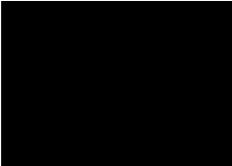


REVERE POLICE DEPARTMENT		Department Manual: Policy No. 401
Subject: USE OF FORCE POLICY		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.2.2; 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.8; 1.3.9; 1.3.10; 1.3.11; 1.3.12; 1.3.13; <i>Statutory: AN ACT RELATIVE TO JUSTICE, EQUITY AND ACCOUNTABILITY IN LAW ENFORCEMENT IN THE COMMONWEALTH</i>		GENERAL ORDER 2021-06
Effective Date: 07/06/2021 Review Date: 07/06/2023	ISSUING AUTHORITY <i>David J. Callahan</i> <hr/> David J. Callahan Chief of Police	

NOTE: This policy is for the internal guidance of the Revere Police Department, and is not intended and shall not be used to establish a higher standard of care in any proceeding, civil or criminal, than is provided by State law, except that it may be used for internal disciplinary purposes.

Mass State Police CPAC Unit
Mass State Police Headquarters
Mass State Police Employee Assistance Unit
Suffolk County District Attorney's Office BPD Operations



I. GENERAL CONSIDERATIONS AND GUIDLINES

The Revere Police Department's Use of Force Policy provides specific written guidelines regarding the reasonable use of necessary force that may be used by Revere Police Officers while they are serving and protecting the greater community at large. This Use of Force Policy is based from federal, state, and local law as well as existing best practices of accredited law enforcement agencies across the nation. Each and every day officers are continually involved in numerous and varied interactions and encounters with members of the community. The Revere Police Department trains each one of our police officers to have a complete and accurate understanding of, and true appreciation for, their individual statutory and common law authority as well as the existing limitations to this authority. This is especially true with respect to overcoming resistance - whether armed or not - while engaged in the performance of lawful law enforcement duties and responsibilities.

As you are aware, the men and women of the Revere Police Department place the highest value on the sanctity of life, the protection of the public, the safety of our officers all the while respecting individual freedoms, liberty and dignity of every individual that we have occasion to encounter, engage or assist. Because of our law enforcement responsibility and our peacekeeping role, a Revere Police Officer may at times be called upon and even required to utilize some type of physical force, however slight, to enable our officers to fully carry out their law enforcement responsibilities in maintaining order especially when met with significant resistance or when the individual that is confronted is in the act of causing or attempting to

cause injury to another person. Police officers may be confronted with situations requiring or resulting in the use of various degrees of force to not only affect a lawful arrest, but to ensure public safety and to protect themselves or others from imminent harm. The degree of force used is strictly dependent upon the facts and circumstances surrounding the situation that the officer encounters. Our police officers are trained that only a reasonable and necessary amount of force may be used and is dependent upon the intensity of resistance or threat to the safety that the situation presents, and the lack of any less restrictive available alternatives.

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

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written directive can offer definitive answers to every situation in which the use of force might be appropriate. Rather, this directive will set certain specific guidelines and provide officers with a concrete basis on which to utilize sound judgment in making reasonable and prudent decisions.

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

II. DEFINITIONS ^{1.3.2}

- A. **CHOKEHOLD.** The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death. **Chokeholds are strictly forbidden by statute and are not trained by this department.**
- B. **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 subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis.
- C. **DEFENSIVE FORCE.** The necessary use of physical force to overcome violent resistance from an attacker, or to protect others from assault, injury or death.
- D. **LETHAL FORCE / DEADLY FORCE.** Lethal Force as used in this policy is defined as that degree of force, which a reasonable and prudent officer would consider likely to cause death or serious physical injury. This may include red zone strikes with batons. The use of a firearm is **ALWAYS** the use of lethal force. Lethal Force also referred to as Deadly Force is that degree of force that can reasonably be expected to cause death or serious physical injury. A law enforcement
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- 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. 1.3.2
- E. **LESS LETHAL FORCE.** Less lethal force is that degree of force, which in the circumstances is neither likely nor intended to cause death or serious physical injury. It is usually employed as a defensive measure. Officers are trained and issued less lethal police equipment, OC, Expandable Baton (ASP), Taser, and a department K-9, to provide them with an advantage when fending off or subduing an unarmed assailant. Officers are authorized to use less lethal force that is necessary and proportionate where de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances
- F. **OFFICER-INVOLVED INJURY OR DEATH.** Any event during which an officer: (i) discharges a firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death to another; (ii) discharges any stun gun as defined in said section 121 of said chapter 140, actually or proximately causing injury or death to another; (iii) uses a chokehold, actually or proximately causing injury or death of another; (iv) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another; (v) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another; (vi) deploys a dog, actually or proximately causing injury or death of another; (vii) uses deadly force, actually or proximately causing injury or death of another; (viii) 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; or (ix) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.
- G. **PROBABLE CAUSE.** Probable cause for arrest exists if, at the time of the arrest, the facts known to the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.
- H. **REASONABLE BELIEF.** Reasonable belief exists when the facts or circumstances an officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. 1.3.2
- I. **REASONABLE FORCE.** *Graham v. Connor, 490 US 386, 395 (1989)*. Force which is objectively reasonable because it is necessary to overcome resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority.
- J. **SERIOUS BODILY INJURY.** Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss or impairment of a bodily function, limb or organ; or (iii) a substantial risk of death.

III. POLICY

It is the policy of the Revere Police Department that:

- A. All officers of the Revere Police Department shall use reasonable and necessary force to overcome resistance to lawful objectives when alternative methods and tactics are either impractical, ineffective or pose a greater risk. 1.3.1
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B. Members of this Department may use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury. Officers may also use lethal force to prevent the escape and effect the arrest of an individual whom the officer has probable cause to believe has committed a felony involving the use, attempted use or threatened use of lethal force and whom the officer reasonably believes will cause death or serious physical injury if apprehension is delayed. (See section X of this Policy). **1.2.2, 1.3.2**

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

D. This policy requires strict adherence by all personnel including but not limited to all sworn full-time permanent police officers, special police officers, retired part-time officers, auxiliary officers and animal control officer(s).

E. All of the provisions contained within this Use of Force Policy shall strictly adhere to all applicable statutory and constitutional provisions of federal, state, and local laws including but not limited to the holdings by the United States Supreme Court and the Massachusetts Supreme Judicial Court in:

- Graham v. Connor, 490 US 386 (1989)
- Tennessee v. Garner, 471 US 1 (1985)
- Comm. v. Adams, 416 Mass. 568 (1993)
- Comm. v. Klein, 372 Mass 823 (1977)
- Comm v. Martin, 369 Mass 640 (1976)

F. An officer present and observing another officer using 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 use of unreasonable force** unless intervening would result in imminent harm to the officer or another identifiable individual.

G. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances **shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift.**

H. Any **harassment, intimidation or retaliation** against the officer who made such report regarding the witnessed excessive force shall be a violation of this department policy and shall upon a sustained internal administrative investigation shall be subjected to the imposition departmental discipline up to and including termination.

I. The officer **shall prepare a written statement describing the incident consistent with uniform protocols.** The officer's written statement shall be included in the supervisor's report.

IV. CONTINUUM OF FORCE

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

1. The nature and seriousness of the offense;
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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 to use de-escalation tactics at any time during the encounter.

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

C. The preferred means of using force are set forth below in ascending order from least severe to the most drastic measures. An officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe application of force, except where the officer reasonably believes that lesser means would not be adequate in a particular situation and the use of force is necessary to accomplish the officer's lawful objective or to protect him/herself or another from serious physical injury or death. Officers should continuously evaluate the circumstances of the encounter with the goal of exploiting both verbal and tactical opportunities with the intent of de-escalating to a lower force level.

1. **VERBALIZATION.** Verbalization is defined as verbal persuasion, by way of verbal commands, used by the officer in an attempt to defuse or deescalate the situation or inform a suspect that he/she is under arrest.

2. **WEAPONLESS PHYSICAL FORCE:** Weaponless physical force techniques, including distraction techniques, are those techniques an officer feels necessary to use to effect "Take Down and Control Holds" by generally using their hands. **1.3.6 d**

3. **CHEMICAL SUBSTANCE.** Department approved less lethal chemical substance when used to overcome resistance or an assault, or deter riotous or violent behavior.

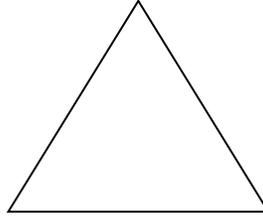
4. **LESS LETHAL IMPACT DEVICES.** The Department has approved the following Less Lethal Impact Devices when used as an impact instrument by the officer to defend themselves or another from the threat of serious physical injury. **1.3.4**

- [REDACTED]

5. **LETHAL FORCE/FIREARMS.** The use of 'Lethal Force' is the last option within the continuum of force and is only authorized in accordance with the guidelines established in Section IX of this policy.

D. MPTC USE OF FORCE REFERENCE GUIDE

Perceived Circumstances



Perceived Subject Action (s)

Reasonable Officer Response (s)

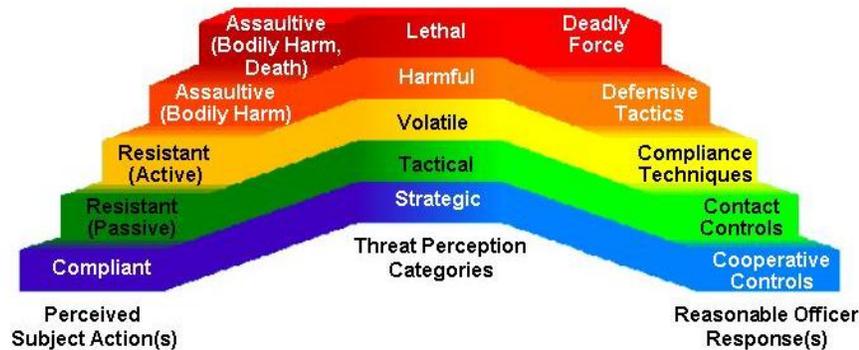
The **Totality Triangle** depicts the three elements which must be considered in determining whether an application of force was objectively reasonable.

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

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

Reasonable Officer Response (s) - the "balanced" response (s) appropriate for the reasonable officer's selection from the Use of Force Model's identified response categories, in order to maintain or gain subject compliance and control.

MPTC Use of Force Model



The Use of Force Model was developed in 1991 by Dr. Franklin Graves, Federal Law Enforcement Training Center and Professor Gregory J. Connor, University of Illinois Police Training Institute. © 1998, G. Connor. All rights reserved.

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

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

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

Threat Perception Categories

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

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

Volatile - the third level on the Use of Force Model utilizing the color yellow to indicate an activated level of alertness and threat potential. Here the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter.

Harmful - at this level on the Use of Force Model the color orange denotes an accelerated perception of threat directed upon the officer or others. In this regard the officer must deploy initial defensive force in the effort toward eventual subject compliance and control.

Lethal - the highest level on the Use of Force Model correlates to the most intense color in the Threat Perception Color Code, red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.

Perceived Subject Action (s) Categories

Compliant - represents the vast majority of officer / citizen confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via cultural acceptance, verbalization skills, etc.

Resistant (Passive) - the preliminary level of citizen non-compliance. Here, the citizen, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort.

Resistant (Active) - the subject's non-compliance is increased in scope and / or intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.

Assaultive (Bodily Harm) - the officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would not result in the officer's or other's death or serious bodily harm.

Assaultive (Serious Bodily Harm / Death) - the officer's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death to the officer or others.

Officer Response (s) Categories

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

Contact Controls - includes resistant countermeasures designed to guide or direct the non-compliant subject. These "hands on" tactics would include the elbow / wrist grasp, Hand Rotation Position, escort position, etc.

Compliance Techniques - includes resistant countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include arm/wrist manipulation, balance displacement, physical restraint, arm bar take down, distraction techniques, O.C., Baton restraint & control, Taser Drive Stun, etc.

Defensive Tactics - includes assaultive countermeasures designed to cease the subject's non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include weaponless strikes, Taser probe deployment, baton strikes, kicking techniques, "bean bag", etc

Deadly Force - includes assaultive countermeasures designed to cease an assault which is lethal or could cause great bodily harm on the officer or others. These tactics could include the use of a firearm, lethal strikes, neck restraints, choke holds, etc.

V. ENCOUNTERS WITH MINORS, EMOTIONALLY DISTURBED, MENTALLY ILL AND PHYSICALLY DISABLED PERSONS

A. When an officer of this department is dealing with certain individuals in an enforcement capacity or other related potential custodial context who are either known or believed to be minor children (<18), mentally ill or physically disabled and that could carry the potential for physical resistance or violence, certain timely considerations and informed judgments about their mental and/or physical state need to be considered. Dealing with these individuals may require special police skills, abilities, or in-service and/or specialized training to effectively and legally deal with the person so as to avoid unnecessary violence, or injury to the officer or the subject who either is in distress or who has committed a criminal offense.

B. Therefore, it is extremely important that members of this department shall be issued specific guidance on developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to the use of force for minor children (<18), mentally ill or physically disabled that may take into account contextual factors including, but not limited to, the person's age, disability status, developmental status, mental health, linguistic limitations or other mental or physical condition. Given the sometimes unpredictable nature of children or the mentally ill and/or physically disabled, officers should never compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of mental and/or physical illness or who are below the age of 18.

In the context of enforcement and related activities, officers shall be guided by Massachusetts State Law and Revere Police Policy regarding the detention of the mentally ill and /or physically disabled and for minor children between the ages of 12 and 18 years of age. Officers shall use these to assist them in balancing whether a person's behavior is indicative of mental illness and dealing with the mentally ill and physically disabled in a constructive and humane manner while insuring officer and public safety.

C. Should the officer determine that an individual may be a minor, mentally ill and/or physically disabled and a potential threat to himself, the officer, or others, or may otherwise require law enforcement intervention for humanitarian reasons the following responses may be taken, bearing in mind officer safety is most important.

1. Request a backup officer, and always do so in cases where the individual will be taken into custody.
2. Take steps to de-escalate the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation.

NOTE: DE-ESCALATION: Members shall use de-escalation techniques whenever possible and appropriate, before resorting to force and to reduce the need for force. De-escalation techniques may include verbal persuasion, warnings and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the member and the threat, and requesting additional resources (e.g., specialized units, mental health care providers, negotiators, etc.) to resolve the incident.

- a. When reasonable under the totality of circumstances, members should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.
 - b. Members should recognize that they may withdraw to a position that is tactically advantageous or allows them greater distance in order to de-escalate a situation or consider or deploy a greater variety of force options, including lesser force or no force at all.
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c. Members shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions.

d. Members shall not use tactics designed to intentionally escalate the level of force

3. Move slowly and do not excite the disturbed person. Provide reassurance that the police are there to help and that he will be provided with appropriate care.

4. Communicate with the individual in an attempt to determine what is bothering him/her. Relate your concern for the individual's feelings and allow him/her to ventilate their feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.

5. Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.

6. Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.

7. Always attempt to be truthful. If the subject becomes aware of a deception, he may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.

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

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

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

VI. PARAMETERS FOR THE USE OF LESS LETHAL FORCE

The use of intermediate force options, also referred to as *less lethal force*, have the potential for lethality. The application of less lethal force by a police officer in the performance of their duty will generally be limited to defensive situations where it is necessary; 1.3.4

- A. In self-defense, or defense of another, against unlawful violence or attack to his/her person or property; or
- B. To preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicted injury.
- C. To apprehend or subdue a person in a reasonable and balanced manner who actively resists arrest or lawful detention.

VII. PROCEDURES: LESS LETHAL FORCE

- A. Only issued or approved equipment will be carried on duty and used when applying any level of less lethal force. 1.3.4
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B. Use of restraining devices is mandatory on all prisoners, unless in the officer's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g., prisoner is handicapped, etc.). The mere placing of handcuffs on a detainee will not be construed to be a use of physical force. 1.3.4

C. The use of neck restraints or control techniques, commonly known as choke holds, have a potential for serious injury therefore are not authorized

D. A law enforcement officer shall not use a chokehold to restrain or subdue a suspect under any circumstances. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow. 1.3.4

E. After any level of less lethal force is used, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when: 1.3.5

1. That person has a visible injury; or,
2. That person complains of injury or discomfort and requests medical attention.

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance (*See Detainee Transport Policy#414*) to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report.

F. The officer shall promptly notify his / her immediate supervisor of the incident.

G. The officer shall attempt to locate and identify all witnesses, documenting their statements.

H. The officer shall prepare and submit all required reports including a Departmental **Use of Force Report**. If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a separate report outlining his/her actions and observations in the incident. 1.3.6

I. The Patrol Supervisor shall immediately respond to the scene of any incident where, as the result of the application of physical force, an officer is injured, or a detainee has a visible injury, or complains of injury or discomfort and requests medical attention, and the Supervisor shall: 1.3.5, 1.3.6, 1.3.7, 1.3.13

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

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

4. Report the incident and his/her observations to the OIC at Police Headquarters.
 5. Supervisors are required to file an **After Action Report (AAR)** whenever requested to do so by an officer superior to them. Additionally, supervisors are required to file an **AAR** for **Taser deployment** or if an officer was involved in a **vehicle pursuit**. An exception to this rule would only be if the supervisor was directly involved in the incident, which would require another superior officer to file the **AAR** (Taser deployment or vehicle pursuit). 1.3.6
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6. The OIC, shift supervisor(s) (on-duty during the incident) and Executive Officer or Chief's designee will conduct a written review of all reports concerning each incident where less-lethal or lethal force has been utilized. 1.3.7

7. The Executive Officer or Chief's designee shall also conduct an annual audit of all Use of Force Reports and After Action Reports (firearms, defensive weapons, Taser, pursuits etc.) which may indicate additional or improved training methods, policy modifications and or equipment upgrades. 1.3.7, 1.3.13

XIII. LESS LETHAL FORCE OPTIONS 1.3.4

A. All officers shall be properly trained and certified when appropriate, in the use of any less lethal force options (such as Chemical substances, Taser (ECW) or Baton) before being authorized to carry such weapons. K-9 handlers are specially trained in the use and deployment of a K-9. 1.3.4, 1.3.10 [See *Electronic Control Weapons Policy#402.1* and *Canine Policy#403.5*]

B. Chemical Substances (OC Spray)

1. OC Spray may be used when physical force is necessary to:

- a. Protect an officer or other person from an assault;
- b. Subdue a person who actively resists arrest; or
- c. Control persons engaged in riotous or violent conduct.

2. It is preferred that OC Spray not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same end. Officers should issue a verbal warning and allow a reasonable amount of time for response unless a warning could endanger the officer or others.

3. OC Spray is not intended to be a substitute for other weapons in situations in which the use of other weapons is more appropriate.

4. Absent exceptional circumstances, officers shall not use OC spray on children, pregnant women and elderly persons, or for the sole purpose of protecting property.

5. The officer involved shall file the appropriate reports, including a Use of Force Report, whenever a chemical substance is employed. 1.3.6

6. When OC Spray is used, it should be aimed at the subject's face and upper torso. Officers are required to maintain a minimum of at least 4 feet away from the subject when utilizing OC spray unless exceptional circumstances require otherwise. Each deployment of OC spray must be justifiable. First aid shall be administered as soon as practicable under the circumstances.

7. Upon arrival at Police Headquarters the subject shall be given the opportunity to wash with water. Officers shall request medical aid for sprayed subjects when they complain of continued effects after decontamination or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the application of OC spray.

8. The use of OC Spray is not authorized for non-violent behavior or when handcuffed unless a threat to the officer or others exists.

9. Once handcuffed a contaminated subject should not be placed faced down due to the risk of positional asphyxia. Officers shall monitor handcuffed subjects.

10. No tactical advantage is realized by indiscriminate use of OC Spray or any less lethal force option against non-combative persons

C. Taser (ECW)

1. ECW may be used in two distinct manners:

- a. Drive stun: Drive stun is equal in force to the use of OC Spray, joint restraints or other pain compliance techniques. Drive Stun is a compliance technique and may be used on the "Active Resistant" subject and may be used when physical force is necessary to:
 - i. Protect an officer or other person from an assault;
 - ii. Subdue a person who resists arrest; or
 - iii. Control persons engaged in violent conduct
- b. Probe deployment: This is a defensive tactics technique that may be used on an assaultive subject.

2. Taser Officers are trained in probe removal, however if a probe strikes a sensitive area (genitals or face/head) and / or the subject requests medical treatment, he / she shall be transported by ambulance to a medical facility for probe removal. **1.3.5**

3. The officer involved shall file the appropriate reports, including a **Use of Force Report**, whenever an ECW is employed. **1.3.6**

4. A supervisor must file an **After Action Report** after ECW deployment. **1.3.6**

5. No tactical advantage is realized by indiscriminate use of an ECW or any less lethal force option against non-combative persons.

NOTE: It is preferred that chemical substances or an ECW not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same end. Chemical substances or ECWs are not intended to be a substitute for lethal force. Officers are not expected to respond to a lethal force threat with a less lethal force option.

D. Police Batons: Expandable Baton (ASP), Straight Baton

1. The Police Expandable Baton or the straight baton may be used: Officers may carry a baton with which they have received proper MPTC training and may be used in the following manners:

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

2. Any time the police baton is used to strike a person or a subject is injured when applying a takedown or come-along hold medical treatment shall be provided and the **Use of Force Report** must be completed. 1.3.5

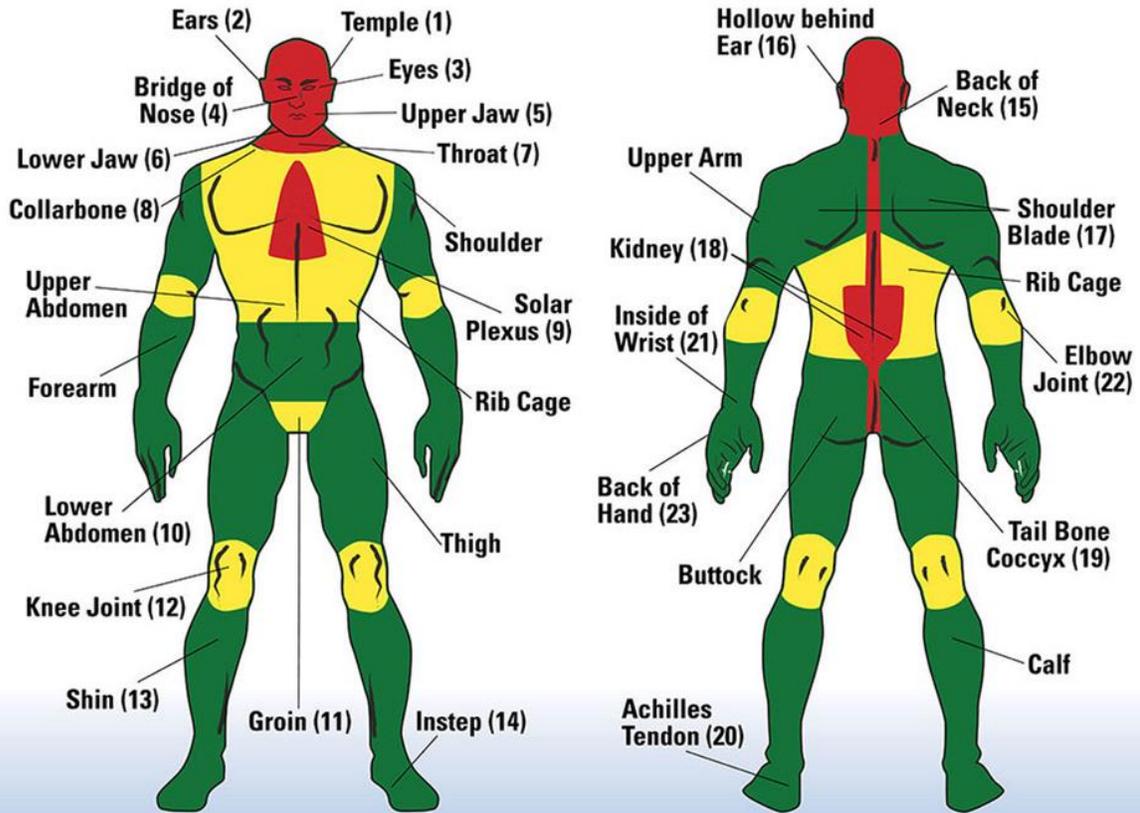
3. For guidance on the use of the baton please refer to the MPTC / Monadnock chart below for appropriate striking areas and descriptions of “Green,” “Yellow,” and “Red” target areas.

E. Tools of Available Means

In limited circumstances when a confrontation escalates suddenly and/or unpredictably, an officer may use any means or device at hand such as a flashlight, radio, other issued equipment or device, to defend themselves, others, or to bring a situation under control when in light of the circumstances surrounding the officer, at the time, it was found reasonably necessary to do so as long as the level of defensive action is objectively reasonable given the existing circumstances.

BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



STRIKING AREAS

GREEN	YELLOW	RED
<p>REASONING 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>REASONING Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p>REASONING 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.

IX. LETHAL FORCE: GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of the following section is to set forth guidelines for members of this Department in making decisions regarding the use of Lethal Force. The guidelines have been developed with serious consideration for the safety of both the police officers and the public, and with the knowledge that officers must sometimes make split second decisions in life and death situations.

The value of human life is immeasurable in our society. This Department places its highest value on the sanctity of life, the safety of its officers and the public. The Department's policies and procedures are designed to ensure that this value guides police officers in their use of lethal force.

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

LETHAL FORCE. Lethal Force as used in this policy is defined as that degree of force, which a reasonable and prudent officer would consider likely to cause death or serious physical injury. This may include red zone strikes with batons. The use of a firearm is **ALWAYS** the use of lethal force. Lethal Force also referred to as Deadly Force (above) is that degree of force that can reasonably be expected to cause death or serious physical injury. A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm. 1.3.2

X. PARAMETERS FOR THE USE OF LETHAL FORCE

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

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

OR

B. Effect an arrest, only when:

1. The arrest is for a felony; and

2. The officer reasonably believes that:

a. The force employed creates no substantial risk of injury to innocent persons; and

b. The crime for which the arrest is made involved the use or attempted use, or threatened use of lethal force; and

c. There is substantial risk that the person to be arrested will cause death or serious physical injury if his apprehension is delayed.

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

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

XI. FIREARMS PROCEDURES

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

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

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

C. In the event that the use of Lethal Force becomes necessary, the officer shall immediately render appropriate medical aid for that person upon whom the force was used, activate the EMS System and arrange for transportation to the hospital for further treatment as necessary. **1.3.5**

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported by ambulance in accordance with departmental transportation procedures to the nearest available emergency treatment center or hospital. All medical treatment received shall be noted in the officer's report. **1.3.5**

- 1.) The officer shall promptly notify his/her immediate supervisor of the incident who shall respond and take control of the initial investigation.
- 2.) The officer shall prepare and submit all required reports including a **Use of Force Report**. If more than one officer is involved in a lethal force incident, each officer shall complete a separate report outlining his actions and observations in the incident. **1.3.6**
- 3.) Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented. **1.3.5**
- 4.) Ensure that the need for medical treatment for the detainee is properly evaluated and provided. **1.3.5**
- 5.) Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photographs, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

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

- 6.) The supervisor shall file an **After Action Report** (AAR) on the incident. **1.3.6 a**

D. A police officer may discharge an issued Department weapon under the following circumstances:

1. At an approved firearms range for authorized training, target practice or competition, with weapons authorized by the Department.
2. To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options shall be exhausted, however, before shooting the animal.
 - a. Officers who find it necessary to discharge firearms in this situation shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.
 - b. Where feasible, children should not be present.
 - c. It will **not be necessary** to complete a **Use of Force Report** when a badly injured animal is destroyed. However, the officer shall submit an Incident Report according to current departmental procedures. 1.3.6

E. Warning Shots

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

F. Signaling Devices

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

G. Moving Vehicles

1. A law enforcement officer **shall not** discharge any firearm into or at a fleeing motor vehicle unless, based on the totality of the circumstances, such discharge is necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a person.
2. Discharging a firearm at a moving vehicle by an officer is prohibited, except to defend themselves or another when the occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious physical injury to themselves or another, and the officer reasonably believes that they will not endanger innocent persons. It is imperative that officers not position themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle at close proximity while dismounted).

NOTE: Shooting at a fleeing vehicle or a vehicle that is going away from the officer and is no longer an immediate threat is **prohibited**. Under such circumstances, officers should be aware of the potential inability of a bullet to penetrate the metal or glass surfaces of an automobile and the likelihood of ricocheting bullets causing injury to innocent persons.

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

H. Drawing or Displaying

1. An officer shall avoid the unnecessary display of firearms and not draw a firearm except when there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the officer should carry their firearm in a position that will facilitate its speedy, effective, and safe use. Officers shall not point firearms at persons in circumstances, which are clearly unjustifiable. In the event it is necessary to point a firearm at a subject, officers shall note justification for the use of force within the **Use of Force Report**. **1.3.6**

2. When their firearm is drawn, officers shall keep their finger off the trigger until the weapon is pointed at the intended target and there is legal justification under state law and this policy to fire it.

I. Permissible Weapons and Ammunition

1. Officers shall carry the department-issued firearm and ammunition whenever on-duty or when working any assignment, including detail assignments. **1.3.9**



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

J. No officer of the department dressed in civilian clothing shall carry his/her firearm in such a manner that will attract attention or will be in open view unless he/she is displaying a badge in close proximity to the firearm.

K. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon, which malfunctions, shall be returned to the department's Training Division forthwith for the necessary repairs. **1.3.9d**

L. Training and Qualification

1. All personnel authorized to carry a Department issued weapon shall qualify with their issued weapon and any other weapon they are authorized to carry while on duty at least annually. **1.3.10, 1.3.11, 16.3.6**

2. All approved lethal weapons and ECW Taser proficiency qualifications shall be under the direction of the department's Training Division and certified Municipal Police Training Committee (MPTC) weapons and tactics instructors. **1.3.11, 16.3.6**

3. Only Officers demonstrating proficiency in the use of Department issued weapons will be authorized to carry or use those weapons. Officers who fail to qualify with any issued weapon or special weapon shall not be authorized to carry or use that weapon. **1.3.10, 1.3.11 a**

4. Any officer who requires additional training instruction will be given a reasonable amount of time to demonstrate proficiency while removed from line duty assignment and assigned to administrative duty. If it becomes necessary, the Officer will be sent to remedial firearms training until such time as he/she successfully passes the MPTC qualification course. **1.3.11 c**

5. Qualification and proficiency shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.

6. No member of this Department will be authorized to carry a lethal or less lethal weapon until he / she has: **1.3.12; 16.3.6**

- a. Successfully graduated an MPTC Recruit Academy
- b. Been issued a copy of this Policy and electronically signed-off acknowledging receipt
- c. Received instruction and successfully passed a written examination when applicable
- d. Qualified at the range with a minimum passing score

7. All weapons qualification records, scores and policy sign off documentation shall be maintained by the Training Division. **1.3.11**

8. Prior to the issuance of any weapons to an employee, the Department's Training 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. **1.3.9**

9. The Department's Training Division shall maintain a log for each weapon that is owned by the Revere Police Department and weapons issued to members of the department. These logs should list the make, model, serial number, whether the weapon is safe and the name of the member of the department the weapon was issued to. **1.3.9 e**

M. Off-Duty Weapon

1. Any weapon that an officer carries on his/her person while off-duty, excluding the officer's department issued firearm, will be considered an off-duty weapon.

2. Under M.G.L. Ch. 41 §98, police officers are authorized to carry their department issued firearm while off-duty within the Commonwealth of Massachusetts.

- a. A police officer is not required to carry a firearm while off-duty.
- b. A police officer who has not qualified with their department issued firearm must qualify prior to carrying that firearm off-duty. **1.3.10**
- c. If a police officer elects to carry their department issued firearm off-duty, they must carry their official police identification

3. Officers are reminded that their license to carry applies only to Massachusetts. Carrying a firearm in or through any other state is subject to that state's laws and local ordinances.

NOTE: This policy shall not be interpreted as restricting any officer, who possesses a valid "License to Carry" from carrying any firearm under conditions of law while off-duty. **1.3.9**

N. Security of Weapons **1.3.9 f**

1. Officers of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are properly stored, protected from loss, misuse, or theft.

2. Officers shall adhere to all laws governing the safety and security of firearms set forth in *M.G.L. Ch.140 §131L* which states: 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.

XII. PLANNED MASS DEMONSTRATIONS

A. When a police department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants.

b. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.

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 rubber pellets from a propulsion device or release 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 other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.
3. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Massachusetts Peace Officer Standards and Training Commission ("POST") detailing all 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 the tear gas or other chemical weapon, rubber pellets or dog.

d. The Massachusetts Peace Officer Standards and Training Commission ("POST") shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

XIII. SPECIAL WEAPONS

A. When not carried in the locked rack in the patrol vehicle, special weapons will only be issued, with the knowledge and permission of the OIC of police headquarters, to officers who have qualified with them.

1. All officers authorized to use any of the Department's special weapons, such as shotguns, will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Municipal Police Training Committee (MPTC), the manufacturer, or the Department's Weapons and Tactics Instructor, at least annually. **1.3.9 a**
2. A listing of all officers who have qualified with each special weapon will be maintained with the weapons and with the Training Division.

B. Special weapons may be selectively issued by the OIC of the police station if, in his/her opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons in such circumstances shall use those weapons in accordance with the provisions of applicable departmental policies and procedures as well as any additional guidelines issued at the time.

C. Prior to issuing any special weapon, the OIC of the police station shall inquire of any officer to whom he/she intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a police officer not to accept a special weapon unless he/she is qualified in its use.

XIV. ADMINISTRATIVE RELIEF FROM DUTY DUE TO THE USE OF LETHAL FORCE 1.3.8

A. In every instance in which any employee acting in an official capacity uses lethal force and where such use of force results in death or serious bodily injury to another person, the following steps shall be taken:

1. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from line-duty assignment, pending an administrative review of the incident by a supervisor not directly involved in the incident or such other period of time as the Chief of Police deems necessary. 1.3.8
2. The involved employee will be given the opportunity to call his/her family as soon as possible to avoid the possibility of their learning about the incident through other than official sources, e.g., press, radio, television, etc.
3. The employee shall not be allowed to talk to the press. All information regarding the incident will be disseminated through the office of the Chief of Police or the Public Information Officer.

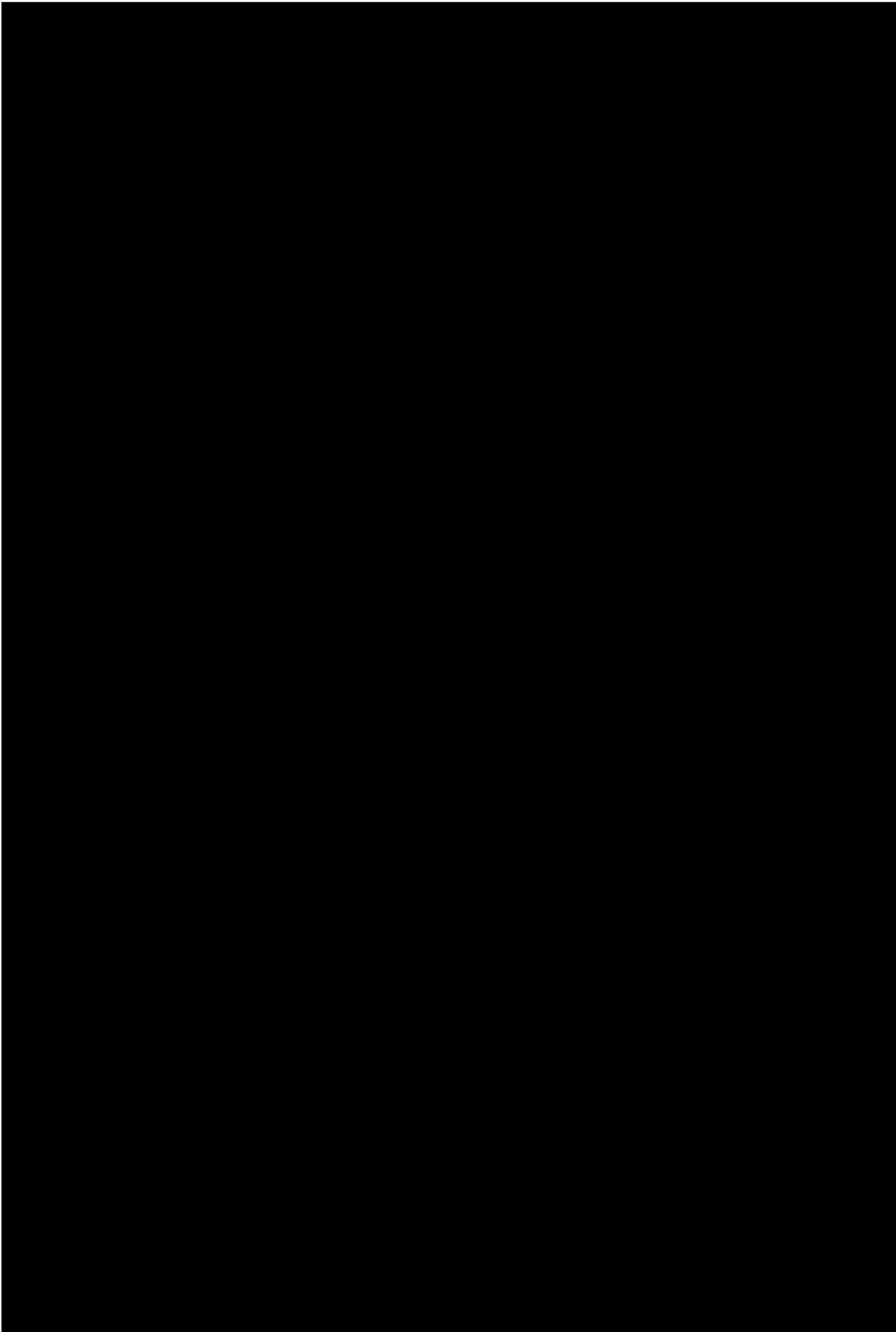
B. Assignment to Administrative Leave status shall be with no loss of pay or benefits.

C. Relief from duty with full pay and benefits is intended to serve two purposes:

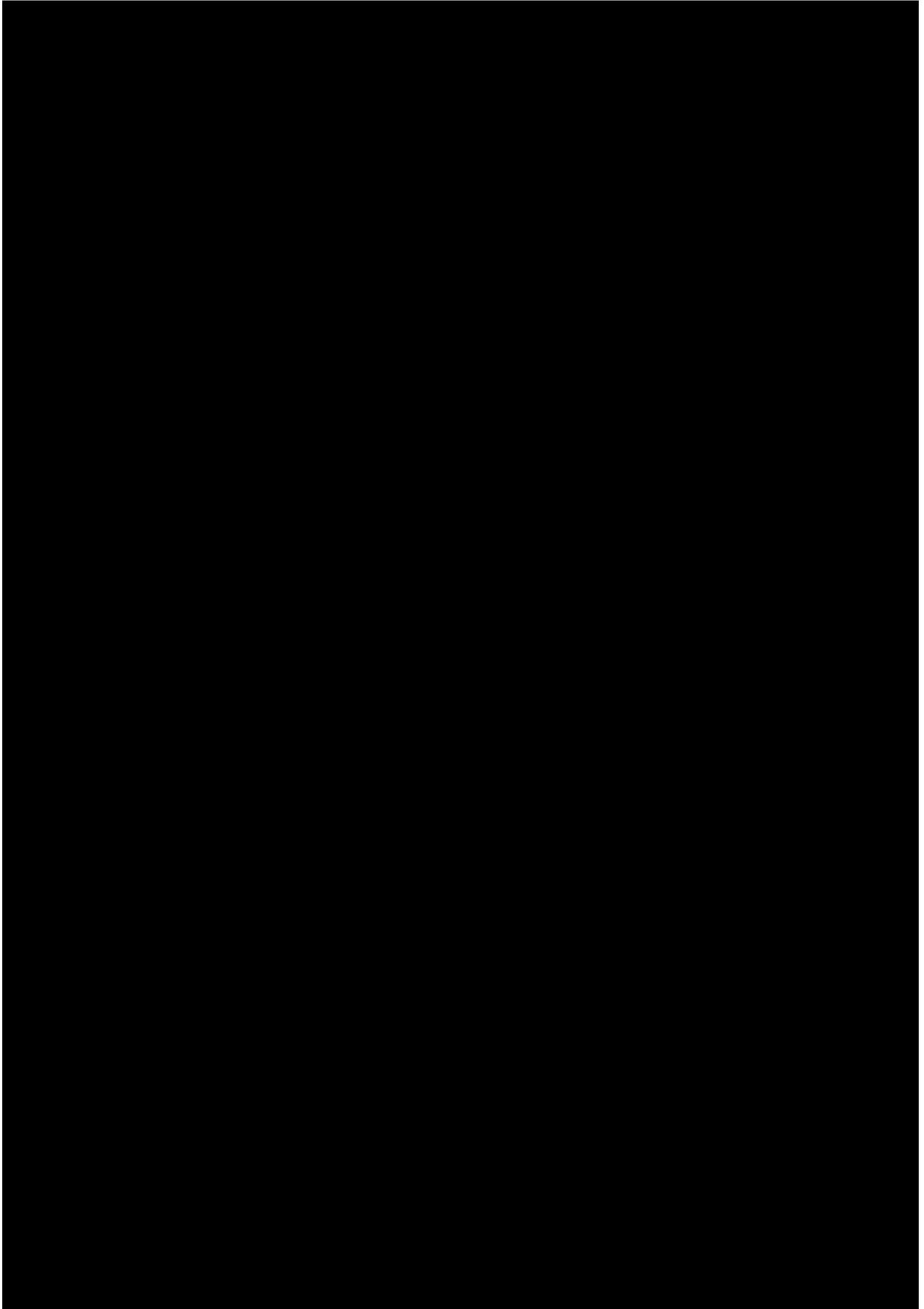
1. To address the personal and emotional needs of an employee and his/her involved in the use of lethal force which results in injury or death; and
2. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.

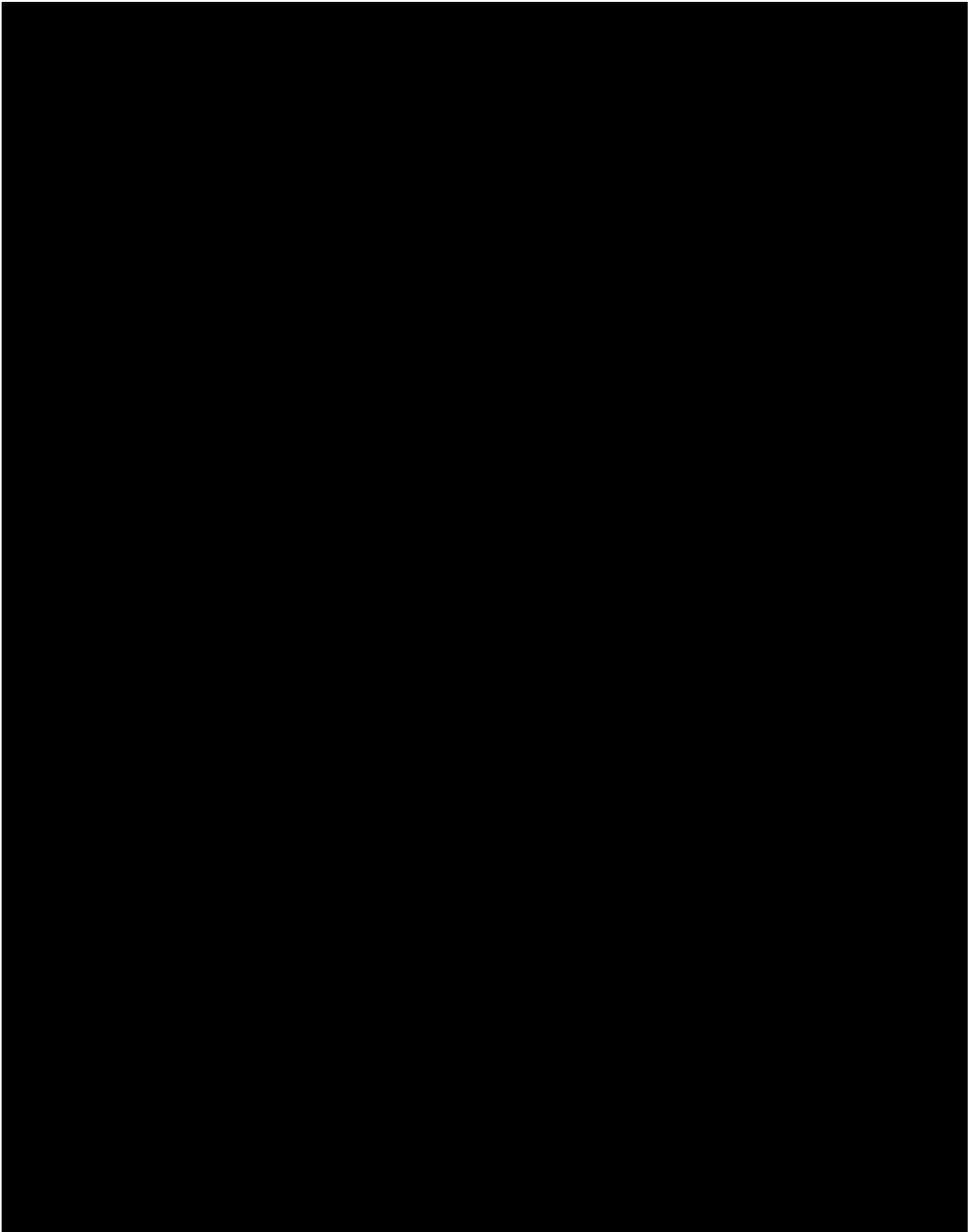
D. An employee so relieved from regular duty status and assigned to an Administrative Leave status shall remain on leave until the investigation is concluded and his/her emotional needs have been met. Officers on Administrative Leave shall ensure their availability to the Department and/or State Police Investigators to assist, when necessary, in the investigation of the incident.

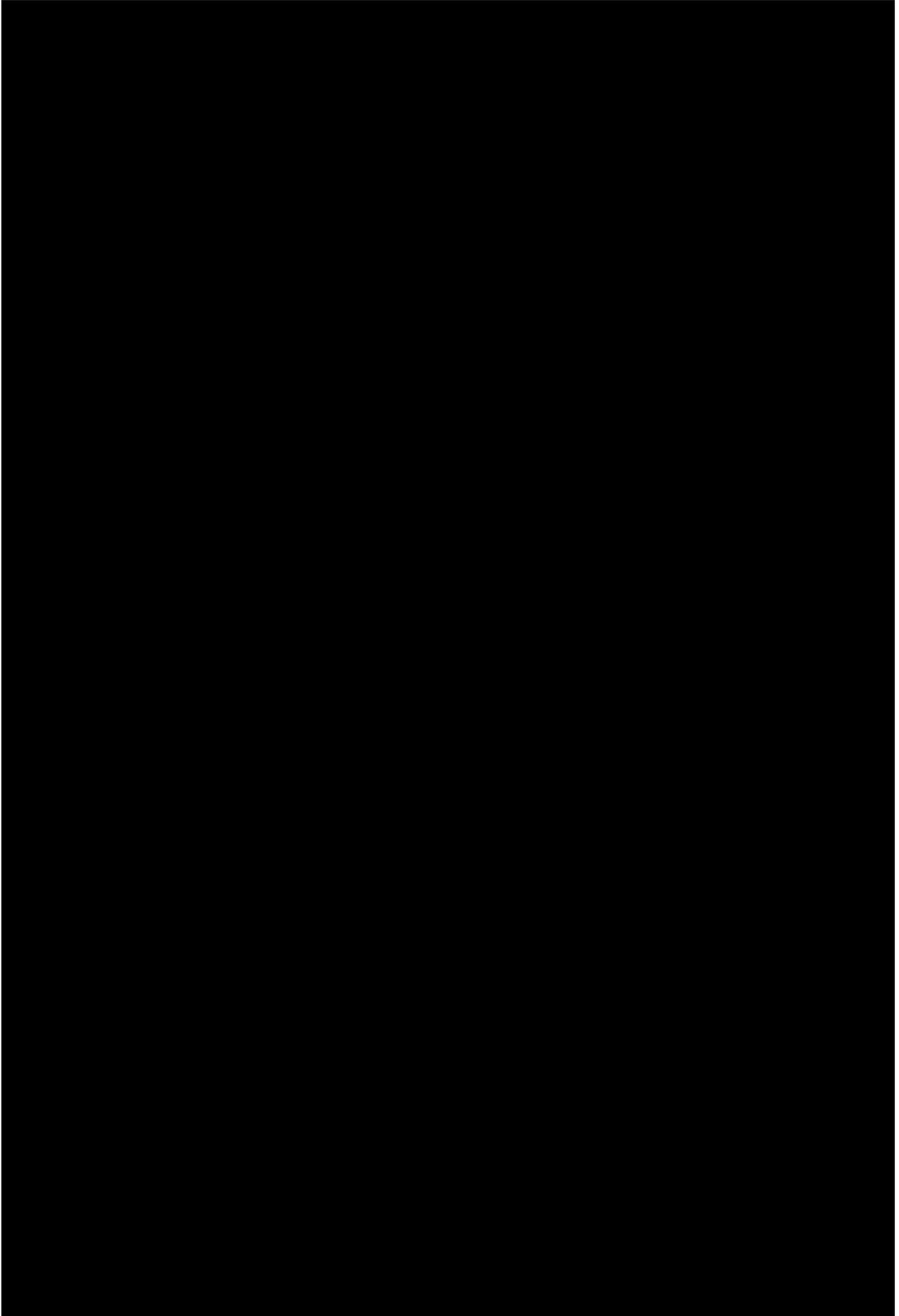
E. Whenever an employee is involved in the use of lethal force incident that results in death or serious injury the Chief of Police or his/her designee will make arrangements for stress counseling. (Mass. State Police Employee Assistance Unit [REDACTED], MSP Headquarters [REDACTED] Boston Police Peer Support Unit [REDACTED] M-F 8:00am-5:00pm (all other times [REDACTED] ask to speak to the "on call peer counselor), CISM Team Revere PD (Point of Contact [REDACTED] or any appropriate psychological assistance provider for the employee/officer and members of his or her immediate family, authorized by the Chief of Police. (*see Revere Policy #400.1 Post Firearms Discharge Policy*)



APPENDIX B







APPENDIX D

