



ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations		
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SUBJECT: USE OF FORCE	ISSUING AUTHORITY: Chief James Cogan	
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I. PURPOSE

The Acton Police Department places the highest value on the sanctity of life, the safety of its officers, the protection of the public, and respecting individual dignity. Because of their law enforcement and peacekeeping role, a 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 continuously with situations requiring or resulting in the use of various degrees of force to effect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The degree of force used is dependent upon the facts surrounding the situation the officer encounters. Only a reasonable amount of force may be used and is dependent upon the totality of circumstances.

The rationale for the use of force is to maintain and/or re-establish 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/or 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 re-establish 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 Acton 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.

Furthermore, the manner in which personnel use force is an extremely critical issue to the Acton Police Department and one that generates intense public scrutiny. When

these incidents occur they demand a thorough and complete inquiry into all aspects of the incident. Only through an exhaustive inquiry can the facts of the incident evolve, giving the Department an opportunity to review its policies and procedures and affirm they are appropriate and achieving the desired outcomes thereby ensuring that public confidence is maintained.

II. POLICY

It is the policy of the Acton Police Department that officers use only the force that is reasonably necessary to accomplish lawful objectives such as to make a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and/or others. **[1.1.1(1)]**

Duty to Intervene – A law enforcement 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 the rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual. The failure of a law enforcement officer to intervene as set forth in 550 CMR 6.05 may subject the officer to disciplinary action, civil liability, and/or criminal prosecution. The officer may also have their certification revoked or be ordered to be retrained after a POST hearing. **[26.0.4(1)(2)(6)(8)] [1.1.1(5)] [1.1.2(5)]**

Sworn personnel of this Department may use deadly force only when the officer reasonably believes that the action is in defense of any human life in imminent danger of death or serious bodily injury. Officers may also use deadly 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 deadly force and whom the officer reasonably believes will cause death or serious physical injury if apprehension is delayed. **[1.1.0(1B)(2)] [1.1.2(2)]**

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

This policy requires strict adherence by all sworn personnel.

When exigent and unforeseen circumstances cause officers to deviate from the provisions of this policy, officers are still expected to act with intelligence, sound

judgment and in full conformity with both state and federal laws and constitutional provisions. Any such deviations from the provisions of this policy shall be examined on a case-by-case basis.

The Acton Police Department requires a written report whenever an officer:

1. Discharges a firearm (P Drive / Appendix D), for other than training or recreational purposes; **[1.1.6(1A)]**
2. Takes action that results in, or is alleged to result in, the injury or death of another person; **[1.1.6(1B)]**
3. Applies force through the use of deadly or non-deadly weapons; **[1.1.6(1B)(1C)]** or
4. Applies weaponless physical force at a level required to be reported by officers as defined under section B of Use of Force Reporting within this order. **[1.1.6(D)]**
5. Duty to Intervene Reporting **[1.1.1(6)] [1.1.2(6)] [26.0.4(3)]**
 - a. Personnel who observe 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. **[1.1.2(6A)]**
 - b. The Officer(s) reporting unreasonable or unjustified use of force shall prepare a detailed written statement describing the incident consistent with uniform protocols. **[1.1.2(6B)]**
 - c. A supervisor not directly involved in the use of force incident will complete a report which will include the reporting officer(s)' written statement(s). **[1.1.2(6C)]**
 - d. It is prohibited for retaliation against any employee who observes and reports an instance using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances including the discharge of the employee, any change to their rank, grade or compensation, deny a promotion or take any adverse action against an officer or employee or threaten to take any such action for: **[26.0.4(9)(10)]**
 - i. Providing information to the agency or testifying in any agency or at any court proceeding resulting.

- ii. Providing information to the POST Commission or testifying in any POST proceeding resulting.

In order to comply with this policy, a Use of Force Report (P Drive / Appendix C) shall be utilized.

Likewise, it is the policy of the Acton Police Department to provide immediate medical assistance after any action in an official capacity or officer-/officer-involved shooting incidents to safeguard the continued good physical and mental health of all involved personnel. **[1.1.5(1A-1F)]**

III. DEFINITIONS

- A. *Actively Resistant Individual*: An individual who uses physical strength and/or body movement to resist a Department member. Examples of active resistance include pulling, turning, or walking away from an officer.
- B. *Aggravated Assaultive Individual (Serious Bodily Harm/Death)*: An individual who engages in conduct that is likely to produce death or serious bodily harm to a member of the Department or another person.
- C. *Assaultive Individual (Bodily Harm)*: An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person.
- D. *Chokehold*: The use of lateral vascular neck restraint, carotid restraint, or other action that involves the placement of any part of a 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. **[1.1.2(1C)]**
- E. *Compliant Individual*: An individual who is fully cooperative with a Department member.
- F. *Deadly Force*: Physical force that can reasonably be expected to cause death or serious physical injury. **[1.1.2(1A)]**
- G. *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, creating distance between the officer and a threat and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), 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)]
[1.1.2(1B)]

- H. *Force*: The amount of effort required by police to compel compliance by an unwilling subject.
- I. *Weaponless Physical Force* – Weaponless physical force includes, but is not limited to the MPTC Use of Force Model and Defensive Tactics areas of Contact Controls, Compliance Techniques, and Personal Weapon Techniques. Examples of weaponless force include, but it not limited to: escorts, wristlocks, armbars, and hand/elbow/feet/knee strikes. [1.1.6(2)]
- J. *Officer-Involved Injury or Death*: Per Section 1 of MGL Chapter 6E of Section 30, Chapter 253 of the Acts of 2020, is defined as any event during which an officer fails to intervene, as required by section 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another [26.0.4(7)]
- K. *Conducted Energy Weapon (CEW)*: A weapon that uses electricity to override voluntary motor responses or applies pain in order to gain compliance or overcome resistance. CEWs are designed to incapacitate without causing serious physical injury or death.
- L. *CEW Activation*: Any time a CEW is turned on. Training and routine maintenance/readiness checks are not considered a CEW Activation.
- M. *Laser Activation*: The CEW is turned on, activating the light and/or laser beam. Laser activation may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.
- N. *Spark Display*: The CEW is activated and the arc switch is depressed, activating the electrical arc. Spark display may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.
- O. *Probe Deployment*: In Probe Deployment mode, the CEW uses electricity to override voluntary motor responses. Probe Deployment occurs when probes deploy from a CEW, whether or not the probes strike their intended target. This includes follow-up drive stuns when a single probe is attached to an individual. Probe deployment may be utilized in response to assaultive behavior.
- P. *Drive Stun Deployment*: In Drive Stun mode, the CEW is a pain-compliance facilitator rather than an electro-muscular disruptor. Drive stun occurs when the CEW is held against the subject, whether or not probes are deployed. Drive stun may be utilized in response to active resistance or assaultive behavior.
- Q. *CEW Cycle*: Occurs when probe deployment delivers energy to an individual.
- R. *Kinetic Energy Impact Projectiles*: Flexible or non-flexible projectiles, which are intended to incapacitate a subject with minimal potential for causing death or serious physical injury, when compared to conventional projectiles.

- S. *Non-deadly Force*: Use of force that is not intended to cause serious physical injuries or death. Sworn personnel are authorized to use non-deadly force in accordance with the law and this policy.
- T. *Objectively Reasonable*: This term means that, in determining the necessity for an appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer, subject, and/or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Determining the reasonableness of force must allow for the fact that police officers are forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used.
- U. *Passively Resistant Individual*: An individual who is uncooperative but does not use physical strength or body movement to resist a Department member.
- V. *Reasonable Force*: Reasonable force is determined under the legal standard set in *Graham v. Connor*, 490 U.S. 386, 395 (1989). Reasonable force is defined as force that is objectively reasonable because it is necessary to overcome the resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority.
- W. *Safety Priorities*: The Acton Police Department's safety priorities are established as follows:
 - A. Hostages and Involved non-subject civilians
 - B. Police officers
 - C. Subject (the person who is the focus of the police operation)
- X. *Serious Physical / Bodily Injury*: Serious physical injury or serious bodily injury is defined as any 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(1D)]**
- Y. *Stress Disorder*: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress. The person must have experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of one's self or others. The person's response to the event(s) will have involved intense fear, helplessness, or horror.
 - A. Acute Stress Disorder: A category of stress disorder lasting for a minimum of two days and a maximum of four weeks occurring within four weeks of the event(s)

B. Post-Traumatic Stress Disorder: A category of stress disorder in which the symptoms last more than one month.

Z. *Susceptible Population Groups*: Susceptible population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.

AA. *Sworn Personnel*: An employee of a law enforcement agency who has sworn to carry out law enforcement duties and has full arrest powers. For the purposes of this policy, the terms “sworn personnel” and “officer” are used interchangeably.

BB. *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.

IV. PROCEDURES

Force Options

A. The amount and degree of force, that may be employed, will be determined by the totality of circumstances including, but not limited to:

1. The nature and seriousness of the offense;
2. The behavior of the subject against whom 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; and
6. 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. An officer should only use that amount of force that the officer feels would be reasonable in a particular situation to accomplish his/her lawful objective or to protect the officer 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.

D. Equipment, Weapons, and Ammunition Generally

1. Only issued or authorized equipment will be carried on duty and used when applying any level of non-deadly force. **[1.1.4]**
2. Only weapons and ammunition authorized by the Acton Police Department will be used by agency personnel in the performance of their responsibilities (listed in “Appendix A” of this policy) while on duty unless exigent circumstances compel the officer to utilize other options. **[1.1.9(1-6)(8)]**
3. An officer shall not alter or modify a Department-issued firearm or ammunition in any way without the express permission of the Chief of Police.
4. Sworn personnel of the Department shall take all responsible precautions to ensure that weapons issued to them by the Department are properly secured, and protected from loss, misuse, or theft. Attention is drawn to G.L. c. 140, §§ 131C and 131L. **[1.1.9(15)]**:
 - a. “It shall be unlawful to store or keep any firearm, rifle or shotgun including, but not limited to, large capacity weapons, or machine gun in any place unless such weapon is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user. It shall be unlawful to store or keep any stun gun in any place unless such weapon is secured in a locked container accessible only to the owner or other lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or kept if carried by or under the control of the owner or other lawfully authorized user.”
5. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon that malfunctions shall be returned to the department Armorer forthwith for the necessary repairs and a replacement weapon shall be issued by the Armorer. The officer shall qualify with the replacement weapon prior to carrying it on duty. **[1.1.9(10)]**
6. Prior to the issuance of any weapons to the officer, the Department Armorer shall review, inspect, and approve each individual weapon. 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. **[1.1.9(9)]**
7. The Department Armorer shall maintain a log for each weapon that is owned and authorized by the Department. This log should list the make, model, and serial number. **[1.1.9(11)(13)]**

Encounters with Emotionally Disturbed, Mentally Ill, and Physically Disabled Persons

- A. Encounters may arise between law enforcement and those individuals who are known or suspected of being emotionally disturbed, mentally ill, or physically disabled. As with any other encounter, these encounters could carry the potential for violence and require an officer to make difficult and timely judgments about the emotional, mental, and/or physical state and intent of the individual involved. Such encounters may require special police skills and abilities to effectively and legally respond to the given situation. Officers should never, however, compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of emotional, mental, and/or physical illness.
- B. Should the officer determine that an individual may be emotionally disturbed, mentally ill, and/or physically disabled and a potential threat to himself/herself, the officer, or others; or may otherwise require law enforcement intervention for humanitarian reasons, the following responses should be taken, bearing in mind officer safety is most important:
 - 1. Request a backup officer.
 - 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 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 the root of the person's actions. Relate your concern for his/her feelings and allow the person to express their feelings. Where possible, gather information on the subject from acquaintances or family, sworn personnel, and/or request professional assistance, if available and appropriate to assist in communicating with the person and/or de-escalating the situation.
 - 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 topics that may help ease the individual.
 - 7. Always attempt to be truthful. If the subject becomes aware of 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, and/or the arrival of trained medical staff.

- C. While the policies and guidelines regarding the use of force do 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 situation.
- D. Once an emotionally disturbed, mentally ill, or physically disabled person is under control, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's mental, emotional, or physical status.
- E. 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 the use of force.

Non-deadly Force

A. PROCEDURES FOR THE USE OF ALL NON-DEADLY FORCE

- 1. 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.
- 2. It is preferred that non-deadly force not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same result. Officers should issue a verbal warning and allow a reasonable amount of time for a response unless a warning could endanger the officer or others.
- 3. Each non-deadly force option is not intended to be a substitute for other options in situations in which the use of other force options are more appropriate.
- 4. Absent exceptional circumstances, officers shall not use non-deadly force on children, pregnant women, and elderly persons, or for the sole purpose of protecting property.
- 5. The use of non-deadly force is not authorized for indiscriminate use, non-violent behavior, or when an individual is handcuffed unless a threat to the officer or others exists.
- 6. A subject who is exposed to non-deadly force shall be actively monitored while in police custody after they have received medical care. If the subject requests further medical attention, they shall be transported immediately by EMS to a medical facility. **[1.1.5(1B)(1D)(1E)]**

B. NON-DEADLY FORCE OPTIONS [1.1.4]

1. In accordance with this policy, all officers shall be properly trained and certified, when appropriate, in the use of any non-deadly weapons before being authorized to carry such weapons. **[1.1.10(2B)]**
2. **Chemical Substances**
 - a. Chemical substances or sprays (e.g. oleoresin capsicum, commonly known as “OC”) may be used when physical force is necessary to:
 - 1) Protect an officer or another person from assault;
 - 2) Subdue a person who actively resists arrest; or
 - 3) Control persons engaged in riotous or violent conduct.
 - b. When a chemical substance 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 4-6 feet away from the subject unless exceptional circumstances require otherwise. Each deployment of OC spray constitutes a separate use of force and must be justifiable.
 - c. First aid shall be administered as soon as practicable under the circumstances. Upon arrival at the police station, the subject shall be given the opportunity to wash his/her face 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 the chemical spray. **[1.1.5(1B)(1D)(1F)]**
 - d. Once handcuffed, a contaminated subject should not be placed faced down due to the risk of positional asphyxia. Officers shall monitor handcuffed subjects.
3. **Batons: Expandable Baton and Straight Baton [1.1.4]**
 - a. The Expandable Baton or straight baton may be used:
 - 1) As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile;
 - 2) As a defensive weapon to ward off blows;
 - 3) As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject. An officer is justified in using this type of force under the following circumstances:
 - a) To overcome the violent resistance of an arrestee;

- b) To overcome an assault on an officer or third party;
 - c) To deter persons engaged in riotous or violent conduct.
 - b. For guidance on the use of the baton, please refer to the MPTC/Monadnock chart for appropriate striking areas and descriptions of “Green,” “Yellow,” and “Red” target areas, a copy of which appears in Appendix B of this policy
4. **Conducted Energy Weapons (CEWS) [1.1.4]**
- a. Only those Department members who have successfully completed the Department’s initial CEW training and subsequent in-service CEW training pursuant to 501 CMR 8.00 *et seq.* are authorized to use a CEW.
 - 1) CEWs may be used by authorized and trained Department members in accordance with this Policy and other established Policies and Procedures. Department members shall use reasonable force to control individuals who are violent, exhibiting threatening or potentially violent behavior, or physically resisting arrest or detention.
 - 2) Members should assess each situation to determine which action shall best bring the incident under control, using only that amount of force that is reasonably necessary.
 - 3) If deployed, CEW cycles shall be limited to the minimum number of deployments necessary and should last no longer than necessary to bring an individual under control.
 - b. Department members issued and authorized to use a CEW shall:
 - 1) Ensure the CEW is carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed duty may use an alternative department-approved holster and carry the CEW consistent with Department training.
 - 2) Ensure the CEW is fully armed with the safety on in preparation for immediate use.
 - 3) Ensure one spare cartridge is available as a backup in case of cartridge failure or the need for reactivation.
 - 4) Ensure the spare cartridge is stored, carried, and used in a manner consistent with training.

- 5) Ensure cartridges are replaced following the manufacturer's expiration requirements.
 - 6) Ensure only manufacturer-approved battery power sources are used for the CEW.
 - 7) Prior to each regular tour of duty, confirm that the CEW is functioning properly by performing all tests as defined in training.
 - 8) Not make any modifications or repairs on the CEW unless authorized in writing by the Armorer.
- c. Activation: In accordance with the law, and this Policy, and when it is objectively reasonable to do so, Department members are authorized to utilize a CEW to arrest and/or detain an individual that has and/or continues to exhibit behavior that leads the officer to believe the individual is actively resisting or assaultive and will resist being arrested or detained.
- d. CEW Use of Force Response Table

If the Subject is:	Then the response may include:
Actively Resistant	Laser Activation Spark Display Drive Stun
Assaultive- Bodily Harm	Laser Activation Spark Display Drive Stun Probe Deployment
Aggravated Assaultive – Serious Bodily Harm/Death	Laser Activation Spark Display Drive Stun Probe Deployment Note: Department members are not required to use a weapon of non-deadly force if the use of deadly force is objectively reasonable.

- 1) Situations in which the CEW may be activated in accordance with the above table include but are not limited to:

- a) When an individual uses force or violence against the member or another person(s);
 - b) When an individual exhibits violent, threatening, or potentially violent behavior;
 - c) When an individual actively resists an arrest or detention;
 - d) When an individual flees in order to avoid arrest or detention in circumstances where the member would pursue on foot and physically affect the arrest or detention;
 - e) When an individual expresses intent and has the means to commit suicide or inflict serious bodily harm to themselves or others and CEW activation does not create additional risk;
 - f) To protect Department members or others against an aggressive animal; and
 - g) In the course of Department-authorized training exercises or demonstrations.
- e. Department members shall:
- 1. Give the individual a warning prior to activating the CEW, unless doing so would place any member or person(s) at risk;
 - 2. Adhere to the Department's training regarding warnings, which may include verbal warnings, display of the CEW, laser painting, arcing, spark display, or a combination thereof;
 - 3. When feasible, an announcement should be made to other members or personnel on the scene that a CEW is going to be activated;
 - 4. Not intentionally activate more than one CEW at a time against an individual; and
 - 5. Be aware that an individual subjected to a CEW Cycle may not be able to respond to commands during or immediately following a CEW Cycle exposure.
 - 6. CEW cycles should be limited to the least number of exposures and should last no longer than necessary to bring an individual

under control. Each 5-second cycle is considered an independent use of force and must be objectively reasonable and documented in writing.

7. Avoid continued CEW use as an attempt to facilitate compliance if circumstances indicate that drive stun deployment is ineffective as a pain-compliance technique.
8. Be aware that pain compliance may not be effective against an individual in a mental health crisis state, under the influence of a mind-altering substance, or when extremely focused.
9. Consider potential risk(s) to third parties or bystanders when activating CEWs.
10. Be aware that a subject's heavy clothing may impede the effectiveness of CEWs.
11. Aim, to the degree possible, for the following target areas:
 - a) Lower center mass below the chest
 - b) Back
 - c) Legs

Note: Consistent with training and to the extent possible, Department members should avoid sensitive areas such as the eyes, face, head, throat, neck, breasts, groin and genitals.

- f. Department members shall **not** use the CEW:
 1. On individuals who passively resist as defined within this policy;
 2. On a handcuffed or secured prisoner;

EXCEPTION: CEW, in limited situations, may be used on a handcuffed or secured prisoner if an individual exhibits overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.

3. In any environment where the member reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, propane;

4. When the individual is located in water;
 - a) In any situation where the member has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk; or
 - b) On individuals in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters) unless exigent circumstances exist.

g. Susceptible Population Group

Department members shall be aware of general concerns when a CEW is used on an individual of a Susceptible Population Group. Department Members are not prohibited from using a CEW on susceptible population individuals, but the use is limited to those exceptional circumstances where the potential benefit of using the CEW (i.e., injury reduction) reasonably outweighs the risks and concerns.

h. Post-Activation

After a probe deployment, Department Members shall seek medical attention for the individual and ensure that CEW probes are removed by qualified medical personnel or by a Department Member trained to do so.

In any case of Drive Stun deployment or Probe deployment from a CEW on an individual, members shall:

1. Transport the individual to an emergency care facility for evaluation and/or treatment if any of the following apply:
 - a) The individual requests medical attention or there is an obvious need for medical attention;
 - b) The CEW was deployed in a sensitive area (e.g., eye, face, head, throat, neck, breasts, groin, genitals);
 - c) The individual is part of a susceptible population group;
 - d) More than three CEW cycles were deployed on the individual or the CEW was deployed for continuous cycles amounting to 15 seconds or more; or
 - e) More than one CEW device has been deployed on an individual.

2. Use restraint techniques that minimize the risk of impairing a subject's respiration.
3. Reasonable efforts shall be made to protect the subject's privacy.

i. Off-Duty Considerations

Officers are only authorized to possess a CEW when "acting in the discharge of his official duties" in accordance with M.G.L. c. 140, § 131J. Accordingly, off-duty possession is prohibited. Note that even a Class A License to Carry does not authorize a civilian to possess a CEW.

j. Training

1. **Basic User Training:** Six (6) hour certification course is mandatory training for all Police Officers. [16.3.5; 33.1.2]
2. **In-Service Training:** All officers who are certified to carry and deploy the CEW **shall complete annually a minimum of one (1) hour of in-service documented proficiency and legal update training**, conducted by a certified weapons instructor with remedial training available if needed. [1.1.11(2C)(5)(6); 33.1.2; 33.5.1; 33.6.1 (a); 33.6.1 (b)]
3. **Supervisor Training:** Annually, superior officers of all ranks shall receive specialized CEW awareness and After Action Report (AAR) in-service training by qualified instructors so they can intelligently investigate, properly document, and report CEW deployment incidents. This training shall be in addition to the annual CEW in-service training requirement and **shall be not less than two (2) hours in length**. [33.1.2; 33.6.1 (a); 33.6.1 (b)]
4. **Instructor Training:** All department instructors are required to complete a sixteen (16) hour CEW manufacturer certification course and an additional instructor training course from the Municipal Police Training Committee (MPTC). Instructors are required to be trained and re-certified biannually. [33.1.2; 33.6.1 (a); 33.6.1 (b)]

5. **Kinetic Energy Impact Projectiles**

- a. Evaluation of Projectiles: Kinetic energy impact projectiles will be evaluated on the following criteria:

- 1) *Accuracy*: This is the primary consideration since proper shot placement greatly assists in controlling the other two evaluation criteria. This will be evaluated based on the anticipated ranges of deployment. A minimal standard of accuracy for such rounds is a 12-inch group at 15 yards in a secure rest.
- 2) *Effectiveness*: This is the potential of the round to cause incapacitation and reduce the subject's ability to continue their inappropriate behavior. The level of energy to cause incapacitation creates the potential for injury, but when properly deployed, with a low probability of causing serious physical injury or death.
- 3) *Potential for Causing Death or Serious Physical Injury*: The potential for causing death or serious physical injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when an appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back and abdominal cavities and the groin.
- 4) *Deployment Areas*: The non-deadly projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

b. Deployment

- 1) Kinetic energy impact projectiles may be used by an officer to defend himself/herself or others from the threat of serious bodily injury.
- 2) The use of the kinetic energy impact projectile weapon shall only be used by a supervisor who has qualified annually with the weapon.
- 3) The issued kinetic energy impact weapon [Remington Model 870] will be dedicated to kinetic energy impact projectiles and marked with an ORANGE stock and the fore-end of the weapon. At NO TIME will deadly ammunition be stored with these weapons. Supervisors assigned will visually/physically inspect the chamber and magazine, each time the weapon comes under their control (i.e., the beginning of the shift, and/or any time the weapon was out of their direct control), to ensure the total absence of deadly ammunition.
- 4) The kinetic energy impact projectile weapon shall be secured in a locked container in the rear of the patrol sergeant's cruiser (car 8).

- 5) When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation are the desired goals, and alternative target areas/responses should be considered when rounds are not effective. Alternative target and/or response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

Deadly Force

A. GENERAL CONSIDERATIONS & GUIDELINES

The purpose of the following section is to set forth guidelines for sworn personnel of the Acton Police Department in making decisions regarding the use of DEADLY FORCE. The guidelines have been developed with serious consideration for the safety of both the police officers and the public, and with the knowledge that officers must sometimes make split-second decisions in life-and-death situations.

The value of human life is immeasurable in our society. The Acton Police Department places its highest value on the sanctity of life, and 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 deadly force.

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

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. **[1.1.1(1)]**

B. PARAMETERS FOR THE USE OF DEADLY FORCE [1.12]

1. A member of the Acton Police Department is authorized to use deadly force only when it is reasonable to:

- a. Defend himself/herself or another from an unlawful attack which he/she reasonably perceives as an imminent threat of death or serious bodily 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 deadly force; and
 - c) There is a substantial risk that the person to be arrested will cause death or serious physical injury if his/her apprehension is delayed.
2. Where practical, and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force.
 3. 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 a 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)]**

C. **FIREARMS**

1. In addition to those circumstances provided for in the PARAMETERS FOR THE USE OF DEADLY FORCE, a police officer may discharge a Department-issued and/or authorized firearm in the following instances:
 - a. At a firearms range for authorized training, target practice, or competition; or
 - b. 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, and the officer shall adhere to the following guidelines:
 - 1) Officers 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.

- 2) Where feasible, ensure children are not present.

2. **WARNING SHOTS AND SIGNALING SHOTS ARE STRICTLY PROHIBITED. [1.1.3]**

3. **MOVING VEHICLES**

- a. Officers shall not discharge a firearm at a moving vehicle or from inside a moving vehicle, except if all the following conditions are met **[1.1.2(4)]**:

- 1) It is necessary for the police officer to defend himself/herself or others;
- 2) 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;
- 3) There is no substantial risk to the safety of other persons, including risks associated with motor vehicle accidents;
- 4) Officers have not 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);
- 5) The officer is not firing strictly to disable the vehicle; and
- 6) The circumstances provide a high probability of stopping or striking the intended target.

4. **DRAWING & POINTING OF FIREARMS:** An officer shall 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 Use of Force report.**

5. **OFF DUTY FIREARMS**

- a. Any weapon that an officer carries on his/her person while off-duty for protection or to enable him/her to take official action as a police officer, excluding the officer's issued service weapon, will be considered an off-duty weapon.

- b. Any officer who desires to carry an off-duty weapon and be indemnified with that weapon must obtain written permission from the Chief of Police by submitting an Off-Duty Firearms Request form providing a complete description of the firearm, and must qualify with the weapon at the range, at least annually. **[1.1.10(2C)]**
- c. The Department Armorer shall maintain a record of all officers' off-duty weapons that they wish to be indemnified with, and annual qualification scores. **[1.1.9(12)]**

Mass Demonstrations, Crowd Management, and Reporting
[46.1.12(1)]

- A. A police department shall establish plans to avoid and de-escalate potential or actual conflict between officers and mass demonstration participants. When a police department obtains advance knowledge of a planned mass demonstration within the police department's jurisdiction, the police department shall diligently attempt in good faith to:
 - 1. communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, **[46.1.12(2)]** and
 - 2. discuss and establish logistical plans to avoid or, if necessary, de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants. **[46.1.12(3)]**
- B. The department shall designate the defensive tactics/de-escalation instructor in charge of de-escalation planning and communication to carry out the above plans within the department. **[46.1.12(4)]**
- C. A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device, or order the release of a dog to control or influence a person's behavior unless:
 - 1. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
 - 2. the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm. **[46.1.12(5)]**
- D. If a law enforcement officer utilizes or orders the use of kinetic impact devices, rubber bullets, CEDs, CWs, ECWs, or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Commission detailing all of the measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the

time of the event to de-escalate tensions and avoid the necessity of using said weapons, including a detailed justification of why use of said weapons was objectively reasonable. **[46.1.12(6)]**

- E. Canines should not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.
- F. The use of Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.
- G. The Acton Police Department will conduct initial and annual training on crowd control situations.
 - 1. Retraining is conducted at least once every two years. **[46.1.12(7)]**

REASSIGNMENT AFTER FORCE RESULTING IN DEATH OR INJURY

- A. In every instance in which any employee acting in an official capacity uses force or actions which result in death or serious physical injury to another person, the following steps shall be taken: **[1.1.8]**
 - 1. The employee shall be removed from an operational assignment, pending an administrative review of the incident in accordance with this policy, and until such time as the employee is fit for duty and their emotional needs have been met. **[1.1.8]**
 - 2. The employee will be given the opportunity to call his/her family as soon as possible.
 - 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 or his/her designee.
- B. Assignment to Administrative Leave status shall be with no loss of pay or benefits.
- C. Relief from operational assignment with full pay and benefits is intended to serve two purposes:

1. To address the personal and emotional needs of an employee involved in the use of force or actions that result in serious bodily injury or death; and
 2. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- D. Employees on administrative leave shall remain available to the Acton Police Department and/or State Police Investigators to assist in the investigation of the incident.
- E. Whenever an employee is involved in an incident that results in death or serious injury the Chief of Police or his/her designee will make arrangements for stress counseling. (Massachusetts 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 8:00 AM – 5:00 PM (all other times 617-594-9091 ask to speak to the “on-call peer counselor) or any appropriate psychological assistance provider for the officer and members of his or her immediate family, authorized by the Chief of Police.

Post-Use of Force Incident Procedures

A. DISPATCHER RESPONSIBILITY

1. Notify the Patrol Shift Supervisor;
2. Dispatch the sufficient number of officers to the scene;
3. Make all appropriate, accurate, and complete administrative computer entries; and
4. Politely refer all media requests for information to the Chief of Police or his/her designee.

B. INVOLVED OFFICER RESPONSIBILITY

In all incidents involving: (1) weaponless physical force where either the officer or the suspect is noticeably injured or claims to be injured at the time force is used; (2) the deployment of non-deadly force; or (3) the deployment of deadly force, the involved officer(s) shall:

1. Notify the Patrol Shift Supervisor;
2. Request that sufficient officers be dispatched to the scene;
3. Activate EMS, render medical assistance to the subject and arrange for transportation to a medical facility for evaluation and/or treatment;
4. Identify involved officers and witnesses;
5. Preserve any evidence;

6. Secure the scene until the Patrol Shift Supervisor has arrived;
7. File the appropriate incident or arrest report and Use of Force Report pursuant to this policy.

C. PATROL SUPERVISOR / OFFICER-IN-CHARGE RESPONSIBILITY

1. INCIDENTS INVOLVING WEAPONLESS PHYSICAL FORCE, CHEMICAL SUBSTANCE, AND NON-DEADLY IMPACT WEAPONS

In an incident involving the use of: weaponless physical force where either the officer or the suspect(s) are injured or claim to be injured; or a chemical substance, CEW, or non-deadly impact weapons, the Patrol Shift Supervisor shall: **[1.1.5 (1C)(1D)(1E);1.1.7]**

- a) Immediately respond to the scene.
- b) Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. **[1.1.5(1C)]**
- c) Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. **[1.1.5(1C)]**
- d) Ensure evidence is collected and secured.
- e) 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.
- f) Review involved officer(s)' Use of Force report prior to the conclusion of their tour of duty. **[1.1.7]**
- g) If involved in a use of force incident, the Patrol Shift Supervisor shall submit a use of force report to be reviewed by a supervisor not involved in the incident. **[1.1.7]**

2. INCIDENTS INVOLVING USE OF CONDUCTED ENERGY WEAPONS

In any incident involving the use of a Conducted Energy Weapon (CEW), the Patrol Supervisor / Officer-in-Charge shall: **[1.1.5(1B); 1.1.7]**

- a. Immediately respond to the scene.

- b. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. **[1.1.5(1B)(1D)]**
- c. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented pursuant to Section IV(B)(4)(h) of this Policy. **[1.1.5(1B)(1D)]**
- d. Conduct an initial review of the circumstances for the deployment.
- e. Identify and interview officers and witnesses.
- f. Photograph the scene (i.e., subject, discarded cartridges, and probes, if possible). Officers should make reasonable efforts to protect the subject's privacy.
- g. Take custody of the CEW and the discarded cartridge that was deployed and submit the device to the Patrol Division Commander for data downloading. The Patrol Division Commander or his designee will print the data and attach it to the Supervisor's After Action Report, as soon as practicable thereafter.
- h. Gather and collect evidence.
- i. If the subject is admitted to a medical facility for treatment, respond to the facility and document the condition or injuries.
- j. Ensure Incident or Arrest and Use of Force Reports are completed by the deploying officer prior to the conclusion of his/her tour of duty or immediately after their detail assignment.
- k. Complete the Supervisor After Action Report and submit the report with the device and associated photographs and cartridge(s) to the Patrol Division Commander.

3. INCIDENTS INVOLVING USE OF DEADLY FORCE

In any incident involving the use of deadly force; or discharge of firearms, including a CEW or kinetic energy impact projectile, the Patrol Shift Supervisor shall: **[1.1.7]**

- a. Immediately respond to the scene.
- b. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. **[1.1.5(1A)(1D)]**
- c. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. **[1.1.5(1A)(1D)]**

- d. Conduct an initial review of the circumstances for the deployment of force.
- e. Identify involved officers and witnesses.
- f. **FOR INCIDENTS RESULTING IN DEATH OR EXPECTED DEATH:** In any incident involving the death or expected death of a subject, the Patrol Shift Supervisor shall also notify the Massachusetts State Police Crime Prevention and Control (CPAC) Unit and the District Attorney as soon as possible, and secure the scene until such time that the CPAC Units arrives. The Patrol Shift Supervisor and a Detective Supervisor shall also respond and conduct an investigation on behalf of the Department.
- g. **FOR INCIDENTS NOT RESULTING IN DEATH OR EXPECTED DEATH:** In any incident not involving the death or expected death of a subject, the Patrol Shift Supervisor shall respond, assume control of the scene, and conduct an investigation with a Department Detective Supervisor.
- h. If the Patrol Shift Supervisor is directly involved in the use of force, a supervisor of the same or higher rank not involved in the incident shall assume command of the investigation. **[1.1.7]**

D. PATROL DIVISION COMMANDER RESPONSIBILITIES

- 1. The Patrol Division Commander may respond to the scene of any incident involving weaponless physical force or instances of non-deadly force.
- 2. The Patrol Division Commander shall respond to all incidents involving the use of deadly force, whether such force results in death or serious bodily injury.
- 3. The Patrol Division Commander shall make all resources, facilities, and personnel of the Department available to assigned investigators;
- 4. The Patrol Division Commander shall ensure that the involved officer(s) is provided with appropriate Federal/State civil rights protection.
- 5. If the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, (unruly/violent bystanders/crowd), that officer should be transported to another, more appropriate location.
- 6. Conduct a brief interview of the involved officer consisting of only minimal, preliminary questions. The officer should be advised that a more detailed debriefing will be conducted later (but as soon as possible).
- 7. Advise all officers not to discuss the incident with anyone except a personal attorney, an attorney appointed by the Department, a union

representative, a departmental or authorized investigator until the conclusion of the preliminary investigation.

8. Instruct involved officers to notify their families about the incident as soon as possible and assist them with the notification. Where an officer or officer is unable to do so, an agency official shall personally notify the officer(s) family, and arrange for their transportation to the hospital.
9. At all times, when at the scene of the incident, handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
10. Debriefings shall be held as soon as possible after the incident. The Department shall ensure that there are officers on call or on-duty at all times so that someone is available shortly after an incident.
11. Any Department or authorized outside agency investigation of the incident shall be conducted as soon and as quickly as practical.
12. The Department should privately brief other department Sworn personnel concerning the incident so that rumors are kept to a minimum. Department Sworn personnel are encouraged to show the involved officers their concerns.
13. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident, and all media requests shall be directed to the Chief's office or his/her designee.
14. In order to protect against harassing or abusive calls, personnel should be advised to have phone calls answered by another person for several days if their names are released to the public.
15. Personnel directly involved in a shooting incident shall be required to re-qualify with firearms as soon as practical.

E. DEPARTMENT-WIDE RESPONSE TO INCIDENTS RESULTING IN DEATH OR SERIOUS BODILY INJURY

For serious bodily injuries or death to an officer, see the Department policy on Line of Duty Deaths and Serious Injuries (4.13)

In any event, resulting in the death or serious bodily injury of a subject, the following department-wide protocols shall be adhered to: **[22.2.4(A)(B)]**

1. The involved officer shall refrain from speaking or discussing the incident with anyone except with those directly involved or legal counsel.
2. The involved officers shall remain available, at reasonable times, for interviews and statements regarding the incident.

3. During any period where the involved officers are required to remain on the scene but have no immediate duties to fulfill, the officer(s) should be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive officer should remain with the involved officer but should be advised not to discuss details of the incident.
4. If involved officers are not required at the scene, a supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as possible and be taken to a quiet, secure setting, such as police headquarters. The supervisor shall:
 - a. Require that involved officers abstain from ingesting caffeine or other stimulants or depressants unless administered by medical personnel.
 - b. Conduct a brief interview of the involved officer consisting of only minimal, preliminary questions. The officer should be advised that a more detailed debriefing will be conducted later (but as soon as possible).
 - c. Advise all officers not to discuss the incident with anyone except a personal attorney, an attorney appointed by the Department, a union representative, or a departmental or authorized investigator until the conclusion of the preliminary investigation.
 - d. Instruct involved officers to notify their families about the incident as soon as possible and assist them with the notification. Where an officer or officer is unable to do so, an agency official shall personally notify the officer(s) family, and arrange for their transportation to the hospital.
 - e. At all times, when at the scene of the incident, handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
5. Debriefings shall be held as soon as possible after the incident. The Department shall ensure that there are officers on-call or on-duty at all times so that someone is available shortly after an incident.
6. Any Department or authorized outside agency investigation of the incident shall be conducted as soon and as quickly as practical.
7. The Department should privately brief other Department sworn personnel concerning the incident so that rumors are kept to a minimum. Department sworn personnel are encouraged to show the involved officers their concern.
8. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident.

9. In order to protect against harassing or abusive calls, personnel should be advised to have phone calls answered by another person for several days if their names are released to the public.
10. Personnel directly involved in a shooting incident shall be required to re-qualify with firearms as soon as practical.

F. OFFICER WELLNESS CONSIDERATIONS

1. Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that any action in an official capacity resulting in death or serious bodily injury to a citizen or a fellow officer may precipitate such stress disorders. However, such disorders can also be created by accumulated stressors from seemingly minor incidents as well. Consequently, it is the responsibility of this Department to provide all personnel with information on stress disorders and to guide and assist in their deterrence.
2. This section is meant to provide guidelines that shall be uniformly applied following an officer-involved incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder. Moreover, officers are expected to monitor their peers with the goal of interdicting potentially debilitating and harmful stress disorders that can severely impact the fellow officer's career, family, and health.
3. Since some post-traumatic stress disorders may not arise immediately, or the officer/officer may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit personnel for symptoms of the disorder.
4. Some symptoms of post-traumatic stress disorder include:
 - a. A feeling of being numb;
 - b. Feeling out of touch with what is going on around them;
 - c. A feeling that this is happening to someone else;
 - d. Withdrawing and avoiding anything to do with the traumatic situation or police work;
 - e. Avoiding other people, including one's family;
 - f. Intrusive and recurring thoughts of the event and feeling that it may be happening again;
 - g. Irritability;

- h. Sleep problems;
 - i. Difficulty in concentrating; and
 - j. Hyper-vigilance.
5. The Chief of Police may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer or officer's job performance. **[22.2.3] [22.2.7(F)]**
 6. Any officer 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, or such other period of time as the Chief of Police deems necessary after the officer or officer has completed his/her report of the incident. **[1.1.8]**
 7. All officers directly involved in a shooting incident should contact a department-designated specialist for counseling and evaluation as soon as practicable after the incident, even if they believe the incident did not impact them negatively. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. **[22.2.3] [22.2.7(B)]**
 8. The Department strongly encourages the families of sworn personnel and civilians to take advantage of available counseling services, as well. **[22.2.4(A)(B)]**

Use of Force Reporting

A. FORM OF USE OF FORCE REPORT (Appendix C)

All Use of Force Reports filed in compliance with this policy shall be on the form attached to this policy (P-Drive) and accompany any incident or arrest reports filed by the officers involved.

B. USE OF WEAPONLESS PHYSICAL FORCE

A law enforcement officer shall not use physical 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 to: (1) affect the lawful arrest or detention of a person; (2) prevent the escape from custody of a person, or (3) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the commission and the municipal police training committee pursuant to subsection (d) of section 15 **[1.1.1(1)]**

The handcuffing of a compliant detainee will not be construed to be a use of physical force. All officers shall complete a Use of Force Report if they are involved in any instance wherein physical force is used to gain control of an “Actively Resistant Individual”. Come-along techniques utilized on an “Actively Resistant Individual” shall require a use-of-force report. Officers shall document in a Use of Force Report if injuries occur during the use of force. If during the detention or arrest of a person, there is obvious severe injury to a person, a person is in medical distress, and/or a person is unresponsive or unconscious, proper medical aid must be provided.

[1.1.5(1B)(1FI-FIII)]

C. USE OF NON-DEADLY FORCE

1. In all incidents involving the use of non-deadly force, all involved officers shall prepare and submit a Use of Force Report. This includes spark displays of a CEW, except when a spark display check is conducted to test the device at the beginning of an officer’s shift. Each application of the CEW is a separate application of a use of force and a separate Use of Force Report must be filed for each application.
2. Patrol Shift Supervisors shall review the Use of Force Reports and forward them to the Patrol Division Commander for review. **[1.1.7]**
3. If directly involved in the use of force, the Patrol Shift Supervisor shall submit their own Use of Force report for review to a supervisor not involved in the incident. **[1.1.7]**

D. USE OF FORCE INCIDENT REVIEW

1. All reports concerning any use of force incidents shall be forwarded to the Internal Affairs function, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action.
2. With respect to all instances of the use of force, the Patrol Division Commander shall be responsible for the following: **[1.1.7]**
 - a. Ensuring that a thorough investigation was conducted and that all reports were prepared and submitted; and
 - b. Reviewing all reports submitted to determine whether the use of force was in compliance with Department policy and procedures.
3. **If a CEW is deployed, including a spark display of a CEW**, the supervisor(s) of the officers involved must file an After Action Report (AAR). The Department shall ensure that the Executive Officer of Public Safety and Security (EOPSS) *CEW Use Reporting Form* is completed and

submitted as required by EOPSS in accordance with G.L. c. 140, section 131J and St. 2004, c. 170, section 2.

E. ANNUAL ANALYSIS

The Deputy Chief will conduct an annual analysis of all Use of Force Reports, activities, policies, and practices. A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The review should identify: **[1.1.7; 1.1.14(1); 11.4.1(b); 11.4.1(c); 11.4.1(d)]**

1. Date and time of incidents; **[1.1.14(2A)]**
2. Type of force or weapon used; **[1.1.14(2B)]**
3. Types of encounters resulting in the use of force; **[1.1.14(2C)]**
4. Trends or patterns related to race, age, and gender of subjects involved; **[1.1.14(2D)]**
5. Trends or patterns resulting in injury to any person including employees; and **[1.1.14(E)(3)]**
6. Impact of findings on policies, practices, equipment, and training. **[1.1.14(4)]**

Such analysis and conclusions shall be documented annually to the Chief of Police and appropriate action taken. **[1.1.14(3); 11.4.1(e)]**

F. FBI USE OF FORCE DATA COLLECTION

1. In order to submit the use of force report data to the FBI, the Patrol Division Commander must first obtain an account in the FBI's Law Enforcement Enterprise Portal (LEEP).
2. Within five days of receiving a use-of-force report, the Patrol Division Commander shall submit a report to the FBI Use-of-Force Data Collection database if the use of force involved or resulted in:
 - a. The death of a person due to an officer's use of force;
 - b. The serious bodily injury of a person due to an officer's use of force; or
 - c. The discharge of a firearm by an officer at or in the direction of a person that did not otherwise result in death or serious bodily injury.
3. The Patrol Division Commander shall submit a zero report to the FBI database monthly if there were no uses of force as described above.

Training

A. GENERALLY

1. No officer of the Acton Police Department will be authorized to carry any deadly or non-deadly weapon until he/she has: **[1.1.13; 16.3.6]**
 - a. Been issued a copy of this Use of Force Policy, received instruction, and successfully passed a written examination on same; and
 - b. Completed the necessary training and qualifications promulgated by the Municipal Police Training Committee (MPTC); and
 - c. Signed a receipt indicating that he/she has received a copy of this Use of Force policy and has been afforded the opportunity to discuss it and ask questions regarding the policy, which shall be maintained by the instructor and Deputy Chief of Police. **[1.1.13]**
2. All weapons qualification records and officer scores shall be documented and maintained by the Head Firearms Instructor and Training Coordinator. **[1.1.11(4)]**
3. All training in the use of force shall be conducted and documented by MPTC-approved instructors and shall comply with MPTC standards. **[1.1.12(2B)]**.
4. At least annually, all officers authorized to carry weapons are required to receive in-service training on the Department's Use of Force Policy and demonstrate proficiency with all approved weapons that the officer is authorized to use. **[1.1.11(1A)(2A)(3A)(3B)]**.

B. DEFENSIVE TACTICS AND DE-ESCALATION

1. All recruit officers shall receive training on defensive tactics, de-escalation, and duty to intervene mandated by the Municipal Training Committee (MPTC) during the recruit officer training academy. **[1.1.1(2)]** **[1.1.12(1B)]** **[26.0.4(4)]**
2. Annually, all officers shall continue to receive the in-service training on defensive tactics, de-escalation, and duty to intervene mandated by the Municipal Police Training Committee (MPTC) **[1.1.1(2)]** **[1.1.12(2A)(1B)]** **[26.0.4(5)]**

C. CEW TRAINING

1. **Basic User Training:** Six (6) hour certification course is mandatory training for all Sworn Personnel. **[16.3.5; 33.1.2]**

2. **In-Service Training:** All officers who are certified to carry and deploy the CEW shall complete annually a minimum of one (1) hour of in-service documented proficiency and legal update training, conducted by a certified weapons instructor with remedial training available if needed. **[1.1.11(2B)(2C)(4-6); 33.1.2; 33.5.1; 33.6.1 (a); 33.6.1 (b)]**
3. **Instructor Training:** All department instructors are required to complete a sixteen (16) hour CEW manufacturer certification course and an additional instructor training course from the Municipal Police Training Committee (MPTC). Instructors are required to be trained and re-certified biannually. **[33.1.2; 33.6.1 (a); 33.6.1 (b)]**
4. **Supervisor Training:** Annually, superior officers shall receive specialized CEW awareness and After Action Report (AAR) in-service training by qualified instructors so they can intelligently investigate, properly document and report CEW deployment incidents. This training shall be in addition to the annual CEW in-service training requirement. **[33.1.2; 33.6.1 (a); 33.6.1(b)]**

D. **FIREARMS TRAINING**

1. All recruit officers shall receive training on firearms mandated by the Municipal Police Training Committee (MPTC) during the recruit officer training academy.
2. All personnel authorized to carry a Department-issued weapon shall annually qualify with their issued weapon and any other weapon they are authorized to carry. **[1.1.10(2A)(2B); 1.1.11(1B); 16.3.6]**
3. All approved deadly weapons shall be under the direction of the department's Training Coordinator and approved Municipal Police Training Committee (MPTC) weapons and tactics instructors. **[1.1.11(5); 16.3.6]**
4. Following a period of training and practice, all officers will be expected to qualify in accordance with the standards established by the Municipal Police Training Committee (MPTC).
5. Only officers demonstrating proficiency in the use of Department-issued or authorized weapons will be authorized to carry or use those weapons. **[1.1.10(1); 1.1.11(B)]**
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. If the Chief of Police approves an off-duty weapon, the officer must qualify with the weapon at the range, at least annually. **[1.1.10(2C)]**
8. All officers authorized to use any of the Department's special weapons and ammunitions, such as shotguns and bean bag 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 Firearms Instructor, at least annually.

~~[1.1.4][1.1.9(8)][1.1.10(2B)]~~

9. A listing of all officers who have qualified with each special weapon will be maintained with the Firearms Instructor and with the Training Coordinator.
10. Training in the use of extended-range kinetic energy impact projectiles will consist of annual recertification by department firearms instructors.

E. POST TRAUMATIC STRESS DISORDER TRAINING

The Acton Police Department shall provide officers with training pertaining to post-traumatic stress disorders and the uniform practices contained in this policy on a regular basis.

F. ADDITIONAL TRAINING

Any officer who requires additional training instruction will be given an additional amount of time to demonstrate proficiency and if necessary, remedial training, while removed from duty assignment. If it becomes necessary, the officer will be sent to additional remedial authorized weapon training until such time as he/she successfully passes the MPTC qualification course. ~~[1.1.11(6)][1.1.12(2C)]~~

G. SPECIAL WEAPONS

Any officer authorized to carry or use any special weapon shall complete training on such special weapon at least annually. Certain special weapons may require more frequent training. ~~[1.1.11(3)(3C)][1.1.12(1A)]~~

USE OF FORCE INFORMATION


History: Manual I, Section III.

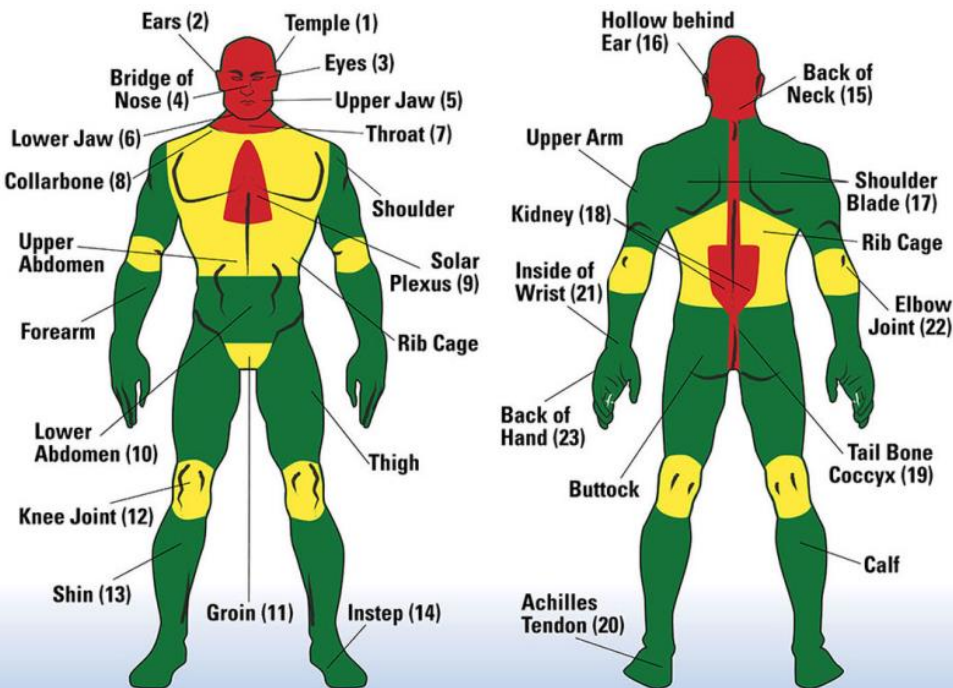
Appendix A					
AUTHORIZED FIREARMS - LETHAL					
MANUFACTURER	MODEL	CALIBER	MAG CAPACITY	BARREL LENGTH	
Glock	45	9 mm	17	4.02 in.	
BUSHMASTER	XM15 - E2S	.223/5.56	20/30	16 in.	
SIG SAUER	M400	.223/5.56	20/30	16.in	
AUTHORIZED AMMUNITION - LETHAL					
DUTY/RANGE	MANUFACTURER	BULLET WGT	BULLET TYPE	VELOCITY	MUZZLE ENERGY
DUTY	FEDERAL	147 GR.	9 MM HST	1000 FPS	326 FT LBS
DUTY	SPEER	124 GR.	9 MM GDHP	1150 FPS	364 FT LBS
RANGE	FEDERAL	124 GR.	9 MM FMJ	1150 FPS	364 FT LBS
RANGE	CCI/SPEER	124 GR.	9 MM TMJ	1090 FPS	327 FT LBS
DUTY	FEDERAL	62 GR.	.223 Bonded SP	3050 FPS	1281 FT LBS
RANGE	FEDERAL	55 GR.	.223 FMJ	3240 FPS	1282 FT LBS
RANGE	FEDERAL	55 GR.	5.56 FMJ	3240 FPS	1282 FT LBS
AUTHORIZED SHOT GUN - LETHAL					
MANUFACTURER	MODEL	BARREL LENGTH		CALIBER	
BENELLI	M4	14 in.		12 GA	
AUTHORIZED SHOT GUN - LESS-LETHAL					
MANUFACTURER	MODEL	BARREL LENGTH		CALIBER	
REMINGTON	870	18 in.		12 GA	
AUTHORIZED SHOT GUN AMMUNITION - LETHAL					
DUTY/RANGE	MANUFACTURER	WEIGHT	TYPE	VELOCITY	
DUTY/RANGE	FEDERAL	1 OUNCE	SLUG HP	1300 FPS	
DUTY/RANGE	FEDERAL	20-50 GMS	BUCKSHOT	1140 - 1325 FPS	
AUTHORIZED SHOT GUN AMMUNITION - LESS-LETHAL					
DUTY/RANGE	MANUFACTURER	WEIGHT	TYPE	VELOCITY	
DUTY/RANGE	CSI	40 GMS	BEAN BAG	270-290 FPS	
DUTY/RANGE	SUPER-SOCK	40 GMS	BEAN BAG	280 FPS	
DUTY/RANGE	AMTEC	40 GMS	BEAN BAG	275 FPS	
AUTHORIZED BATON - LESS-LETHAL					
MANUFACTURER		MODEL			
MONADNOCK		AUTO LOCK			
ASP		FRICTION LOC			
AUTHORIZED CHEMICAL SPRAY - LESS-LETHAL					
MANUFACTURER		LEVEL		STRENGTH	
SABRE		III		1.33%	
CONDUCTED ENERGY WEAPON - LESS LETHAL					
MANUFACTURER		MODEL		MAGAZINE CAPACITY	
AXON		TASER 7		2	
AUTHORIZED TASER CARTRIDGE - LESS LETHAL					
DUTY/TRAINING	MODEL				DISTANCE
DUTY	12 DEGREE CLOSE QUARTER CARTRIDGE				25 FT.
DUTY	3.5 DEGREE STANDOFF CARTRIDGE				25 FT.
TRAINING	HOOK & LOOP TRAINING (HALT) CARTRIDGE				25 FT.
TRAINING	INERT RESETTABLE TRAINING CARTRIDGE				25 FT.

APPENDIX B

BATON CHART

Escalation of Trauma By Vital
And Vulnerable Striking Areas





STRIKING AREAS

GREEN	YELLOW	RED
<p style="color: red; text-align: center; margin: 0;">REASONING</p> <p>Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>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="color: red; text-align: center; margin: 0;">REASONING</p> <p>Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p style="color: red; text-align: center; margin: 0;">REASONING</p> <p>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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APPENDIX C



ACTON POLICE DEPARTMENT USE OF FORCE REPORT FORM

Officer's Name: _____ Officer's Number: _____ Date of the Report: _____
Incident Number: _____ Date of Incident: _____ Time of Incident: _____
Duty Status: _____ Location of Incident: _____
Weather Conditions: _____ Lighting Conditions: _____
Suspect Information: Race _____ Age _____ Gender _____

Types of Force

Firearm: _____ Baton: _____ OC Spray: _____ Physical: _____ K9: _____ Taser: _____ Other: _____

Taser Section

Laser Only: _____ Arc Display: _____ Drive Stun: _____ Probe Deployment: _____ Impact Location: _____
Number of Cycles: _____ Taser Unit #: _____ Serial #: _____ Cartridge Serial #: _____
Medical Offered: Y / N

Reason for Force

Effect arrest: _____ Defend Self: _____ Defend another: _____
Restrain for suspect's own safety: _____ Prevent violent forcible felony: _____

Other Explain: _____

1. Was the Suspect Injured: YES: _____ NO: _____ If Yes, describe injury and location of medical treatment: _____

2. Was the Officer Injured: YES: _____ NO: _____ If YES, describe injury and location of medical treatment: _____

3. Describe injuries to any other person or property damaged resulting from the Use of Force: _____

Upon completion of this report, the officer will submit it to the Patrol Shift Supervisor for review and forwarding to their Division Commander:

Report submitted by: _____

Reviewed by: _____

Officer's Signature

Patrol Shift Supervisor's Signature

Division Commander's Signature

Date of Division Commander's Review

Page 1 of 1

Acton Police Department

APPENDIX D



Acton Police Department Firearms Discharge Form

Officer's Name: _____ I.D. Number: _____
Duty Status: On Duty _____ Off Duty _____
Date of Incident: _____ Incident Number: _____
Location of the Incident: _____
Weather Conditions: _____

Weapon Used: Make: _____ Model: _____ Serial Number: _____
Number of Rounds fired (by the Officer): _____

1. Reason for Force:

To destroy an animal: _____ Necessary to defend self: _____ Necessary to defend another: _____

2. Was the officer injured? YES: _____ / NO: _____ If YES, describe the injury and methods of treatment: _____

*** If the reason was "To destroy an animal" skip sections 3-9 ***

3. Was the suspect injured? YES: _____ / NO: _____ If YES, describe the injury and methods of treatment: _____

4. Distance between officer and antagonist: _____

5. At what point was the weapon taken from the holster: _____

6. Who fired the first round: Officer: _____ Antagonist: _____

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Acton Police Department Firearms Discharge Form

7. Officer used: Check all that apply:

Aimed Fire		Point Shooting	
One-Handed Grip		Two-Handed Grip	
Strong Hand Grip		Weak Hand Grip	
Right Hand		Left Hand	
Barricaded Positions		Crouching Positions	
Single Action		Double Action	

8. Number of rounds fired by the antagonist:

9. Describe property damage or injuries to any other person resulting from the Use of Force:

10. Narrative: (A short narrative additional to incident report):

Upon completion of this report, the officer will submit it to the Patrol Shift Supervisor for review. The report will then be forwarded to the Division Commander.

Report Submitted by:

Reviewed by:

Officer's Signature

Patrol Shift Supervisor's Signature

Division Commander's Signature