

FRAMINGHAM POLICE DEPARTMENT		Next Review Date Annually
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.1.0; 1.1.1; 1.1.2; 1.1.3; 1.1.4; 1.1.5; 1.1.6; 1.1.7; 1.1.8; 1.1.9; 1.1.10; 1.1.11; 1.1.12; 1.1.13; 1.1.14, 16.3.6 <u>Statutory: AN ACT RELATIVE TO JUSTICE, EQUITY AND ACCOUNTABILITY IN LAW ENFORCEMENT IN THE COMMONWEALTH</u> 550 CMR 6.00 Use of Force by Law Enforcement Officers		POLICY 100-4
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See also: **FPD Handling the Mentally Ill: Policy No. 100-14**
FPD Firearms: Policy No. 50-4
FPD Handling Juveniles: Policy No. 100-9
FPD Expandable Baton: Policy No. 100-30
FPD Kinetic Weapons System: Policy No. 100-33
FPD Conducted Energy Weapons: Policy No. 100-35
FPD Oleo Resin Capsicum (OC Spray): Policy No. 100-13
FPD Crowd Control: Policy No. 100-3
FPD Canine Policy: Policy No. 100-43
FPD Vehicular Pursuit: Policy No. 100-6

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I. GENERAL CONSIDERATIONS AND GUIDELINES

The Framingham Police Department's *Use of Force Policy* provides specific written guidelines regarding the *reasonable use of necessary force that may be* used by Framingham Police Officers while they are serving and protecting the greater community at large. The provisions of this Use of Force Policy are derived from federal, state, and local law as well as existing best practices of accredited law enforcement agencies from across the nation and Guidance and Regulations promulgated from the Massachusetts *Peace Officer Standards and Training Commission* and the Municipal Police Training Committee.

Every day officers are continually involved in numerous and varied interactions and encounters with members of the community. The Framingham Police Department trains each one of our police officers to have a complete and accurate understanding of, and true appreciation for, their individual statutory and common law authority as well as the existing limitations to this authority. This is especially true with respect to overcoming resistance - whether armed or not - while engaged in the performance of lawful law enforcement duties and responsibilities.

As you are aware, the men and women of the Framingham Police Department place the highest value on the sanctity of life, the protection of the public, and the safety of our officers, all the while respecting individual freedoms, liberty and dignity of every individual that we have occasion to encounter, engage or assist. Because of our law enforcement responsibility and our peacekeeping role, a Framingham Police Officer may at times be called upon and even required to utilize some type of physical force, however slight, to enable our officers to fully carry out their law enforcement responsibilities. These situations include maintaining order especially when met with significant resistance or when the individual that is confronted is in the act of causing or attempting to cause injury to another person. Police officers may be confronted with situations requiring or resulting in the use of various degrees of force to not only affect a lawful arrest, but to ensure public safety and to protect themselves or others from imminent harm. The degree of force used is strictly dependent upon the facts and circumstances surrounding the situation that the officer encounters. Our police officers are trained that only a reasonable and necessary amount of force may be used and is dependent upon the intensity of resistance or threat to the safety that the situation presents, and the lack of any less restrictive available alternatives. Physical force will not be used upon another person unless the conditions and mandates as set forth within this policy are followed. **1.1.1. (1)**

It should be understood that the rationale for the use of force is always to maintain and/or reestablish control over a volatile situation and never to be used in a retaliatory manner. Control is reached when a person complies with the officer's directions and/or the suspect is restrained or apprehended and no longer presents a threat to the officer or another. Since an officer will encounter a wide range of behaviors, the officer must be prepared to utilize a range of force options that are both reasonable and necessary to maintain and/or reestablish control by overcoming resistance to the officer's lawful authority while minimizing injuries. **Officers are further trained that whenever a particular force option is utilized against an individual who fails to comply with the reasonable and lawful commands of the officer(s), that particular force option shall terminate, when it is deemed to be objectively reasonable that a subject is fully within the law enforcement officers' control.**

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 specific guidelines and provide officers with a concrete basis on which to utilize sound judgment in making reasonable and prudent decisions.

The Framingham Police Department recognizes that the development of certain skills and abilities, through ongoing training, allows an officer to regularly resolve confrontations and disturbances without the need to resort to force. This is a hallmark of a professionally trained police officer.

II. DEFINITIONS

- A. **Chokehold.** The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death. **Chokeholds are strictly forbidden by statute and are not trained by this department. 1.1.2 C**

- B. Commission.** The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, §2.
- C. Committee.** The Municipal Police Training Committee as established in M.G.L. c. 6, § 116.
- D. Deadly Force.** Also referred to as Lethal Force. Physical force that can reasonably be expected to cause death or serious physical injury. A law enforcement officer **shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm** to a person or persons and the amount of force used is proportionate to the threat of imminent harm. **1.1.2 A**
- E. De-Escalation Tactics.** Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis. *De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible.* **1.1.1, 1.1.2 B** *In addition to academy training in de-escalation the department will conduct training annually.***1.1.1(2)**
- F. Defensive Force.** The objectively reasonable and necessary use of physical force used to overcome violent resistance from an attacker, or to protect others from assault, injury or death.
- G. Department/Police Department/Law Enforcement Agency/Agency.** (i) A state, county, municipal or district law enforcement agency, including, but not limited to: a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff's department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.
- H. Dog.** **For the purposes herein, shall also refer to a K-9, canine or police dog.**
- I. Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs):** A portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.
- J. Force.** The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

- K. Kettling.** Confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.
- L. Law Enforcement Officer/Officer.** Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve, or intermittent police officer.
- M. Lethal Force.** Lethal Force, also referred to as Deadly Force as used in this policy, is defined as that degree of force, which a reasonable and prudent officer would consider likely to cause death or serious physical injury. This may include red zone strikes with batons. A law enforcement officer **shall not use deadly** force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm. **1.1.2**
- N. Less Lethal Force.** Less lethal force is that degree of force, which is neither likely nor intended to cause death or serious physical injury. It is usually employed as a defensive measure. Officers are trained and issued less lethal police equipment, Oleo Resin Capsicum (OC), Expandable Baton (ASP), Conducted Energy Weapons (CEW), Kinetic Energy Impact Weapon and a department K-9 when available, to provide them with an advantage when fending off or subduing an unarmed assailant. Officers are authorized to use less lethal force that is reasonably necessary and proportionate where de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances.
- O. Non-Deadly Force.** Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.
- P. Officer in Charge:** The Officer in Charge of a shift is a ranking officer from the Department holding the rank of at least a sergeant who oversees a particular shift in the absence of the shift commander.
- Q. Officer-Involved Injury or Death.** Any event during which an officer:
1. discharges a weapon, as defined in section 121 of chapter 140, actually or proximately causing injury or death to another;
 2. uses a chokehold, in violation of M.G.L. c. 6E, §14(c), actually or proximately causing injury or death of another;
 3. discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
 4. discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
 5. deploys a dog, actually or proximately causing injury or death of another;

6. uses deadly force, actually or proximately causing injury or death of another;
7. fails to intervene, as required by M.G.L. c. 6E, §15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
8. engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

R. Passive Resistance. An individual who is non-compliant with officer commands and is non-violent and does not pose an immediate threat to the officer or the public.

S. Probable Cause. Probable cause for arrest exists if, at the time of the arrest, the facts known to 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.

T. Reasonable Belief. Reasonable belief exists when the facts or circumstances an officer knows, or should know, are such as to cause an objectively reasonable officer to act or think in a similar way under similar circumstances.

U. Reasonable Force. *Graham v. Connor*, 490 US 386, 395 (1989). Force which is objectively reasonable because it is necessary to overcome resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority.

V. Serious Bodily Injury. Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss or impairment of a bodily function, limb, or organ; or (iii) a substantial risk of death. **1.1.2 D**

W. Shift Commander: Shift Commander is a ranking officer from the Department, normally a Lieutenant, who has been designated to command a patrol shift. He/she works under the general supervision of the Deputy Chief of Operations.

X. Tear Gas or Other Chemical Weapons ("CW"). Any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain a person by causing pain. This shall not include oleoresin capsicum ("OC") spray.

III. POLICY

- A. All officers of the Framingham Police Department shall use reasonable and necessary force to overcome resistance to lawful objectives when alternative methods and tactics are either impractical, ineffective or pose a greater risk. **1.1.1**
- B. Members of this Department may use lethal 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 immediate danger of serious physical injury. Officers may also use lethal force to prevent the escape and effect the arrest of an individual whom the officer has probable cause to believe has committed a felony involving the use, attempted use or threatened use of lethal force and whom the officer reasonably believes will cause death or serious physical injury if apprehension is delayed. (See section X of this Policy). **1.1.0, 1.1.2**

- C. 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 further physical attack against the police officers or any other person. This would include lethal or less lethal force, with lethal and less-lethal weapons, or weapons of opportunity to terminate unlawful resistance and to prevent any further physical attack upon the officers or any other person.
- D. This policy requires strict adherence by all personnel, including but not limited to, all sworn full-time permanent police officers and the animal control officer.
- E. All of the provisions contained within this Framingham Police Department Use of Force Policy shall strictly adhere to all applicable statutory and constitutional provisions of federal, state, and local laws including but not limited to the holdings by the United States Supreme Court and the Massachusetts Supreme Judicial Court in:
- **Graham v. Connor, 490 US 386 (1989)**
 - **Tennessee v. Garner, 471 US 1 (1985)**
 - **Comm. v. Adams, 416 Mass. 568 (1993)**
 - **Comm. v. Klein, 372 Mass 823 (1977)**
- F. An officer present and observing another officer using or attempting to use physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, **shall intervene to prevent the observed officer's use of unnecessary or unreasonable force**, regardless of rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual. **1.1.1 (5), 1.1.2 (5)**
- G. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances **shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift**. **1.1.1 (6), 1.1.2 (6A)**
- H. Any **harassment, intimidation or retaliation** against the officer who made such report regarding the witnessed excessive force shall be a violation of this department policy and shall, upon a sustained internal administrative investigation, be subjected to the imposition of departmental discipline up to and including termination. **1.1.1, 1.1.2**
- I. The officer **shall prepare a written statement describing the incident consistent with uniform protocols**. The officer's written statement shall be included in the supervisors report. The supervisor who writes the report should not have been directly involved in the incident. **1.1.1 (6 B), 1.1.2 (6B), 1.1.2 (6C)**

- J. *The failure of a law enforcement officer to intervene as set forth herein may subject the officer to retraining and/or disciplinary action up to and including termination, civil liability and/or criminal prosecution, and de-certification by the Commission after a hearing by POST.*

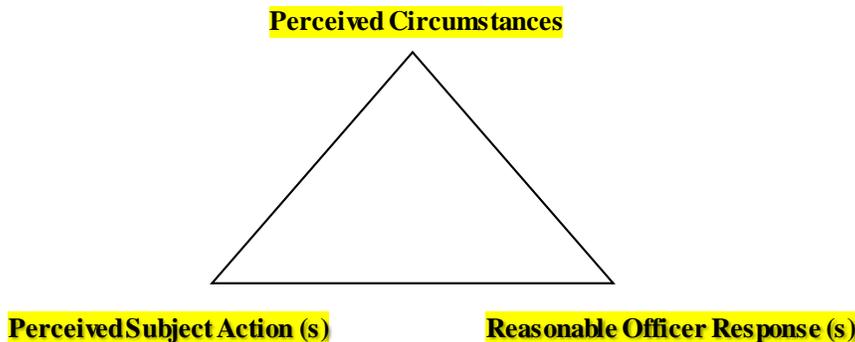
IV. CONTINUUM OF FORCE

- A. The amount and degree of force, which may be employed, will be determined by the surrounding circumstances including, but not limited to:
1. The nature of the offense;
 2. The behavior of the subject against who force is to be used;
 3. Actions by third parties who may be present;
 4. Physical odds against the officer;
 5. The feasibility or availability of alternative actions;
 6. The facts known to the officer at the time of the incident;
 7. The need to make a decision in a tense, rapidly evolving situation; and
 8. The opportunity for de-escalation at any time during the encounter.
- B. When an officer determines that the use of force is necessary, he/she 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 ascending order from least severe to the most drastic measures. 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/her lawful objective or to protect themselves or another from serious physical injury or death. Officers should continuously evaluate the circumstances of the encounter with the goal of exploiting both verbal and tactical opportunities with the intent of de-escalating to a lower force level.
1. **VERBALIZATION.** Verbalization is defined as verbal persuasion, by way of verbal commands, used by the officer in an attempt to defuse or deescalate the situation or inform a suspect that he is under arrest.
 2. **WEAPONLESS PHYSICAL FORCE.** Weaponless physical force techniques, including distraction techniques, are those techniques an officer feels necessary to use to effect "Take Down and Control Holds" by generally using their hands.

If an injury occurs after using weaponless tactics the same procedures apply as with lethal and less lethal force regarding immediately evaluating medical needs and requires a written report and use of force report. **1.1.5, 1.1.6**

3. **OC SPRAY.** Department approved less lethal OC Spray when used to overcome resistance or an assault, or deter riotous or violent behavior.
4. **LESS LETHAL IMPACT DEVICES.** The Department has approved the following Less Lethal Impact Devices when used as an impact instrument by the officer to defend themselves or another from the threat of serious physical injury. **1.1.4**
 - Expandable Baton (ASP)
 - Kinetic Energy Impact Weapon
 - CEW
 - Police Canine
5. **LETHAL FORCE/FIREARMS.** The use of ‘Lethal Force’ is the last option within the continuum of force and is only authorized in accordance with the guidelines established in Section X. of this policy.

D. MPTC USE OF FORCE REFERENCE GUIDE



The **Totality Triangle** © depicts the three elements which must be considered in determining whether an application of force was objectively reasonable.

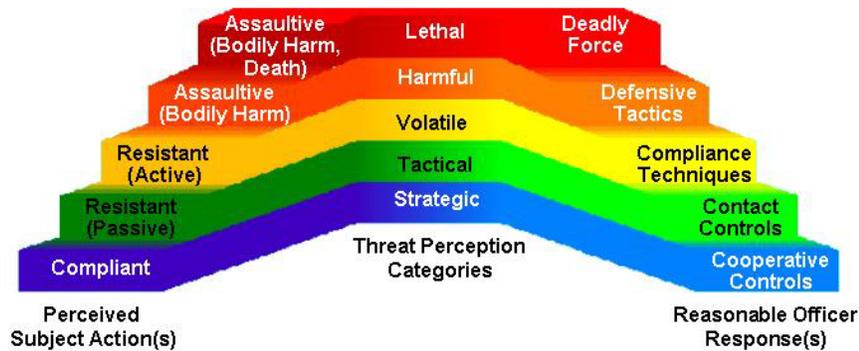
Perceived Circumstances - the officer’s perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance / non-compliance from the subject; culminating in its identification on the Use of Force Model.

Perceived Subject Action (s) - the subject action (s) as perceived by the reasonable officer that designate the subject at one or more of the Use of Force Model’s compliant / non-compliant categories.

Reasonable Officer Response (s) - the 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.

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. TM 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 mindset 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 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 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

Cooperative Controls - include contemporary controls developed to preserve officer safety and security, including: communication skills, restraint applications (routine handcuffing), 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, Hand Rotation Position©, escort position, etc.

Compliance Techniques - includes resistant countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include arm/wrist manipulation, balance displacement, physical restraint, arm bar take down, distraction techniques, O.C., Baton restraint & control, Taser Drive Stun, 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 weaponless strikes, Taser probe deployment, baton strikes, kicking techniques, "bean bag", police canine 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.

V. DEALING WITH MINORS (<18); EMOTIONALLY DISTURBED PERSONS (EDP'S) OR PHYSICALLY DISABLED INDIVIDUALS

- A. When an officer of this department is dealing with certain individuals in an enforcement capacity or other related potential custodial context who are either known or believed to be minor children (<18), mentally ill or physically disabled and that could carry the potential for physical resistance or violence, certain timely considerations and informed judgments about their mental and/or physical state need to be considered. Dealing with these individuals may require special police skills, abilities, or in-service and/or specialized training to effectively and legally deal with the person so as to avoid unnecessary violence, or injury to the officer or the subject who either is in distress or who has committed a criminal offense.
- B. Therefore, it is extremely important that members of this department be issued specific guidance on developmentally appropriate de-escalation and disengagement tactics, techniques and procedures, and other alternatives to the use of force for minor children (<18), and mentally ill or physically disabled. Members of this department should take into account the contextual factors including, but not limited to, the person's age, disability status, developmental status, mental health, linguistic limitations or other mental or physical condition.

Given the sometimes unpredictable nature of children or the mentally ill and/or physically disabled, officers should never compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of mental and/or physical illness or who are below the age of 18. In the context of enforcement and related activities, officers shall be guided by Massachusetts State Law and **Framingham Police Policy 100-14, Handling the Mentally Ill** regarding the detention of the mentally ill and/or physically disabled and **Framingham Police Policy on Handling Juveniles 100-9** for minor children between the ages of 12 and 18 years of age. Officers shall use these policies to assist them in balancing whether a person's behavior is indicative of mental illness and dealing with the mentally ill and physically disabled in a constructive and humane manner while insuring officer and public safety.

- C. Should the officer determine that an individual may be a minor, mentally ill and/or physically disabled and a potential threat to themselves, the officer, or others, or may otherwise require law enforcement intervention for humanitarian reasons. The following responses may be taken, bearing in mind officer safety is most important:
1. Request a backup officer, and always do so in cases where the individual will be taken into custody.
 2. Take steps to **de-escalate the situation**. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence

- or destructive acts have not occurred, avoid physical contact, and take time to assess the situation.
- a. When reasonable under the totality of circumstances, members should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.
 - b. Members should recognize that they may withdraw to a position that is tactically advantageous or allows them greater distance in order to de-escalate a situation or consider or deploy a greater variety of force options, including lesser force or no force at all.
 - c. Members shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions.
 - d. Members shall not use tactics designed to intentionally escalate the level of force.
3. Move slowly and do not excite the disturbed person. Provide reassurance that the police are there to help and that he/she will be provided with appropriate care.
 4. Communicate with the individual in an attempt to determine what is bothering him. Relate your concern for his feelings and allow him to ventilate his feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.
 5. Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.
 6. Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.
 7. Always attempt to be truthful. If the subject becomes aware of a deception, he/she may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.
 8. Consider containing the situation, establishing distance, waiting for additional help, the arrival of trained medical staff and requesting additional resources (e.g., specialized units, Jail Diversion Program, mental health care providers, negotiators, etc.) to resolve the incident.

9. In furtherance of the department policy to utilize de-escalation protocols whenever practical – especially when dealing with minor children or an emotionally disturbed person or someone otherwise in crisis, trained Framingham Police Officers should always attempt to implement the principles of what is commonly referred to as ICAT (Integrating Communication, Assessment & Tactics) whenever possible.

These principles are comprised of carefully developed strategies that train police officers to:

- (1) slow down a situation,
- (2) communicate (have a direct conversation) with the subject who appears to be in crisis and/or distress,
- (3) devise a strategy,
- (4) be willing to create space and distance whenever possible,
- (5) maintain a position of advantage over the subject whenever possible,
- (6) assess and continue to reassess the situation,
- (7) work as a well-coordinated team with other personnel on the scene,
- (8) have one individual designated as the contact officer (communicator with the subject),
- (9) designate cover officer(s) to keep the scene safe and contained,
- (10) isolate the subject to prevent others from being in harm's way,
- (11) have an initial plan devised but be ready to shift with a backup plan in a moment's notice should the initial plan fail, and
- (12) intervene only if there is an immediate threat.

NOTE: The Framingham Police Department fully recognizes that there are those times where a subject may not be amenable to the aforementioned ICAT principles or the subject may become assaultive toward the officer(s) and/or others with a dangerous weapon. In these situations ICAT does not prevent an officer from using a justified use of force option - to include lethal force - if the situation warrants especially if a firearm is involved. ICAT principles have been developed to make the option of lethal (deadly) force as a last resort where the officer needs to protect the public or themselves from imminent danger of serious bodily injury or death.

- D. While the force continuum does not change due to a subject's mental or physical status, officers should take this status into account [where the status is known] in their approach of the subject in an effort to de-escalate the possibility of a violent outburst by the subject.

Once a mentally disturbed; emotionally disturbed or physically disabled person has been controlled, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's mental, emotional or physical status.

As with any use of force, officers should always provide an immediate medical response to individuals who are exhibiting signs or complaining of injury or illness following a use of force.

VI. USE OF NON-DEADLY FORCE [From Use of Force Regulation [550 CMR 6.00](#)]

A law enforcement officer shall not use force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to: (i) effect the lawful arrest or detention of a person; (ii) prevent the escape from custody; (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or (iv) defend against an individual who initiates force against an officer.

A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.

Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a use of force for purposes of this section. Use of force does include the pointing of a firearm, ECW at an individual and the use of OC spray on an individual or directed toward an individual.

Officers shall always provide appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible.

All law enforcement officers shall be properly trained and certified in the use of any less-lethal weapons before being authorized to carry or use such force options.

Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual's chest, neck, or spine, and shall not force an individual to lie on their stomach.

A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

Each officer who engages in any use of force incident shall prepare and submit all required reports (incident report and use of force form). Officers who are involved in or witness a use of force incident shall submit reports as directed by a supervisor. Officers shall indicate whether or not force was used during an incident via the designated field in the Department's report writing software.

VII. PARAMETERS: USE OF LESS LETHAL FORCE

The use of intermediate force options, also referred to as *less lethal force*, have the potential for lethality. The application of less lethal force by a police officer in the performance of their duty will generally be limited to defensive situations where it is necessary;

- A. In self-defense, or defense of another, against unlawful violence or attack to his person or property; or [1.1.4](#)

- B. To preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicted injury. **1.1.4**
- C. To apprehend or subdue a person in a reasonable and balanced manner who actively resists arrest or lawful detention.

VIII. PROCEDURES: LESS LETHAL FORCE

- A. Only issued or approved equipment will be carried on duty and used when applying any level of less lethal force. **1.1.4**
- B. 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 detainee will not be construed to be a use of physical force. **1.1.4**
- C. **The use of neck restraints or control techniques, commonly known as choke holds, have a potential for serious injury and therefore are not authorized. 1.1.2 (3)**
- D. **A law enforcement officer shall not use a **chokehold** to restrain or subdue a suspect under any circumstances. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow. 1.1.2 (3), 1.1.4**
- E. **After any level of force is used to include less lethal force, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when: 1.1.5**
 - 1. That person has a visible injury; or,
 - 2. That person complains of injury or discomfort and requests medical attention.

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance (in accordance with departmental transportation procedures) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report.
- E. The officer shall promptly notify his immediate supervisor of the incident.
- F. The officer shall attempt to locate and identify all witnesses, documenting their statements.
- G. **Each officer who engages in a use of force shall prepare and submit all required reports (incident report and use of force form). Officers who are involved in or witness a use of force incident shall submit reports as directed by a supervisor. Officers shall indicate whether or**

not force was used during an incident via the designated field in the Department's report writing software. **1.1.6**

H. The Patrol Supervisor shall immediately respond to the scene of any incident where, as the result of the application of physical force, an officer is injured, or a detainee has a visible injury, or complains of injury or discomfort and requests medical attention, and they shall: 1.1.5, 1.1.6; 1.1.7; 1.1.14

1. **Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented. 1.3.5**
2. **Ensure that the need for medical treatment for the detainee is properly evaluated and provided. 1.3.5**
3. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photographs, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

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

4. In incidents where a supervisor is unable to respond to the scene of a use of force incident, the supervisor shall notify the Officer in Charge (OIC) at Police Headquarters. In such incidents, the Officer in Charge will ensure that officer and detainee medical needs are provided for, determine the need for additional resources, ensure that the required written reports are reviewed. Shift Commanders and the Professional Standards/Hiring Lieutenant will be notified of the incident via the use of force reporting software. The Professional Standards/Hiring Lieutenant will conduct the final review of the incident. The use of force reviews shall be conducted by a supervisor not involved in the incident. **1.1.7, 1.3.5, 1.3.6 b, c, d.**
5. Supervisors are required to file a written report whenever requested to do so by an officer superior to them. An exception to this rule would only be if the supervisor was directly involved in the incident, which would require another superior officer to file the report if requested by an officer superior to them. **1.1.6**
6. Shift Commanders and/or Bureau Commanders will review all use of force reports concerning each incident where less-lethal or lethal force has been utilized by personnel under their command for informational awareness of activities of their personnel.
7. The Professional Standards/Hiring Lieutenant shall also conduct an annual audit of all Use of Force reports which may indicate additional or improved training methods, policy modifications, practices and or equipment upgrades. This written

annual audit, along with a data analysis conducted by the Crime Analyst, shall be forwarded to the Chief with results summarizing the findings on any patterns or trends. Data to be reviewed should include date and time of incidents, type of force or weapon used and types of encounters, as well as, race, age, gender of subjects involved and all injuries to persons, employees and others. **1.1.14**

8. The National Use of Force Data Collection Database shall be notified per protocol by Deputy Chief of Operations. **1.1.7; 1.1.14**

IX. LESS LETHAL WEAPONS 1.1.4

A. All officers shall be properly trained and certified when appropriate, in the use of any less lethal weapons before being authorized to carry such weapons. K-9 handlers are specially trained in the use and deployment of a K-9. **1.1.4, 1.1.10** [Also See FPD Policies 100-30 *Expandable Baton*, 100-35 *Conducted Energy Weapons*, FPD 100-43 *Canine, Kinetic Energy Weapon* 100-33, OC 100-13.

B. OC Spray or CEW Deployment

1. OC Spray or a CEW may be used when physical force is necessary to:
 - a. Protect an officer or other person from an assault;
 - b. Subdue a person who actively resists arrest; or
 - c. Control persons engaged in riotous or violent conduct.
2. It is preferred that OC or a CEW not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same end. Officers should issue a verbal warning and allow a reasonable amount of time for response unless a warning could endanger the officer or others.

NOTE: No tactical advantage is realized by indiscriminate use of OC Spray, a Taser, or any less lethal weapon against non-combative persons.

3. OC Spray or a CEW are not intended to be a substitute for other weapons in situations in which the use of other weapons is more appropriate.
4. Absent exceptional circumstances, officers shall not use OC spray on children, pregnant women and elderly persons, or for the sole purpose of protecting property.
5. The officer involved will file the appropriate reports whenever a less lethal weapon is deployed.
6. When OC is used, it should be aimed at the subject's face and upper torso.

Officers are required to utilize only two (2), one second bursts from at least 3 feet away from the subject unless exceptional circumstances require otherwise. Each deployment of OC spray must be justifiable. First aid shall be administered as soon as practicable under the circumstances. Upon arrival at Police Headquarters, and once the subject is cooperative enough that it is safe to do so, the subject shall be given the opportunity to wash with warm water. Officers shall transport sprayed subjects to the hospital for treatment when they complain of continued effects after decontamination or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the application of OC spray. Normally, unless other circumstances exist per CEW policy, the CEW darts may be removed by a trained certified CEW user once the subject has been restrained using the procedures outlined in training. **1.1.5**

7. The use of OC Spray is not authorized for non-violent behavior or when handcuffed unless a threat to the officer or others exists.
8. Once handcuffed, a contaminated subject should not be placed faced down due to the risk of positional asphyxia. Officers shall monitor handcuffed subjects.

C. **Police Batons: Expandable Baton**

1. The Police Expandable Baton, Armament Systems and Procedures (ASP) 21” Expandable Baton, or
2. Monadnock 21” AutoLock Expandable Baton with Power Safety Tip

May be used as:

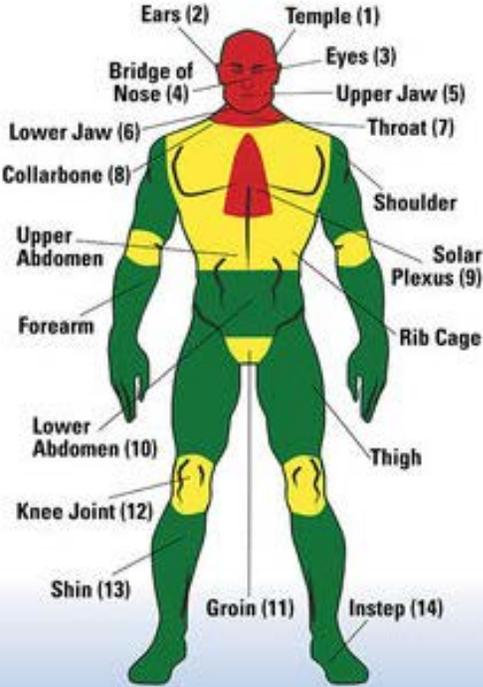
- a. As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile;
- b. As a defensive weapon to ward off blows;
- c. As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject when all lesser means of applying defensive force have failed or would obviously be futile. An officer is justified in using this type of force under the following circumstances:
 - i. To overcome the violent resistance of an arrestee;
 - ii. To overcome an assault on an officer or a third party;
 - iii. To deter persons engaged in riotous or violent conduct.

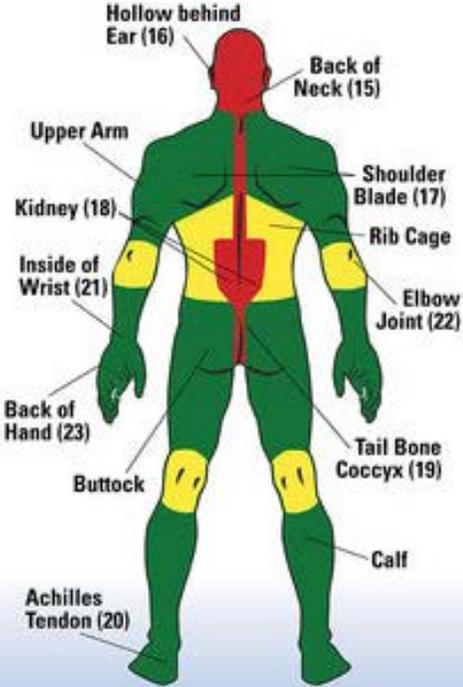
3. Any time the police baton is used to strike a person or a subject is injured when applying a takedown or come-along hold medical treatment shall be provided and a use of force report must be completed. **1.1.5**
4. For guidance on the use of the baton please refer to the MPTC / Monadnock chart (on the next page) for appropriate striking areas and descriptions of “Green,” “Yellow,” and “Red” target areas.

BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas







STRIKING AREAS

GREEN	YELLOW	RED
<p style="text-align: center; color: red; margin: 0;">REASONING</p> <p style="margin: 0;">Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p style="margin: 0;">Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p style="text-align: center; color: red; margin: 0;">REASONING</p> <p style="margin: 0;">Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p style="text-align: center; color: red; margin: 0;">REASONING</p> <p style="margin: 0;">Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

When performing Static /Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking, jabbing techniques.

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X. LETHAL 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 **Lethal 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 officers must sometimes make split second decisions in life and death situations.

The value of human life is immeasurable in our society. This Department places its highest value on the sanctity of life, the 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 lethal force.

The citizens of the Commonwealth have vested in their police officers the power to use lethal force in the exercise of their service to society. Police officers are allowed to use lethal force as a means of last resort to protect themselves and others from the immediate threat of death or serious physical injury. Even though all officers must be prepared to use lethal force when necessary, the basic responsibility of police officers to protect life also requires that the utmost restraint be exercised in its use and that officers exhaust all other reasonable means before resorting to the use of lethal force. This includes developing the skills to de-escalate volatile encounters, containing and awaiting assistance, and avoiding poor tactics which may create the need to use lethal force.

XI. PARAMETERS FOR THE USE OF LETHAL (DEADLY) FORCE 1.1.2 (2)

A member of this Department is authorized to use lethal force only when there is no viable alternative available to:

A. Defend himself or another from unlawful attack which he/she reasonably perceives as an immediate threat of death or serious physical injury;

OR

B. Effect an arrest, only when:

1. The arrest is for a felony; and
2. The officer reasonably believes that:
 - a. The force employed creates no substantial risk of injury to innocent persons; and
 - b. The **crime for which the arrest is made involved the use or attempted use, or threatened use of lethal force;** and

- c. **There is substantial risk that the person to be arrested will cause death or serious physical injury if their apprehension is delayed.**
- C. **Where practical and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some verbal warning before using deadly force.**
- D. A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm and;
- (1) The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;
 - (2) The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
 - (3) The officer's use of force is objectively reasonable.
- E. A law enforcement officer shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.
- F. An officer may not use deadly force against a person who poses only a danger to themselves.
- G. Subjects in Moving Motor Vehicles: See Paragraph XIII. G., below for further guidance.
- H. A law enforcement officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.
- I. Officers shall always provide appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

XII. FIREARMS PROCEDURES (SEE POLICY 50-4)

- A. Police Officers receive academy firearms training prior to being issued firearms for self-protection and for the protection of the public, and at least bi-annual in-service firearms training thereafter.
- B. A police officer is authorized to use a firearm to:
1. Protect themselves or others from what they reasonably believe to be an immediate threat of death or serious physical injury; or

2. To prevent the escape and effect the arrest of an individual whom the officer has probable cause to believe has committed a felony involving the use, attempted use or threatened use of lethal force and whom the officer reasonably believes will cause death or serious physical injury if apprehension is delayed, in accordance with the conditions set forth in Section X., "Parameters for the Use of Deadly Force."

C. **In the event that the use of Lethal Force becomes necessary, the officer shall immediately render appropriate medical aid for that person upon whom the force was used, activate the EMS System and arrange for transportation to the hospital for further treatment as necessary. 1.1.5**

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance (in accordance with departmental transportation procedures) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report. 1.1.5

1. The officer shall promptly notify their immediate supervisor of the incident who shall respond and take control of the initial investigation.
2. **Each officer who engages in a use of force shall prepare and submit all required reports (incident report and use of force form). Officers who are involved in or witness a use of force incident shall submit reports as directed by a supervisor.** Officers shall indicate whether or not force was used during an incident via the designated field in the Department's report writing software. 1.1.6
3. Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented. 1.1.5
4. Ensure that the need for medical treatment for the detainee is properly evaluated and provided. 1.1.5
5. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photographs, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

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

6. The supervisor will file a report on the incident and his observations with the Officer in Charge (OIC) at Police Headquarters. 1.1.6

- D. A police officer may discharge an issued Department weapon under the following circumstances:
1. At an approved firearms range for authorized training, target practice or competition, with weapons authorized by the Department.
 2. To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options shall be exhausted, however, before shooting the animal.
 - a. Officers who find it necessary to discharge firearms in this situation shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.
 - b. Where feasible, children should not be present.
 - c. It will not be necessary to complete a Use of Force Report when a badly injured animal is destroyed.
 - d. The officer shall submit an Incident Report for all firearm discharges other than training according to current departmental procedures. [1.1.6](#)

E. **Warning Shots**

Because of the danger of unintentional death or injury, warning shots are strictly prohibited. [1.1.3](#)

F. Signaling Devices

Firearms shall not be used as signaling devices or to summon assistance. [1.1.3](#)

G. Moving Vehicles [Also See Policy No. [100-6 Vehicular Pursuit](#)]

1. A law enforcement officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm; and only if the following conditions exist:
 - a. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle, or when the vehicle is intentionally being used as a deadly weapon, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.

- b. Officers have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle at close proximity while dismounted);
- c. The officer is not firing strictly to disable the vehicle; and
- d. The circumstances provide a high probability of stopping or striking the intended target.

NOTE: Therefore, shooting at a fleeing vehicle or a vehicle that is going away from the officer and is no longer an immediate threat is prohibited. Under such circumstances, 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 causing injury to innocent persons. **1.1.2 (4)**

- 2. In every incident, the officer shall take into account the location of vehicular and pedestrian traffic and the potential hazard to innocent persons.
- 3. Firearms shall not be utilized when the circumstances do not provide a high probability of stopping or striking the intended target, or when there is substantial risk to the safety of other persons, including risks associated with vehicle accidents.
- 4. Every precaution shall be taken to ensure the safety of the general public in the vicinity.

H. Drawing or Displaying

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. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.), the officer should carry their firearm in a position that will facilitate its speedy, effective, and safe use. Officers shall not point firearms at persons in circumstances that are clearly unjustifiable. **In the event it is necessary to point a firearm at a subject, officers shall note justification within a Use of Force Report.**

I. Permissible Weapons and Ammunition

- 1. Only weapons and ammunition authorized by the Framingham Police Department will be used by agency personnel in the performance of their responsibilities (please see Appendix A of this policy) while on duty. Officers taking action off duty with agency approved firearm must use agency approved ammunition. **1.1.9**

NOTE: Officers shall carry their issued weapon while on duty.

2. **An officer shall not alter or modify his firearm or ammunition in any way without the express permission of the Chief of Police.**

NOTE: Under Massachusetts General Laws, 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. If an officer elects to carry their duty weapon while off duty, they must also carry their official police identification.

- J. Members of the department authorized to carry a firearm shall take all reasonable precautions to ensure that weapons issued to them by the department are properly stored, protected from loss, misuse, or theft while on duty and off duty. All requirements under MGL 140 S 131L must be complied to. **1.1.9**
- K. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon, which malfunctions, shall be returned to the department Armorer forthwith for the necessary repairs. **1.1.9**
- L. **Training and Qualification**
1. All personnel authorized to carry a Department issued firearm or CEW shall qualify by demonstrating proficiency with their issued weapon and any other lethal weapon they are authorized to carry while on duty at least annually. **1.1.10, 1.1.11 (1B); 16.3.6.** Training on this policy shall be conducted at each weapon system in service. **1.1.11 (1A, 2A)**
 2. **All approved lethal weapons and CEW qualifications shall be under the direction of the department's Firearm Training Coordinator and certified Municipal Police Training Committee (MPTC) weapons instructors. 1.1.11 (5), 1.3.11 a; 16.3.6**
 3. All officers will be expected to qualify in accordance with the standards established by the MPTC.
 4. Only Officers demonstrating proficiency in the use of Department issued weapons will be authorized to carry or use those weapons. Officers who fail to qualify with any issued weapon or special weapon shall not be authorized to carry or use that weapon. **1.1.10, 1.1.11**
 5. Any officer who requires additional training instruction will be given reasonable amount of time to demonstrate proficiency while removed from line duty assignment and assigned to administrative duty. If it becomes necessary, the Officer will be sent to remedial firearms training until such time as he/she successfully passes the MPTC qualification course prior to resuming official duties. **1.1.11(6)**

6. Qualification and proficiency shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
7. No member of this Department will be authorized to carry lethal or less lethal weapon until he/she has: **1.1.13; 16.3.6**
 - a. Found to be proficient in the weapon system.
 - b. Qualified at the range with a minimum passing score of 80% for firearm.
 - c. Each member shall electronically sign a receipt indicating that he/she has received and reviewed an electronic copy of the Framingham Police Department Use of Force Policy as well as the weapon specific policy, which shall be maintained by the Smartforce Policy Software. **1.1.11, 1.1.13**
8. All weapons qualification records and officer scores shall be documented and maintained by the Firearms Training Coordinator and uploaded to the firearms database. **1.1.11**
9. Prior to the issuance of any weapons to employees, the Department Armorer shall review, inspect and approve each individual weapon and document such. If a new weapon is issued the corresponding weapon policy and use of force policy must be reviewed with officer and documented. If any malfunctions or defects are found or if the weapon is found to be unsafe in any manner, the deficiency shall either be rectified or the weapon shall be returned to the manufacturer for a replacement weapon or otherwise removed from service. **1.1.9, 1.1.13**
10. The Department Armorer shall maintain a log for each weapon that is owned by the Framingham Police Department. This log should list the make, model, serial number that indicates that it is a safe weapon. A centralized file shall also be maintained by the Firearms Coordinator documenting the make, model and serial numbers of the issued duty weapons to each member of the department. **1.1.9**

M. Off-Duty Weapon

All officers in good standing are authorized to carry their department issued firearm while off duty if appropriately licensed and successfully passed department firearms qualification testing. The use of department firearm off duty must be consistent with department policies and applicable laws.

XIII. SPECIAL WEAPONS

- A. When not carried in the locked rack in the patrol vehicle, special weapons will only be issued, with the knowledge and permission of the Officer in Charge of the police station, to officers who have qualified with them.
1. All officers authorized to use any of the Department's special weapons, such as the M4 and shotguns, will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Municipal Police Training Committee (MPTC), the manufacturer, or the Department's Weapons and Tactics Instructor, at least annually. **1.1.9**
 2. A listing of all officers who have qualified with each special weapon will be maintained with the firearms Training Coordinator.
- B. Special weapons may be selectively issued by the Officer in Charge of the police station if, in his/her opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons in such circumstances shall use those weapons in accordance with the provisions of applicable departmental policies and procedures as well as any additional guidelines issued at the time.
- C. Prior to issuing any special weapon, the Officer in Charge of the police station shall inquire of any officer to whom he intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a police officer not to accept a special weapon unless he is qualified in its use.

XIV. ADMINISTRATIVE RELIEF FROM DUTY DUE TO THE USE OF LETHAL FORCE 1.1.8

- A. In every instance in which any employee acting in an official capacity uses lethal force and where such use of force results in death or serious bodily injury to another person, the following steps shall be taken:
1. Whenever an officer uses force that results in a death or serious bodily injury, the Officer-in-Charge shall immediately notify the agency head or their designee. The agency shall conduct an investigation according to their policies and protocols.
 2. If the use of force involved a weapon, the agency head or their designee shall secure the weapon or weapons used for examination and maintain the appropriate chain of custody protocols.
 3. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from line-duty assignment, pending an administrative review of the incident by a supervisor not directly involved in the incident or such other period of time as the Chief of Police deems necessary. **1.1.8**

4. The involved employee will be given the opportunity to call his/her family as soon as possible to avoid the possibility of their learning about the incident through other than official sources, e.g., press, radio, television, etc.
 5. The employee shall not be allowed to talk to the press. All information regarding the incident will be disseminated through the office of the Chief of Police or the Public Information Officer.
- B. Assignment to Administrative Leave status shall be with no loss of pay or benefits.
- C. Relief from duty with full pay and benefits is intended to serve two purposes:
1. To address the personal and emotional needs of an employee and his/her involved in the use of lethal force which results in injury or death; and
 2. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- D. An employee so relieved from regular duty status and assigned to an Administrative Leave status shall remain on leave until the investigation is concluded and his emotional needs have been met. Officers on Administrative Leave shall assure their availability to the Department and/or State Police Investigators to assist, when necessary, in the investigation of the incident.
- E. Whenever an employee is involved in the use of lethal force incident that results in death or serious injury the Chief of Police or his designee will make arrangements for stress counseling. (Mass. State Police Employee Assistance Unit @ 781-821-5496 or MSP Headquarters @ 508-820-2121 or Boston Police Peer Support Unit 617-343-5175 Monday Friday 8:00AM – 5:00PM (all other times 617-594-9091 ask to speak to the on-call peer counselor) or any appropriate psychological assistance provider for the employee/officer and members of his or her immediate family, authorized by the Chief of Police.

Appendix A**AUTHORIZED EQUIPMENT 1.1.9****AUTHORIZED FIREARMS (HANDGUN)- LETHAL**

MANUFACTURER	MODEL	CALIBER	MAGAZINE CAPACITY
GLOCK	21	45	13
GLOCK	30	45	10
GLOCK	43X	9MM	10
SMITH AND WESSON	Revolver/AirlightPD	357 MAGNUM	5

AUTHORIZED AMMUNITION (HANDGUN)-LETHAL

DUTY/RANGE	MANUFACTURER	BULLET/WGT.	VELOCITY
RANGE	CCI BLAZER	.45/ 230 GRAIN	950 FPS
DUTY	FEDERAL	.45/ 230 GRAIN	950 FPS
RANGE	FEDERAL	9MM/124 GRAIN	1200 FPS
DUTY	FEDERAL	9MM HST +P/ 124 GRAIN	1200 FPS
DUTY	CCI SPEAR	38 SPECIAL/125 GRAIN (TMJ)	

AUTHORIZED PATROL RIFLES- LETHAL

MANUFACTURER	MODEL	CALIBER	MAGAZINE FED
COLT	M4 CARBINE	5.56MM	YES

AUTHORIZED RIFLE AMMUNITION- LETHAL

DUTY/RANGE	MANUFACTURER	BULLET/WGT.	VELOCITY
RANGE	FEDERAL	5.56/ 55 GRAIN (FMJ)	3000 FPS
DUTY	HORNADY	5.56/ 62 GRAIN TAP	3000 FPS

AUTHORIZED SHOTGUN- LESS LETHAL

MANUFACTURER	MODEL/ACTION	CALIBER	MAGAZINE CAPACITY
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REMINGTON	870/PUMP	12 GA	4
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AUTHORIZED SHOTGUN AMMUNITION- LESS LETHAL

DUTY/RANGE	MANUFACTURER	WEIGHT	VELOCITY
DUTY & RANGE	CTS	SUPERSOCK	290 FPS

AUTHORIZED TASER-LESS LETHAL

MANUFACTURER	MODEL
TASER	X2

AUTHORIZED TASER CARTRIDGE-LESS LETHAL

X2	25'
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AUTHORIZED BATON-LESS LETHAL

MANUFACTURER	MODEL
ASP	FRICION LOCK 21'
MONADNOK	AUTOLOCK 21'

AUTHORIZED CHEMICAL SPRAY- LESS LETHAL

MANUFACTURER	MOP	STRENGTH
SABRE RED	STREAM	10%

Appendix B

Peace Officer Standards and Training Commission **Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children**

Introduction

In Section 119 of the Chapter 253 of the Acts of 2020, the Legislature instructed the Massachusetts Peace Officer Standards and Training Commission (“Commission”) to: “issue guidance as to developmentally appropriate de-escalation and disengagement tactics, techniques, and procedures and other alternatives to the use of force for minor children that may take into account contextual factors including, but not limited to, the person’s age, disability status, developmental status, mental health, linguistic limitations or other mental or other mental or physical condition.”

The purpose of this guidance is provide Massachusetts Law Enforcement Officers and Law Enforcement Agencies¹ with guidelines for the use of developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to use of force with minor children (i.e. children under the age of 18). This guidance does not have the force of a statute or regulation, and does not express requirements with which Law Enforcement Officers or Agencies must comply.

The Commission recognizes that in issuing such guidance, it must balance the goals of improving the safety of children, the needs of the community, and the well-being of Law Enforcement Officers,² while increasing trust between Law Enforcement Officers and the communities they serve. The Commission expects that this guidance will be modified and refined as new knowledge, facts, and scientific evidence

¹ Law Enforcement Agency is defined in Chapter 6E as: “(i) a state, county, municipal or district law enforcement agency, including, but not limited to: a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff’s department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.”

² Law Enforcement Officer is defined in Chapter 6E as: “Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve or intermittent police officer.”

inform the understanding of factors that influence the outcomes of Law Enforcement Officer-minor child interactions.

Moreover, the Commission believes that these Law Enforcement Officer-minor child interactions are best understood in a broader context that acknowledges the convergence of multiple factors, primarily minor child factors, community factors, and Law Enforcement Officer factors, in determining the outcome of these interactions.

Context of the Interaction between Minor Children and Law Enforcement Officers

Minor Children

Minor children are uniquely vulnerable to violence and trauma. Interactions between Law Enforcement Officers and minor children often represent a minor child's earliest experiences with the legal or law enforcement system and may impact a minor child's development, sense of security and regard for authority. Law Enforcement Officers who are well trained and supported to embrace and understand developmentally appropriate interventions with minor children are likely to engage in positive and culturally-competent interactions with minor children that increase their well-being and promote successful outcomes.

It is well documented that minor children are developmentally distinct from adults. These developmental differences are related to the biological immaturity of children, including their lack of life experience relative to adults. According to the National Academy of Sciences' *Reforming Juvenile Justice* report (2013), children are developmentally distinct from adults in at least three ways: (1) they demonstrate less emotional self-regulation in emotionally charged situations; (2) they have increased susceptibility to external influences such as peer pressure and immediate incentives; and (3) they are less able to make judgments and decisions that require future orientation. Minor children have a propensity for "rash, impulsive and poorly considered actions" especially when faced with "emotionally-charged situations where the time for deliberation is limited, and they lack access to an adult or other person who can help them consider options and consequences - often when with peers." (Kinscherff, 2021). Due to their developmental immaturity, they are less likely than adults to respond favorably to transactional policing approaches, accurately appraise officer behavior and experience police stops as a deterrent to criminal behavior (Thurau and Fine, 2021).

Community

It is also well-established that factors associated with the community environment such as crime level, police patrol presence, socioeconomic level and neighborhood disorganization affect police behavior and arrest rates. (Sanborn and Salerno, 2005). Research on race and policing indicates that Black Americans experience a greater frequency of police contacts, discretionary stops, and police harassment when these stops occur (Maynard and Haider-Markel, 2014; Fagan et al., 2010; Fagan and Tyler, 2005; Meares, 2014). Discretionary stops by police that are interpreted as harassing, unfair, or discriminatory undermine the public trust in police, encourage avoidance of police and negatively impact community and individual mental health (Geller et al., 2014; Sewell, Jefferson and Lee, 2016). Research has found that community factors and perceptions of procedural justice also impact the attitudes that minor children have toward police (Office of Juvenile Justice and Delinquency Prevention, 2018). When Law Enforcement Officer-minor child interactions are unbiased, respectful and built on a foundation of

positive community experiences, they are more likely to elicit cooperation, foster trust and decrease a minor child's experience of fear and trauma during contacts with Law Enforcement Officers.

Law Enforcement Officers

Factors associated with individual officer characteristics such as an officer's years of experience on the job and the overall culture of a police department also influence Law Enforcement Officer-minor child interactions. (Office of Juvenile Justice and Delinquency Prevention, 2018). Law Enforcement Officers who are well trained, properly supported in their job, and emotionally regulated are more likely to communicate effectively with children, make sound assessments of risk and options for intervention, and slow down when necessary to de-escalate a crisis incident.

The increased exposure to violence and threats to the personal safety of self and the safety of others on the job creates high levels of occupational stress for Law Enforcement Officers. On the job exposure to the serious injury or death of a child has been recognized as one of the most stressful critical incidents Law Enforcement Officers may encounter in the course of their careers. Law Enforcement Officers should have access to support and post-encounter crisis debriefing of critical incidents involving minor children to prevent stress reactions.

During interactions with minor children, Law Enforcement Officers should be particularly aware of minor children's normal developmental tendencies to react anxiously and distrustfully to police presence. When feasible, they should approach minor children in a non-confrontational manner to diffuse tension while maintaining safety. Law Enforcement Officers should be trained in developmentally appropriate, trauma-informed and racially equitable tactics to de-escalate minor children, including communication strategies which avoid threats and intimidation and promote calm age-appropriate language, provide choices and allow ample time for compliance. It is also critical that Law Enforcement Officers are aware of their own stress level and the impact of their presence and behavior on the outcome of interactions with minor children.

POST COMMISSION GUIDANCE

DE-ESCALATION & DISENGAGEMENT³

1. When appropriate, safe, and feasible in determining how to respond to minor children, Law Enforcement Officers **should use de-escalation strategies in an attempt to problem solve and provide alternatives to arrest.**
2. Law Enforcement Officers should consider all approved diversion options and select the alternative which **least restricts the minor child's freedom and provides an alternative compatible with the best interests of the minor child and the community.** When interacting with minor children, Law Enforcement Officers should make every reasonable effort to prevent an incident from escalating.
3. Any Law Enforcement Officer involved in a situation with a minor child should remain calm, engage the minor child in dialogue, and **attempt to gain cooperation and trust** from the minor child whenever safe and feasible.
4. When appropriate and feasible, Law Enforcement Officers should **approach a minor child in a manner that is slower and more deliberate** than a Law Enforcement Officer would approach an adult, in order to begin a process of de-escalation and to encourage and promote mutual cooperation and trust.
5. Law Enforcement Officers should attempt to engage the minor child in conversation, explain their role as peace-keeper, and encourage the minor child to partner with the officer in keeping the peace and managing the situation by using the timing, language, and physical bearing that is least likely to escalate the minor child's response.
6. Law Enforcement Officers' attempts to keep the peace should provide the minor child with the opportunity to understand and comply with their instructions, encourage questions and provide answers, and minimize the likelihood for confrontation by engaging in and facilitating non-threatening dialogue.
7. When it is safe and feasible, Law Enforcement Officers should adopt a calm, collaborative, respectful, and firm demeanor with minors to prevent a fight, flight or freeze response, slow down the interaction, and de-escalation the situation.
8. When interacting with a minor child, Law Enforcement Officers should explain the interaction in an age or developmentally appropriate manner, use developmentally appropriate language, **maintain a non-threatening demeanor, and treat the minor child with courtesy, professionalism, dignity, respect, and equality.**

³ The Municipal Police Training Committee (MPTC) in their current lesson plan, *Police Response to Mental Illness and Emotional Disturbances*, defines de-escalation as an “interactive process where the goal is to guide an individual to a calmer state of mind and to get to solution-based thinking. De-escalation refers to establishing and maintaining control of a situation in order to increase the safety of all and to build rapport with a person in order to increase cooperation.” This concept of de-escalation is embedded in the MPTC's current Use of Force and Integrating Communications, Assessment and Tactics (ICAT)ⁱ curricula. It is generally understood that de-escalation techniques require Law Enforcement Officers to make a shift away from transactional, “quick resolution” tactics and slow down their interactions to build rapport and provide support to an emotionally dysregulated individual.

9. When interacting with a minor child, officers should **avoid tactics that are demeaning or likely to humiliate the minor child.**

EDUCATION & TRAINING

10. Training of Law Enforcement Officers should address child and adolescent development, brain development, and trauma informed, age-appropriate, and culturally relevant tactics to **prevent escalation of Law Enforcement Officer-minor child interactions.**

Training should include, but is not limited to:

- a. **Implicit and explicit bias training** to address racial, age-based, gender, cultural, linguistic, and economic bias and the disproportionate impact of such biases on minor children of color;
 - b. Trauma training that includes strategies for effective, **trauma-informed responses to minor child behavior.** Training should provide a basic understanding of emotional and/or traumatic stress presentation in minor children;
 - c. **Scenario based training** involving interactions with minor children;
 - d. Training should include special considerations that officers should take when encountering special populations including minor children suffering from cognitive/and or mental health issues, minor children under the influence of substances, minor children with disabilities, and minor children for whom English is not a first language; and
 - e. Training in **communication, stabilization, and crisis intervention strategies** and techniques. Strategies/techniques should encompass:
 - i. active, reflective, and empathic listening;
 - ii. rapport building;
 - iii. affect management; and
 - iv. crisis negotiation and response.
11. Law Enforcement Agencies should develop a **specific academy training on how to interact and engage with minor children.** Academy training should include the following as it relates to minor children:
- a. **Conflict resolution and problem solving;**
 - b. **Alternatives to arrest;** and
 - c. **Impact of child development and trauma** on minor children's ability to process, take directives, and respond to Law Enforcement Officers.

TRAUMA

12. Law Enforcement Officers should be encouraged to access support and **debriefing following critical incidents involving minor children.**
13. **Partnerships between Law Enforcement Officers and behavioral health professionals should be encouraged** and Law Enforcement Officers should have access to accurate information about community resources for minor children and their families.

COMMUNITY

14. Law Enforcement Agencies should encourage and provide resources for Law Enforcement Officers of all ranks to **establish community relationships** through non-enforcement interactions among Law Enforcement Officers, minor children, and other community members.
15. Law Enforcement Agencies should make identified **community resources for minor children available and accessible to Law Enforcement Officers**.
16. Law Enforcement Agencies should periodically **review and update procedures for effective Law Enforcement Officer-minor child interactions** that include effective communication strategies for children.
17. Law Enforcement Agencies should **support initiatives that increase positive Law Enforcement Officer-minor child interactions and engagement** in communities that increase community trust in Law Enforcement Officers.