


<b>FRAMINGHAM POLICE DEPARTMENT</b>		Next Review Date: July 17, 2021
<b>Subject: Use of Force</b>		Effective Date: July 17, 2020
<b>Category: 100 - Operations</b>		Expiration Date: Indefinite
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <a href="#">1.2.2</a> ; <a href="#">1.3.1</a> ; <a href="#">1.3.2</a> ; <a href="#">1.3.3</a> ; <a href="#">1.3.4</a> ; <a href="#">1.3.5</a> ; <a href="#">1.3.6</a> ; <a href="#">1.3.7</a> ; <a href="#">1.3.8</a> ; <a href="#">1.3.9</a> ; <a href="#">1.3.10</a> ; <a href="#">1.3.11</a> ; <a href="#">1.3.12</a> ; <a href="#">1.3.13</a> .		POLICY <b>100-4</b>
Distribution: Police Department	Issuing Authority <i>Ronald S. Brandolini</i> Ronald S. Brandolini Acting Chief of Police	

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**I. GENERAL CONSIDERATIONS AND GUIDLINES**

The Framingham Police Department (FPD) places the highest value on the sanctity of life, safety of its officers, protection of the public and respecting individual dignity. Because of their law enforcement and peacekeeping role, a Framingham Police Officer will be required at times to resort to the use of physical force to enable them to fully carry out their responsibilities. Police officers are confronted continually with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The degree of force used is dependent upon the facts surrounding the situation the officer encounters. Only a reasonable and necessary amount of force may be used and is dependent upon the intensity of resistance or threat to safety that the situation presents, and the lack of viable alternatives.

The rationale for the use of force is to maintain and/or reestablish control over a situation. 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 reasonable and necessary to maintain and/or reestablish control by overcoming resistance to the officer's lawful authority while minimizing injuries.

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 skills and abilities allowing an officer to regularly resolve confrontations without resorting to force is a hallmark of the professional police officer.

## II. DEFINITIONS

- A. **LETHAL FORCE.** Lethal 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 choke holds and red zone strikes with batons. The use of a firearm is ALWAYS the use of lethal force. **1.3.2**
- B. **LESS LETHAL FORCE.** Less lethal force is that degree of force, which in the circumstances 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, OC, Expandable Baton, Taser, and K-9, to provide them with an advantage when fending off or subduing unarmed assailant.
- C. **REASONABLE FORCE.** *Graham v. Connor*, 490 U.S. 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.
- D. **NECESSARY FORCE.** The least amount of force required to overcome the resistance offered.
- E. **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.

- F. **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.
- G. **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. [1.3.2](#)
- H. **DEFENSIVE FORCE.** The necessary use of physical force to overcome violent resistance from an attacker, or to protect others from assault, injury or death.
- I. **DE-ESCALATION.** The use of tactics, communication skills and other interventions with the goal of non-violent positive compliance with lawful objectives.

### 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. [1.3.1](#)
- 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). [1.2.2](#), [1.3.2](#)
- 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. **Any officer present and observing another officer using force that is clearly beyond what is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. Any officer who observes another employee use unreasonable force shall promptly report these observations to a supervisor.**

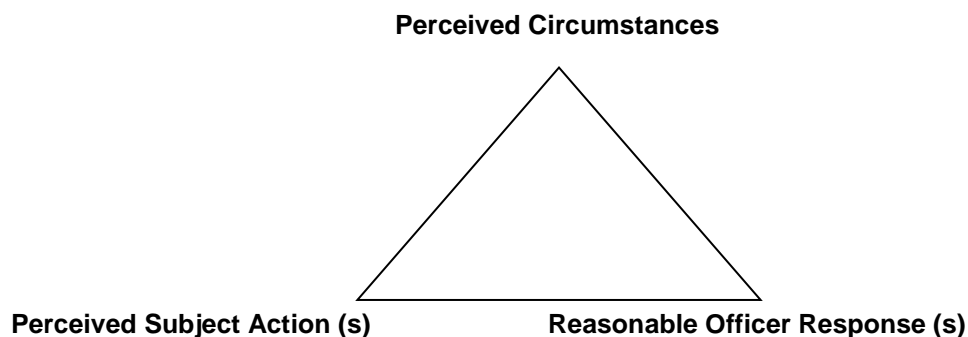
- D. This policy requires strict adherence by all personnel including but not limited to all sworn full-time permanent police officers, auxiliary officers and animal control officers.

#### 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 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 lawful objective or to protect himself 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. **1.3.6 d**
3. **CHEMICAL SUBSTANCE.** Department approved less lethal chemical substance when used to overcome resistance or an assault, or deter riotous or violent behavior.
4. **LESS LETHAL IMPACT DEVICES.** The Department has approved Lethal Impact Devices when used as an impact instrument by the officer to defend themselves or another from the threat of serious physical injury. **1.3.4** See FPD Policies on the Expandable Baton, 100-30, Kinetic Energy Impact Weapon System, 100-33, and Conducted Energy Weapons, 100-35.
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 IX of this policy. See FPD Policy on Firearms 50-5.

#### 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.

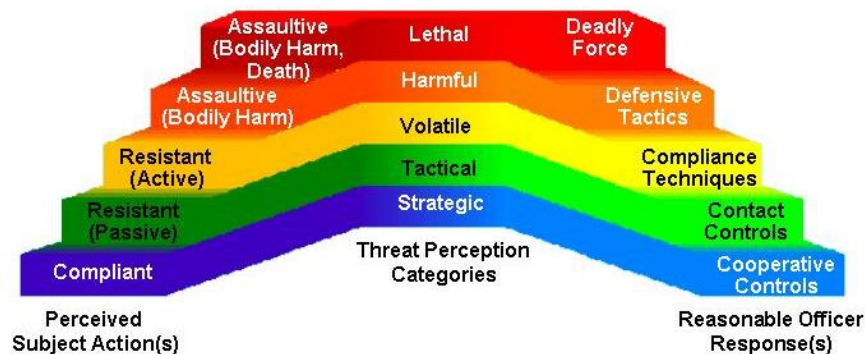
**Perceived Circumstances** - the officer's perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of

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

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

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

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

### Threat Perception Categories

**Strategic** - the broad "mind set" of the officer, represented by the blue baseline on the Threat Perception Color Code©. The contemporary officer must maintain this functional foundation, centered upon strategies designed to enhance the status of safety.

**Tactical** - the second level on the Use of Force Model, depicted by the color green. Here the officer perceives an increase in threat potential within the confrontational environment and tactical procedures are designated and deployed.

**Volatile** - the third level on the Use of Force Model utilizing the color yellow to indicate an activated level of alertness and threat potential. Here 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”, 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, neck restraints, choke holds, etc.

## V. DEALING WITH EMOTIONALLY DISTURBED PERSONS (EDP’S) OR PHYSICALLY DISABLED

- A. When an officer is dealing with individuals in enforcement and related contexts who are known or suspected to be mentally ill or physically disabled this could carry the potential for violence and requires an officer to make difficult and sometimes timely judgments about the mental and/or physical state and intent of the individual. Dealing with these individuals may require special police skills and abilities to effectively and legally deal with the person so as to avoid unnecessary violence and potential civil litigation. Given the sometimes unpredictable nature of 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. In the context of enforcement and related activities, officers shall be guided by Massachusetts State Law and the FPD Policy on Handling the Mentally Ill, 100-14 (if applicable) regarding the detention of the mentally ill and/or physically disabled and regarding Jail Diversion Program (JDP) or Psychiatric Emergency Services (PES) response. Officers shall use FPD Policy 100-14 to assist them in balancing whether a person’s behavior is indicative of mental illness and in dealing with the mentally ill and/or physically disabled in a constructive and humane manner while insuring officer and public safety.



- B** Should the officer determine that an individual may be mentally ill and/or physically disabled and a potential threat to himself, 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.
  3. Move slowly and do not excite the disturbed person. Provide reassurance that the police are there to help and that he 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 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.
- C. 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. PARAMETERS FOR THE 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 **1.3.4**
- B. To preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicted injury. **1.3.4**
- C. To apprehend or subdue a person in a reasonable and balanced manner who actively resists arrest or lawful detention.

## VII. 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. **1.3.4**
- 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. **1.3.4**
- C. **The use of neck restraints or control techniques, commonly known as choke holds, have a potential for serious injury therefore are not authorized unless the circumstance(s) warrant the use of deadly force. 1.3.4**
- D. **After any level of less lethal force is used, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when: 1.3.5**
  - 1. That person has a visible injury; or,
  - 2. That person complains of injury or discomfort and requests medical attention.

NOTE: Any person requesting and/or deemed 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, which will trigger a notification to the administration. **1.3.6 a, b, c, d**

**Officers will complete written reports whenever the following situations occur:**

1. **Displaying a police weapon as a means to gain compliance. This would include CEW, Kinetic Energy Impact Weapon, handgun, shotgun, or rifle.**
2. **CEW incidents to include verbal, visual, laser, and/or spark warnings, as well as probe and/or drive stun CEW deployments. See Policy on Conducted Energy Weapons, 100-35.**
3. **Discharging a police weapon to accomplish a police objective. This would include using an aerosol weapon (OC) on an individual (see Policy on OC Spray 100-14), striking a person with a baton (see Policy on Expandable Baton 100-30), discharging a Kinetic Energy Impact Weapon (see Policy on Kinetic Energy Impact Weapon System 100-33), tasing a suspect, or shooting a duty handgun, shotgun, or rifle.**
4. **A member uses physical force. Each member who engages in the activity will submit the required reports.**

**5. Notwithstanding the reporting requirements listed in the immediately preceding 4 bullet points, each officer who threatens to use force shall submit a written incident report.**

H. The **Patrol Supervisor shall immediately respond** to the scene of any use of force incident where an officer is injured, or a detainee has a visible injury, or complains of injury or discomfort and requests medical attention, and the supervisor shall: **1.3.5, 1.3.6 b, c, d; 1.3.7; 1.3.13**

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. The responding Patrol Supervisor shall review the incident report(s) and the use of force form(s).
5. Report the incident to the Officer in Charge (OIC) at Police Headquarters.
6. In incidents where the supervisor is directly involved in the use of force, another supervisor would be required to respond to the scene, review the required written reports, and report the incident to the Officer in Charge (OIC). **1.3.6 a, b, c, d**
7. 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, and report the incident to the Deputy Chief of Operations. **1.3.5, 1.3.6 b, c, d**
8. During the booking process, the booking officer shall mark whether or not force was used, which will trigger a notification to the

administration. When force was used, the booking officer shall complete the use of force reporting screen.

9. The Officer in Charge (OIC) at Police Headquarters should conduct a review of all reports concerning each use of force incident occurring during their assigned shift. Each Commanding Officer should make themselves aware of the use of force incidents occurring on their respective shifts. [1.3.7](#)
10. The Deputy Chief of Operations, in addition to reviewing each incident in a timely manner, shall also conduct an annual audit of all Use of Force Reports (firearms, defensive weapons, Taser, pursuits etc.) which may indicate additional or improved training methods, policy modifications and/or equipment upgrades. [1.3.7](#); [1.3.13](#)

## VIII. LESS LETHAL WEAPONS [1.3.4](#)

A. All officers shall be properly trained and certified when appropriate, in the use of any less lethal weapons (such as OC, expandable, straight or flexible baton, or Taser) before being authorized to carry such weapons. K-9 handlers are specially trained in the use and deployment of a K-9. [1.3.4](#), [1.3.10](#). See [FPD Policy on Expandable Baton, 100-30](#), [Kinetic Energy Weapons System, 100-3](#), [Conducted Energy Weapons, 100-35](#), [Oleo-Resin Capsicum \(OC Spray\), 100-13](#).

### B. **OC Spray or Taser Deployment**

1. OC spray or a Taser 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 Taser 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 or a Taser or any less lethal weapon against non-combatative persons.

3. OC or a Taser 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.**
4. The officer(s) involved and the supervisor will file the appropriate reports, whenever OC or Taser is deployed. **1.3.6 c, d**
5. When OC spray is used, it should be aimed at the subject's face and upper torso. Officers should 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 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. It is mandatory after Taser deployment to transport the subject by ambulance to a medical facility for probe removal. **1.3.5**
6. The use of OC Spray is not authorized for non-violent behavior or when handcuffed unless a threat to the officer or others exists.
7. 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 (See Expandable Baton Policy 100-30).**

1. The Police Expandable Baton may be used:
  - 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.
2. 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 report must be completed. **1.3.5**
  3. For guidance on the use of the baton please refer to the MPTC/Monadnock chart in policy 100-30 for appropriate striking areas and descriptions of "Green," "Yellow," and "Red" target areas.

## **IX. 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.

## **X. PARAMETERS FOR THE USE OF LETHAL FORCE**

**Police officers shall use firearms with a high degree of restraint. Officers' use of firearms, therefore, shall never be considered routine and is permissible only in**

**defense of life or to prevent serious bodily injury to the officer or others and then only after all alternative means, when practical, have been exhausted.**

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 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 his apprehension is delayed.

**C. Where practical and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some \*warning before using deadly force.**

\* Warning shots are strictly prohibited. **1.3.3**

## **XI. FIREARMS PROCEDURES (SEE FPD POLICY ON FIREARMS 50-4)**

**Police officers shall use firearms with a high degree of restraint. As explained below, use of firearms shall never be considered routine and is permissible only in defense of life or to prevent serious bodily injury to the officer or others and then only after all alternative means have been exhausted.**

A. Police Officers receive academy and annual in-service firearms training prior to being issued firearms for self-protection and for the protection of the public.

B. A police officer is authorized to use a firearm to:

1. Protect himself or others from what he reasonably believes 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. **1.3.5**

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. **1.3.5**

- 1.) The officer shall promptly notify his immediate supervisor of the incident who shall respond and take control of the initial investigation.
- 2.) The officer shall prepare and submit all required reports. If more than one officer is involved in a lethal force incident, each officer shall complete a separate report outlining his actions and observations in the incident. **1.3.6 a, b, c, d**
- 3.) Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented. **1.3.5**
- 4.) Ensure that the need for medical treatment for the detainee is properly evaluated and provided. **1.3.5**
- 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. **1.3.6 a**

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 when a badly injured animal is destroyed. However, the officer shall submit an Incident Report according to current departmental procedures. **1.3.6 b**

E. Warning Shots

**Because of the danger of unintentional death or injury, warning shots are strictly prohibited. 1.3.3**

F. Signaling Devices

Firearms shall not be used as signaling devices or to summon assistance. **1.3.3**

G. Moving Vehicles [Also See Policy No. [1.04 Vehicular Pursuit](#)]

1. Officers **shall not** discharge a firearm from inside any moving vehicle.
2. **Discharging a firearm at a moving vehicle by an officer is prohibited, except to defend themselves or another when the occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious physical injury to themselves or another, and the officer reasonably believes that they will not endanger innocent persons. It is imperative that officers not position themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle at close proximity**

while dismounted, or standing in the vehicle's path when there is time and an opportunity to move).

**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.

3. Firing strictly to disable a vehicle is prohibited.
4. In every incident, the officer shall take into account the location of vehicular and pedestrian traffic and the potential hazard to innocent persons.
5. 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.
6. 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, which are clearly unjustifiable. **In the event it is necessary to point a firearm at a subject, officers shall note justification for the use of force within a report which fully describes the facts and circumstances of the event.**

## XII. 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 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. **1.3.9 a**
  2. A listing of all officers who have qualified with each special weapon will be maintained with the Firearms Training Unit.
- B. Special weapons may be selectively issued by the Officer in Charge of the police station if, in his 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.

<b>XIII. ADMINISTRATIVE RELIEF FROM DUTY DUE TO THE USE OF LETHAL FORCE 1.3.8</b>
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- 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. 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. The administrative review will be timely under the circumstances. **1.3.8**
  2. The involved employee will be given the opportunity to call his 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.
  3. 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.
- D. 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.

**XIV. USE OF FORCE REPORTING TO FBI NATIONAL USE-OF-FORCE DATABASE**

The Federal Bureau of Investigation (FBI) has developed a national repository for use-of-force information and will periodically release statistics to the public. The FBI will publish descriptive information on trends and characteristics of the data.

The Framingham Police Department will fully participate in the National Use-of-Force Data Collection Project by reporting all uses of force that meet the FBI's reporting criteria.