special weapons shall ensure their safe and secure condition by rolling up the windows and locking the doors when leaving the vehicle unattended for any length of time (excluding traffic stops).

**Inspection
[1.3.9(c)]**

All officers authorized to use any of the department's special weapons shall inspect said weapon at the beginning of their tour of duty and report to the shift commander or patrol supervisor any malfunction or unusual condition of the weapon or the locking mechanism.

The shift commander or patrol supervisor may make periodic inspections to ensure that the special weapon, the ammunition, and locking device is operating properly. They will also make sure that there is no damage to the weapon or locking device. The shift commander or the patrol supervisor shall check to see that both the weapon and the locking device are operating safely.

**Deployment of
Special Weapon**

When a special weapon is deployed (i.e., taken out of its locking device) the officer doing so is responsible for that special weapon at all times during its deployment. When an officer makes a decision to deploy a special weapon (rifle, shotgun, launcher, and the ammunition) it is the officer's responsibility to ensure that he is certified and that the weapon does not leave his possession until it is re-secured in the police vehicle's locking device or until such time the officer is relieved of said weapon by another authorized officer.

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Firearms, Continued

Use of Firearms Police officers are issued firearms, and trained in their use, for self-protection and for the protection of the public.

A police officer is authorized to use a firearm to:

1. Protect himself or others from what he reasonably believes to be an imminent threat of death or serious physical injury; or,
2. To prevent the escape and effect the arrest of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur.

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 an animal that represents a threat to public safety, or as a humanitarian measure where an animal is so badly injured that it should be destroyed to prevent further suffering.

When an animal is destroyed, the officer destroying the animal shall file a Firearms Discharge Report.

Warning Shots
[1.3.3] The use of warning shots is only authorized in situations where deadly force would otherwise be justified and only when doing so will not unreasonably endanger innocent bystanders.

Signaling Device Firearms shall not be used as signaling devices or to summons assistance, **except** where the officer's safety or that of another is seriously endangered, the officer believes that there is no reasonable alternative, and the firearms discharge will not create a substantial risk of injury to innocent persons.

Drawing or Displaying Firearm An officer shall avoid the unnecessary display of firearms and not draw a firearm except when there is justification for its use to accomplish a proper police purpose, where there is a reasonable anticipation of threat of death or serious physical injury.

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Firearms, Continued

Moving Vehicles

Officers shall not discharge a firearm at a moving vehicle or its occupants unless:

- A person in the vehicle is immediately threatening the officer, or another person present, with deadly force by means other than the vehicle, **OR**
- To prevent the escape and effect the arrest of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur.

This means that when an officer is confronted with an oncoming vehicle, and the vehicle is the only force used against them, officers will attempt to move out of the vehicle's path.

Training and Qualification [1.3.10]

All officers will be trained and qualified at least annually in the use of any firearm before being allowed to carry or use the weapon on or off duty. Any time a new weapon is issued; all officers must demonstrate proficiency in the use of the weapon prior to authorization to carry it on or off-duty.

- Training will be conducted in accordance with standards established by the Municipal Police Training Committee (MPTC) and/or the manufacturer of the weapon and shall include training on the department's use of deadly force policies and safe gun handling procedures.
- Proficiency will be demonstrated in accordance with the standards established by the Municipal Police Training Committee (MPTC), the manufacturer of the weapon and/or other professional law enforcement training agencies (including but not limited to F.B.I., N.R.A.)
- Firearms training and qualification shall be under the direction of the department's certified firearms instructors. [1.3.11(a)]

After initial training, all officers will be expected to qualify with their service firearm.

Officers authorized to use the Patrol Rifle or 40mm Less Lethal Launcher shall qualify with this weapon annually.

Officers who do not meet training objectives; or who fail to qualify with their issued firearm or off-duty firearm:

- Shall be denied permission to carry a firearm while on or off duty and will be temporarily reassigned to administrative/desk duty - Civilian business clothes to be worn - shirt and tie for males, appropriate attire for females.
 - Shall receive remedial training instruction before being allowed to attempt to qualify again. [1.3.11(c)]
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Firearms, Continued

**Training and
Qualification
(continued)**

Qualification shall include an inspection of all issued firearms by the department's firearms instructors to ensure that they are in good working condition. [1.3.9(c)]

- Any issued firearm that is deemed unsafe by the department's firearm instructor will be removed from service and a replacement firearm issued, pending repair of the defective weapon by the department armorer. [1.3.9(d)]
- The officer receiving the replacement firearm will qualify using the replacement weapon.

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Less Lethal Weapons

Authorized Weapons

[1.3.4]

[1.3.9(a)]

Less lethal weapons authorized and issued by the department:

- Oleoresin Capsicum (OC) spray (Sabre Red, 10% Oleoresin Capsicum)
- Monadnock Autolock expandable baton, 22 inch with power safety tip.
- Defense Technology 40mm launcher.
- Taser Electronic Control Weapon with Taser air cartridge and probes.

In some situations, the threat to an officer or the public justifies the use of deadly force. When the use of force is required, but deadly force may not be appropriate, officers may employ less-lethal weapons to gain control of an uncooperative subject. These weapons give officers the ability to protect the safety of officers and the public by temporarily incapacitating subjects. While less lethal weapons are intended to avoid causing any serious harm or injury, significant injuries and death can occur from their use, (MPTC specialty impact munitions instructor handout 2011).

One 40mm launcher will be carried in the road supervisor's vehicle and others will be stored in marked patrol cruisers or deployment room. The foam/sponge duty munitions will be stored with the launchers in a clearly marked active shooter bag.

Officers qualified in the 40mm will be selected by shift /assignment in an effort to have certified operators available at all times.

Officers using the 40mm will collect all spent munitions and return same to the armorer, who will keep an inventory of all munitions.

Only issued less lethal weapons will be carried on/off duty and used when applying non-deadly force, absent exigent circumstances.

The department's firearms training officer shall maintain a record of all weapons approved for use by the officers while on or off duty. This record shall include:

- manufacturer
- type
- description
- identifying model number
- identity of assignee
- name of the Use of Force instructor approving the weapon
- date of approval

The department's Use of Force instructors shall inspect and approve all new weapons before they are issued to any officer for use and shall inspect all previously issued weapons during annual qualification to ensure that they are in good working condition.

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Training and Qualification
[1.3.10]

All officers will be trained and certified biennially (every two years) in the use of any less lethal weapons (yearly training with the 40mm launcher and Electronic Control Weapon), before being allowed to carry the weapon on or off duty. Upon initial issuance of any new weapon, all officers of the department shall demonstrate proficiency in its use prior to being authorized to carry it on or off-duty.

- Training will be conducted in accordance with standards established by the Municipal Police Training Committee (MPTC) and/or the manufacturer of the weapon and shall include training on the department's use of non-deadly force policies.
- Proficiency will be demonstrated by all officers in accordance with the standards established by the Municipal Police Training Committee (MPTC), or the manufacturer of the weapon.
- Training and certification will be conducted under the direction of certified instructors only. [1.3.11(a)]

Officers who fail to demonstrate proficiency with less lethal weapons:

- Shall be denied permission to carry that weapon on or off duty and will be temporarily reassigned to administrative/desk duty, and
- Shall complete a remedial training course before being allowed to attempt to qualify again. (1.3.11 (c))

Under the Chief's discretion, not all officer's need to be qualified in the use of the 40mm launcher or other less lethal weapons. Consideration will be given to adequate coverage of shifts/assignments in determining officers with less lethal authorization.

Qualification shall include an inspection of all issued weapons by the department's Use of Force instructors/armorer's to ensure that they are in good working condition.

Any issued weapon that is deemed unsafe by the department's I
Instructors will be removed from service and a replacement weapon issued.
(1.3.9 (c))

Less-Lethal Weapons - Electronic Control Weapons

Definitions

Electronic Control Weapon (ECW) – A less lethal weapon that uses electricity to override voluntary motor responses or apply pain in order to gain compliance or overcome resistance.

Anti-felon Identification Tags (AFIDs) – Each AFID tag contains an alphanumeric identifier unique to the ECW cartridge used.

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Less lethal Weapons – Electronic Control Weapons, Definitions, continued

Drive Stun Mode – The ECW is used without the cartridge. The device is pressed against the subject and an electrical shock is delivered.

. When used in the drive stun mode the device is primarily a pain compliance tool.

Full or Probe Deployment – The firing of the ECW when the probes are deployed when they are used as an electro-muscular disrupter.

Sensitive Population Groups – Sensitive population groups may have a greater potential for injury with the use of electronic control weapons and include:

- . Children under the age of seventeen;
- . Adults over the age of seventy;
- . Women believed to be pregnant;
- . Persons in obvious ill health;
- . Persons known to be equipped with a pacemaker; or
- . Those suffering from severe mental illness.

Authorized Users

- . Only officers who are trained and authorized by the Chief of Police are allowed to carry and use electronic control weapons.
- . Pursuant to the Executive Office of Public Safety and 501 CMR 8.05, The Burlington Police Department will use the MPTC model plan to train its officers.
- . Except for training purposes, an officer shall not possess or carry an electronic control weapon until successfully completing the MPTC Basic Certification Course in the use of ECWs.
- . The rules for securing firearms shall apply to Tasers. Tasers shall not be left unattended and shall be secured or passed on at the end of each shift.

Instructor Training

- . All department ECW Instructors must be certified by the Municipal Police Training Committee.
- . ECW Instructors must receive a minimum of 16 hours of instruction on training officers in the use of ECWs.
- . This training requirement applies to all present and future ECW Instructors.
- . Instructors shall use the MPTC Basic Course Certification Lesson Plan for ECWs to train officers.

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Less Lethal Weapons – Electronic Control Weapons, continued,**Training**

- . All authorized users must be trained using a curriculum identical to the MPTC's.
- . Training will be conducted in accordance with standards established by the Municipal Police Training Committee and shall include training on the Department's Use of Force Policy and Procedures.
- . Proficiency will be demonstrated in accordance with standards established by the Municipal Police Training Committee.
- . Officers must recertify/re-qualify for ECWs at least annually.
- . Training and certification will be conducted under the direction of certified instructors only.
- . Exposure to an ECW could result in injury to personnel, therefore, exposure to an ECW during training or recertification is not mandatory.
- . All officers, regardless of whether they are trained and issued an ECW, will receive ECW awareness training emphasizing the responsibilities of personnel who do not carry ECWs, to include, attempting to handcuff subjects during ECW application, and transitioning to other force options.

In order to qualify for admission into MPTC training program for the use of electronic weapons, an authorized officer must:

- . Be currently employed as a police officer in the Burlington Police Department;
- . Have successfully completed a firearms training course conducted by the Municipal Police Training Committee; and
- . Be authorized by the department to carry a firearm in the performance of his duties.

Weapon Readiness

The EWC shall be carried in an approved holster on the side of the body opposite the service handgun.

- . Officer not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.

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Less Lethal Weapons – Electronic Control Weapons, Weapon readiness, continued,

- . The EWC shall be carried fully armed with the safety on in preparation for immediate use.
- . Only manufacturer approved battery power sources shall be used in the EWC.
- . The EWC shall be subjected to a pre-shift spark test in Roll Call as defined in training, or spark tested before deployment in other assignments to ensure that the device is functioning properly.
- . If an officer fails to conduct the spark test at Roll Call and conducts a spark test at a later time, the officer shall notify the Shift Commander.

Deployment

The ECW is generally authorized to be used in circumstances where grounds to arrest or detain are present and the subject's actions cause a reasonable officer to believe that physical force will be used by the subject to resist the arrest or detention. Such actions may include, but are not limited to:

- . Use of force against the officer or another person;
- . Violent, threatening, or potentially violent behavior;
- . Physically resisting arrest or detention;
- . Flight in order to avoid arrest or detention in circumstances where officers would pursue on foot and physically effect the arrest or detention;
- . Self-destructive behavior.

The ECW is most effective at overcoming resistance and assisting officers with subject control when used in the probe mode.

- . The probe mode is the preferred deployment technique when practical.
- . The device should be aimed at the subject, fired, and cycled in a manner consistent with and as outlined in training.
- . The preferred target areas include the back, lower abdomen, and thighs.
- . A full five second cycle deployment should be applied without interruption unless circumstances dictate otherwise.
- . A second or subsequent five second cycle may be necessary if, after the first five second cycle, the officer still perceives the subject as a threat.

Upon activating the ECW against a person, the officer shall energize the subject no longer than objectively reasonable to overcome resistance and bring the subject under control.

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Less Lethal weapons, Electronic Control Weapons, Deployment, continued,

- . In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
- . To minimize the number of cycles needed to overcome resistance and bring the subject under control, the subject should be secured as soon as practical while affected by ECW power or immediately thereafter.
- . If the subject does not respond to the ECW deployment in the anticipated control manner based on training and experience, officers should consider transitioning to alternative resistance control measures.

Officers must be aware of the general concerns raised when an ECW is used on a member of a sensitive population group.

Sensitive population groups include:

- . Children under the age of seventeen;
- . Adults over the age of seventy;
- . Women believed to be pregnant;
- . Persons in obvious ill health;
- . Persons known to be equipped with a pacemaker; or
- . Those suffering from severe mental illness.

Officers are not prohibited from using an ECW on such persons, but use is limited to those exceptional circumstances where the potential of using the device reasonably outweighs the risks and concerns.

The ECW may also be used in limited close-range, self-defense, and pain-compliance circumstances in the drive stun mode, if there is no opportunity to use the device in the preferred probe mode. When the device is used in the drive stun mode it is:

- . Primarily a pain compliance tool;
- . Generally less effective than when the probes are deployed with spread in excess of 12 inches; and
- . Subject to the same deployment guidelines and restrictions as probe deployments.

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**Less Lethal Weapons – Electronic Control Weapons, continued,
Prohibited Uses**

The ECW shall not be used on compliant and passively resistive persons, and shall not be deployed:

- . In a punitive or coercive manner;
- . On a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means;
- . In an environment where an officer reasonably believes that a flammable, volatile, or explosive material is present, including, but not limited to:
 - . OC spray with volatile propellant;
 - . Gasoline;
 - . Natural gas; or
 - . Propane.
- . In any situation where the officer has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk.
- . Against a subject in physical control of a vehicle in motion.

Post-Deployment Considerations

The ECW darts may be removed from the subject after being restrained following procedures outlined in training. Darts may only be removed by officers trained to do so.

- . The ECW darts should be treated as a biohazard risk.

Officers shall request the Fire Department EMTs to respond to examine and/or transport a subject to a hospital if any of the following occur:

- . The subject requests medical attention, or there is an obvious need for medical attention;
- . The subject is hit in a sensitive area (e.g., eye, face, head, breasts, genitals);
- . The officer has difficulty removing the probes;
- . The subject does not appear to recover in a reasonable period of time after being exposed, as determined by the officer following training guidelines;

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Less lethal Weapons – Electronic Control Weapons, Post-Deployment considerations,
continued,

- . The subject is part of a sensitive population group;
- . The subject has been exposed to more than three ECW cycles;
- . The subject has been exposed to more than one ECW device;
- . The subject is reasonably believed to have been exposed to a continuous cycle of 15 seconds or more; or
- . The subject has exhibited signs of “excited delirium” as outlined and defined in training, prior to and/or during ECW exposure.

If the probes penetrate the flesh, photographs of the contact area shall be taken after they are removed, unless the probe strikes a sensitive body area such as female breasts, genitals, or the buttocks. Privacy of the subject shall be protected.

When the device has been used operationally, the officer shall:

- 1) Collect the cartridge, wire leads and darts, and submit them as evidence prior to the end of the Shift.
- 2) Submit the Taser to the Shift Commander to be placed into evidence.
 - . The officer shall ensure that the Taser is unloaded and that the battery is removed.
- 3) Receive a replacement Taser from the Shift Commander.

When the Evidence Officer receives the Taser, he shall forward it to the Training Officer for data download.

When the Training Officer has completed the data download he shall return the Taser to the officer and collect the replacement unit.

Officer Reporting Requirements

Any officer deploying an ECW shall notify his supervisor as soon as practical after deploying the device and shall complete a Use of Force Report. The report shall include:

- . The facts and circumstances which dictated the use of the ECW;
- . Commands given to the subject;
- . Manner in which the subject refused to comply;
- . Number of discharges, and length of each;
- . Location of the probes on the subject’s body;
- . Extent, if any, of the subject’s injuries and a description of the first aid provided;
- . The name of the supervisor notified and the time of the notification.

Continued on next page

Less Lethal Weapons - Electronic Control Weapons, Officer Reporting Requirements, Continued,

Officers shall specifically document in their Use of Force Report the facts and circumstances that reasonably required the use of the ECW in the following instances:

- . Used in the contact mode;
- . The subject was energized more than three cycles;
- . The subject was energized for longer than 15 seconds;
- . More than one ECW was used against a subject; or
- . The ECW was used on an individual in a sensitive population group.

* When an officer uses the Taser to display a warning by pressing the arc switch he shall file a narrative report and complete a Use of Force Report.

Supervisor Responsibilities

Following the deployment of an ECW supervisors shall ensure that:

- 1) The subject has received proper medical attention.
- 2) Photographs of the area impacted by the ECW are taken after the device is discharged and the probes, if used, are removed, unless the area impacted are sensitive body areas. Privacy of the subject shall be protected.
- 3) The cartridge, wire leads and probes are collected and submitted into evidence.
- 4) The officer deploying the Taser has completed a Use of Force Report.

Administrative Responsibilities

The Burlington Police Department will comply with all data collection protocols Responsibilities and reporting requirements as set forth in M.G.L. c. 140, s. 131J, and St. 2004, c 170, s 2.

The Training Officer shall:

- . Track all ECW deployments;
- . Conduct a data download whenever an ECW is deployed;
- . Conduct random and quarterly audits of ECW data downloads and reconcile use.
- . Conduct audits to ensure that all personnel who carry ECWs have attended initial and recertification training.
- . Collect and analyze information to identify ECW trends.

End of Electronic Control Weapons. Use of Force Policy continues next page,

Reporting Use of Force

Reporting Requirements An employee shall inform his or her supervisor following any use of force and shall file a written report whenever the officer or employee:

- discharges a firearm, for other than training or recreational purposes; [1.3.6(a)]
- takes an action that results in, or is alleged to have resulted in, injury or death of another person; [1.3.6(b)]
- applies force through the use of lethal or less lethal weapons; or [1.3.6(c)]
- applies weaponless physical force that results in injury or complaint of injury by a suspect. [1.3.6(d)]
- all uses of force beyond cooperative handcuffing
- any complaints of excessive or illegal force
- active pointing of a firearm

Note: Un-holstered firearms should be addressed in your police report.

These reports will be filed before the end of the involved officer's shift, or at the earliest time given the circumstances – injuries, scheduling, etc.

An officer who is injured and unable to submit the required reports at the time of the incident shall file the reports as soon as he is physically able to do so.

Involved Officers Responsibility	<p>Whenever a firearm is discharged or any use of force results in serious physical injury or death to any person the officer involved in the incident will:</p> <ol style="list-style-type: none"> 1. immediately notify the shift commander 2. render/request appropriate medical aid 3. protect and secure the scene 4. prepare a detailed Firearm Discharge or Use of Force Report as appropriate.
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Shift Commander's Responsibility	<p>Upon notification of a firearms discharge or use of force that results in serious bodily injury or death, the shift commander will:</p> <ol style="list-style-type: none"> 1. immediately dispatch the patrol supervisor to the scene or respond to the scene personally if no patrol supervisor is available 2. ensure that: <ol style="list-style-type: none"> a. the Chief of Police is notified b. the Detective Division Commander is notified
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Reporting Use of Force, Shift Commander's Responsibility, Continued,

Shift Commander's Responsibility (continued)

- c. the District Attorney's Office is notified if the use of force results in death or appears likely to result in death
- d. review the Firearms Discharge or Use of Force Report to ensure that it is complete and contains all the facts and circumstances surrounding the incident
- e. forward the completed reports to the Detective Division.

Patrol Supervisor's Responsibility

Upon notification of a firearms discharge or use of force that results in serious bodily injury or death, The Patrol Supervisor, or if no Patrol Supervisor is available, the Shift Commander, shall:

1. immediately respond to the scene
2. ensure that proper medical aid has been administered
3. take charge of and protect the scene pending the arrival of investigative personnel
4. take control of the firearm/weapon used in the incident
5. inform the involved officer that he will be temporarily reassigned to administrative leave pending the departmental investigation
6. prepare a detailed Firearms Discharge Report or Use of Force Report as appropriate.

Detective Division Commander's Responsibility

Upon notification of a firearms discharge or use of force that results in serious bodily injury or death, the Detective Division Commander, or his designee, shall:

1. respond to the scene as soon as possible
2. assume overall command of the scene and the investigation
3. render assistance to the investigators from the District Attorney's Office if the use of force resulted or may likely result in death
4. submit a comprehensive report to the Chief of Police.

Dispatcher Duties

The dispatcher will:

1. notify the officer-in-charge
2. dispatch officers to the scene
3. make all appropriate, accurate, and complete computer entries; and
4. politely refer all media requests for information to the Chief or the Public Information Officer. (See departmental policy on **Police Media Relations**.)

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Reporting Use of Force, Continued

**Use of Force
Review**
[1.3.7]

The Shift Commander or Shift Supervisor shall be responsible for the following:

- a. ensuring that a thorough investigation was conducted (by a not-involved supervisor) and that all reports were prepared and submitted;
- b. reviewing all reports submitted to determine whether the use of force was in compliance with department policy and procedures; and
- c. after reviewing all reports with any accompanying comments or recommendations, the Shift Commander shall forward the report to the Administrative Captain. The captain will forward the report to the supervisor of the firearms/use of force program who shall review and file.

**Annual
Analysis**
[1.3.13]

The Supervisor in charge of the firearm's and defensive tactics program shall conduct an annual analysis of all use of force reports. Such analysis and conclusions shall be submitted to the Chief and both Captains for review.
