



North Eastern Massachusetts Law Enforcement Council (NEMLEC)

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General Considerations

NEMLEC recognizes that the rapid response and presence of a highly trained operational unit can resolve dangerous situations with a minimal use of force. Sound tactics, planning and teamwork frequently result in the resolution of serious situations with a minimum of danger to the public, police officers and offenders. Reasoned restraint when appropriate, coupled with the capability of a sound and immediate response when necessary is the hallmark of and reason for the existence of the NEMLEC operational teams.

It is emphasized that the most successful operation is one that results in the resolution of a problem without injury to anyone. Whenever practical, officers should employ other means of defense and control before resorting to the use of force. However, no officer is required or expected to sacrifice his own safety when faced with a threat of serious injury or death. NEMLEC places the highest value on the life and safety of its officers and the public. The procedures, rules and guidelines outlined in this policy have been designed to ensure that this value guides the NEMLEC officers' use of force.

| Glossary of Terms | Definition |
|--------------------------------|---|
| Diversionsary Device | Is any NEMLEC approved device that produces sound, light and/or smoke and is designed to distract, disorient or cause temporary confusion of a subject. It is intended to provide a tactical advantage, thereby reducing the chance of injury to all. |
| Chemical Agent | Is an agent that works by inflammation or irritation. It is designed to incapacitate with no lasting after effects. |
| Minimum Amount of Force | Is the least amount of force that is proper, reasonable and necessary to achieve a lawful objective |
| Non-Deadly Force | Is force that is not likely to cause serious physical injury |
| Lethal Force | Is that degree of force likely to result in death |

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| | or serious physical injury. The discharge of a firearm toward a person is an example of the use of lethal force. |
| Less Lethal Extended Range Impact Device | Flexible or non-flexible projectiles which are intended to incapacitate a subject with minimal potential for causing death or serious bodily injury. |
| Less Lethal Force Philosophy | Is a concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury |
| Serious Physical Injury | Is a bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of any body member or organ. |

I. PROCEDURES

1. This policy shall apply to any officer who belongs to a NEMLEC operational unit (i.e. RRT, SWAT, STARS, Motor Unit) and is responding to or participating in a NEMLEC Call Out.
2. NEMLEC officers shall use only that amount of force that is reasonable and necessary to accomplish their lawful objective.
3. Excessive force is prohibited.
4. When the use of force is unavoidable, officers will act reasonably under the circumstances.
5. Officers will use only the weapons that they have been trained, authorized and qualified to use; provided, however, that tools of immediate means (i.e. any resource at an officer's disposal) may be used where an officer is in imminent danger of death or serious physical injury.
6. Warning shots are strictly prohibited.

II. USE OF FORCE CONTINUUM

The following Use of Force Continuum contains a summary of the degree of force that may be exercised by NEMLEC officers based on the officer's perceptions. Reasonableness of a particular use of force will be judged from the perspective of a reasonable officer on the scene in light of the facts and circumstances confronting them without regard to their underlying intent or motivation. The amount and degree of force that may be exercised will be determined by the surrounding circumstances including, but not limited to:

- the nature of the offense;
- the amount of resistance, both physical and verbal, displayed by the subject against whom force is used, including past known behavior;
- possession of weapons by the subject;
- action by third parties who may be present;
- physical odds against the officer and size, age, physical condition of subject vs. officer;
- the feasibility of alternative options.

When a determination is made that the use of force is necessary and appropriate, officers should be guided by the law and, to the extent possible, comply with the following use of force continuum. Responses do not have to be exercised in progression. Rather, officers should use the minimum level of force in any continuum level that is reasonable and proper.

| Reasonable Officer's Perceptions If the subject is.... | Reasonable Officer's Tactics And appropriate response is... |
|---|--|
| Cooperative/Compliant | verbal commands officer presence |
| Passive Resistant (not cooperative or assaultive) | verbal commands contact control compliance techniques |
| Active Resistant (not cooperative or assaultive but physically resisting attempts to control) | verbal commands contact control compliance techniques baton (for control techniques only) tools of immediate means <u>ECD in drive-stun mode</u> chemical agents |
| Assaultive but using less lethal force | verbal commands contact control compliance techniques baton for control techniques chemical agents tools of immediate means <u>ECD in drive-stun mode and/or probe deployment</u> striking techniques less-lethal extended range impact devices |
| Presenting a threat of serious bodily harm or death to the officer or another | verbal commands contact control compliance techniques baton for control techniques chemical agents tools of immediate means <u>ECD in drive-stun mode and/or probe deployment</u> striking techniques |

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| less-lethal extended range impact devices lethal force |
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III. CROWD DISPERSAL TACTICS

1. NEMLEC officers shall use the minimum amount of force necessary to disperse a crowd.
2. Officers shall advise the crowd prior to initiating any dispersal action.
4. These measures are intended to prevent the indiscriminate use of force and to ensure the safety of both officers and crowd members.

IV. AUTHORIZED WEAPONS FOR NEMLEC OFFICERS

Certain members of the NEMLEC operational units are issued, trained and authorized to use the following specialized weapons including:

1. DIVERSIONARY DEVICES

A. Guidelines for Use

NOTE: Diversionary devices should be used in the following situations after a verbal command and warning is issued, if practical.

1. To affect safe entry when executing a search warrant or warrantless entry upon an evaluation of the risk involved;
2. In conjunction with a hostage rescue assault or a forcible entry to take a barricaded suspect into custody;
3. As an outside diversion to draw suspects away from the NEMLEC team's point of entry;
4. To distract an individual threatening suicide to allow officers to take him into custody without harm to himself or the officers;
5. During a felony vehicle stop to distract the occupants of the target vehicle;
6. To provide distraction during the recovery of an injured person;
7. When armed resistance is encountered and diversionary devices are necessary to provide distraction as officers proceed with dynamic clearing;
8. When armed resistance is encountered and diversionary devices are necessary to provide distraction as officers move from one point of cover to another;
9. During training exercises and demonstrations.

B. Authorization Needed

Diversionary Devices issued to individual NEMLEC officers may be used with the approval of the NEMLEC Control Chief or his designee.

2. CHEMICAL AGENTS

A. Guidelines for Use

NOTE: Chemical agents should be used in the following situations after a verbal command and warning is issued, if practical, and the suspect has been given the opportunity to surrender prior to its use.

1. As a means of taking custody of an individual or individuals
2. To disperse an individual or group;
3. As a screening agent;
4. To facilitate a tactical operation;
5. For any other application deemed appropriate by the NEMLEC Control Chief or his designee;
6. The sequence of introducing chemical agents should be progressive if circumstances allow;
7. A gas mask should be worn or readily available while launching chemical agents;
8. The Chemical Dispersion Officer shall confirm the request for chemical Agents, including the quantity, type and location desired;
9. Chemical agents should be deployed with the goal of forcing the suspect to exit to a pre-designated area.

B. Authorization Needed

Chemical agents may be used when approved by the NEMLEC Control Chief or his designee and should be used only at the direction of the Control Chief or his designee.

3. LESS-LETHAL EXTENDED RANGE IMPACT DEVICES

A. Guidelines for Use

NOTE: Less-lethal extended range impact devices should be used in the following situations after a verbal command and warning is issued, if practical.

1. To assist in effecting a safe entry when executing a search or arrest warrant or warrantless entry, upon the evaluation of the risk involved
2. For the rescue of an injured person where rioters may have them surrounded and are acting aggressively. Devices would be used by the rescue team to gain access to the victim's location and maintain a perimeter while affecting the rescue.
3. During a riot situation, with or without chemical agents, when the action of the rioters present a threat of serious bodily harm or death to the officers.
4. To distract or incapacitate a suspect with a knife or impact weapon, when done in a manner that does not unduly endanger the lives of officers.
5. To identify and mark agitators for arrest.
6. When in rock or bottle throwing range of a hostile crowd, the devices should be deployed from behind or through the shield line.
7. Officers deploying devices should always be covered by an officer with lethal

force capability.

8. All shotguns designated for use with less lethal extended range impact devices will be color-coded.
9. Officers assigned as part of a less lethal devices team will be devoid of any regular shotgun rounds and will insure that standard shotgun rounds are not mistakenly used.
10. Aiming these munitions will be consistent with NEMLEC training.

B. Authorization Needed

Less lethal extended range impact devices may be used when approved by the NEMLEC Control Chief or his designee.

4. FIREARMS

A. Guidelines for Use

NOTE: Firearms may be used in the following situations after a verbal command and warning is issued, if practical, and the suspect has been given the opportunity to surrender prior to its use.

1. The use of firearms constitutes lethal force and should not be used except to protect oneself or another person from imminent death or serious bodily injury.
2. NEMLEC officers have diverse firearms assigned to them, including but not limited to, handguns, shotguns, rifles and automatic weapons.

B. Authorization Needed

The NEMLEC Control Chief or his designee shall determine what firearms shall be deployed and by whom in any situation. This determination shall be made after consideration of all known facts surrounding a particular situation and the capabilities and limitations of each weapon.

V. USE OF FIREARMS

This section sets forth guidelines for NEMLEC officers when making decisions regarding the use of lethal force. These procedures have been developed with serious consideration for the safety of both the officers and the public and with the knowledge that officers must sometimes make split-second decisions in life and death situations.

1. The use of a firearm constitutes lethal force.
2. Officers shall not use lethal force except to protect themselves or another person from imminent death or serious bodily injury.
3. Officers may discharge their firearms only when doing so will not unreasonably endanger innocent persons.
4. An officer shall not use lethal force to apprehend a fleeing felon unless the officer has probably cause to believe that:

- the felony involved the use or threatened use of lethal force, AND
 - there is substantial risk that the escape of the individual would result in imminent death or serious bodily injury to the officer or another if the apprehension is delayed.
5. Officers shall not discharge their firearms:
- To subdue persons whose actions are destructive of property or harmful only to themselves, unless such actions constitute an imminent threat of death or serious bodily to the officers or others.
 - At a moving vehicle unless there is imminent threat of death or serious physical injury to the officer or others and there is no means to escape. To minimize the threat a moving vehicle can present, officers are to use sound tactics when approaching a vehicle and should whenever possible, position themselves in such manner that the vehicle can not be used against them as a weapon.
 - From a moving vehicle unless circumstances warranting lethal force exist and no other reasonable means are available.
6. Officers may draw their firearm in a ready position when there is reasonable belief that a potential threat of death or serious bodily injury exists. When in a ready position, the trigger finger is placed outside and above the trigger on the receiver of the weapon, the weapon is pointed in a safe direction and the officer assumes a position that protects the firearm from being forcefully taken from him/her.
7. When an officer has used force that results in a death or serious injury, he/she shall immediately be referred to appropriate stress counseling or post-incident debriefing by his/her own department.

VI. MEDICAL ATTENTION

A NEMLEC officer who injures any person when using any type of force shall alert the on-scene Medic Team and shall arrange for medical treatment and if necessary, transportation to a hospital of the injured person as soon as practical under the circumstances. The officer shall notify the Officer in Charge and/or the NEMLEC Control Chief or his designee if the injury is more than minor in nature.

VII. AFTER ACTION REPORT

At the conclusion of any tactical activation in which action is taken, the Unit Commander or his designee shall complete an "After Action Report". This report shall be completed within ten (10) days of the activation and shall specify whether any individual was injured during the activation. The Unit Commander shall distribute the report to the Receiving Chief of Police, with a copy to the Control Chief, or his designee. A copy shall also be filed and maintained by the Unit Commander. This report, in addition to any Use

of Force Review Report (see below), shall be submitted to the Standards Committee.

VIII. USE OF FORCE REVIEW REPORT

It is essential that in all instances to document use of force and to review the use of force. A Use of Force Review Report (attached to this policy) shall be submitted as soon as practical to the Unit Commander and the Control Chief *by the involved officer* whenever:

- a firearm is discharged except for firearms training;
- a striking technique is used in which an injury is sustained;
- a chemical agent is used;
- the use of force caused or is known to have caused injury or death;
- any other weapon is used in which an injury is sustained;
- deemed appropriate by the NEMLEC Control Chief or his designee

This policy does not require reporting the pointing of weapons or using weaponless, hand-to-hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing non-compliant or resisting persons. These techniques include physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-alongs, handcuffing, or other custodial procedures.

Notwithstanding the above provisions, the Executive Board of NEMLEC and/or the Standards Committee may direct an officer to submit a Use of Force Review Report if, in its sole discretion, it deems it appropriate or necessary.

In the event that more than two (2) officers have taken actions during a single incident, or call out, that would mandate the filing of a Use of Force Review Report, the Unit Commander shall submit one Use of Force Review Report describing all of the uses of force during that incident or call out, and shall obtain the signatures of all officers involved, in addition to his/her own signature, on that Use of Force Review Report.

Every NEMLEC officer acknowledges that he/she must also adhere to the Use of Force reporting requirements of his/her own department.

IX. USE OF FORCE REVIEW BOARD

All Use of Force Review Reports, together with the After Action Report from pertinent activation, shall be forwarded by the Control Chief to the NEMLEC Standards Committee each time a Use of Force Review Report is filed. The Standards Committee shall conduct an administrative review of such reports not less than once annually. It shall assess, analyze and recommend whether further action is necessary based on a review of these reports.

X. DISSEMINATION AND RECEIPT OF USE OF FORCE POLICY

The Control Chief of each operational unit or his designee shall be responsible for issuing a copy of and training in the NEMLEC Use of Force policy to each NEMLEC officer participating in such Unit. Each officer shall sign a receipt of acknowledgement that shall be maintained in the records of NEMLEC.



NORTH EASTERN MASSACHUSETTS LAW ENFORCEMENT COUNCIL (NEMLEC)

USE OF FORCE REVIEW REPORT

Officer Submitting Report: _____ Date: _____

Name of Police Department: _____ Rank: _____

A. GENERAL INFORMATION

Date of Incident: _____ Time of Incident: _____

Location or Address of Incident: _____

Indoors: Outdoors:

Describe Weather and Light Conditions: _____

B. FORCE APPLICATIONS USED (check all applicable)

Physical Strength/Hand Controls

Spray/Pepper Mace

Firearm Discharged Number of shots fired: _____

Defensive Baton

Other (describe) _____

Reason:

Necessary to Effect Arrest

Necessary to Defend Self

Necessary to Defend Another

Other (explain below)

Firearm Used (if applicable):

Department Issued Firearm

NEMLEC Authorized Firearm

Privately Owned Firearm

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C. INJURED PERSON(S)

Was the suspect injured? YES NO

Was a witness injured? YES NO

Was officer injured? YES NO

Were photos/physical evidence obtained? YES NO

Name: _____

Describe Injury: _____

Address: _____

Treated by Ambulance? YES NO
Transported? YES NO

Medical Facility: _____

Name: _____

Injury: _____

Address: _____

Treated by Ambulance? YES NO
Transported? YES NO

Medical Facility: _____

D. WITNESSES YES NO

List name(s) and addresses if known:

F. PROPERTY DAMAGE YES NO

Name and Address of Owner

Damage:

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G. NARRATIVE

Describe in detail the reasons and circumstances that required use of force and/or discharge of a firearm. Use additional paper if necessary. Reference and attached any After Action Reports that are related to this incident.

Officer's Signature: _____

Date: _____