

POLICY AND PROCEDURE

NO.400



Use of Force

Date Issued	Date Effective	Revision No.	No. of pages
July 9, 2021	July 9, 2021	10	10

1. PURPOSE:

It shall be the policy and procedure of the Worcester Police Department that this document serve as the guiding best practices regarding the use of force, including non-deadly force and deadly force. This revision shall supersede all prior revisions and will provide Worcester Police Officers with guidance regarding the proper use and deployment of force options.

2. POLICY:

It is the policy of the Worcester Police Department that an officer's force response be objectively reasonable and account for the officer's perception of the risk/threat presented by a subject as well as the officer's perception of the subject's action(s). Officer's Use of Force shall also take into consideration the Totality of the Circumstances surrounding the subject's actions and behaviors as well as the severity of the crime committed.

The Use of Force by members of the Worcester Police Department is a matter of critical concern to both the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by using the appropriate level of force hence, Worcester Police Officers are at times called upon to use force in the performance of their duties.

The decision to use force requires careful attention to the facts and Totality of the Circumstances of each particular case to include; the severity of the crime, if the subject poses an immediate/imminent threat to the safety of the officer or others and, if the subject is actively resisting arrest or attempting to evade arrest by flight.

Chokeholds are strictly prohibited.

3. TRAINING AND QUALIFICATIONS:

An officer shall carry only authorized tools. Authorized tools are those with which the officer has been trained and with which the officer has qualified in accordance with the standards established by the Worcester Police Department, POST, and the Municipal Police Training Committee.

Note: Trained qualified officers are the only personnel authorized to use less lethal systems beyond individual issued items. The decision to deploy these weapons will be based on the totality of the situation and the use of force guidelines (See "Use of Force Model" Levels Below). The trained qualified officer has the right and an obligation to decline orders to deploy the system in an improper, illegal or in an excessively dangerous manner.

4. DEFINITIONS:

A. Force: Is the amount of physical effort required by officer(s) to compel compliance from a person.

This includes any use of force by an officer occurring in an official law enforcement capacity whether on-duty or off-duty. Force may be necessary to compel, repel or restrain an unwilling subject.

- B. Non-Deadly/Less-Lethal Force: Force which is not intended to cause death or serious physical injury. However, it may have the potential to do so.
- C. Deadly Force: Any use of force that is reasonably likely to cause death or serious bodily injury.
- D. Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force grounded in the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989.) *Graham* states in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split second decisions in circumstances that are tense, uncertain, and rapidly evolving. The test of reasonableness is not capable of precise definition or mechanical application.” Force must be reasonable under the Totality of the Circumstances known to or reasonably believed by the officer at the time force was used.
- E. Serious Physical Injury: A serious physical injury is described as an injury that creates a substantial risk of death, causes serious permanent disfigurement, requires the subject to be admitted into a hospital, and/or results in extended loss or impairment of the function of any bodily appendage or organ.
- F. Force Model: Are force options that are divided into five (5) levels to guide the officer during the use of force situation.
- G. Compliant Subject: A subject who submits to the officer’s authority and direction through either words or actions.
- H. Perceived Subject Action: The subject’s actions as perceived objectively by the reasonable officer, and which indicate the subject to be at one or more of the Use of Force Model’s compliant and/or non-compliant categories.
- I. Perceived Circumstances: Are the reasonable officer’s perspective of the severity of any crime, the existence of any and all safety threats to the officer or others, and the degree of compliance and/or non-compliance from the subject at the time of the encounter.
- J. De-Escalation: a process which results in a decrease in intensity or magnitude of a stressful and potentially violent encounter the outcome of which reduces the possibility of increased officer use of force or subject injury.
- K. Feasible: reasonably capable of being done or carried out under the Totality of the Circumstances to successfully achieve the police action being undertaken, without increasing the risk to officers, innocent civilians or subject/suspect.
- L. Passive Resistant: An individual who is uncooperative/non-compliant but does not use physical strength, body movement or energy based resistance against officers.
- M. Actively Resistant: An individual who uses physical strength and/or body movement to resist an officer. Examples would include; pulling, turning, tensing up or walking away from an officer.
- N. Assaultive Subject (Bodily Harm): An individual who attempts to injure an officer or another person or who engages in conduct that has the potential to injure an officer or another person. The assault could be taking place or perceived to about to take place.
- O. Assaultive Subject (Serious Bodily Harm/Death): An individual who engages in conduct that is likely to produce death or serious bodily harm to an officer or another person.
- P. Imminent: A threat is imminent when based on the Totality of the Circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to cause injury to an officer or others. Imminent harm is not merely fear of future harm but is one that from appearances, must be instantly confronted and addressed.
- Q. Chokehold: A chokehold or a “lateral vascular neck restraint” is a carotid restraint that involves the

placement of an officer's arm or any body part around a person's neck in a manner that limits blood flow. Because of the risk of causing damage to the body's breathing apparatus leading to possible unconsciousness, serious bodily injury or death.

- R. Personal Weapons: A part of the human body that is used as an instrument to strike.
- S. Strike: To deliver a blow or come into contact forcefully and suddenly utilizing approved tools, personal weapons, or tools of immediate means.
- T. Involved Officers: Unless otherwise indicated, refers to those sworn personnel in on-duty or off-duty status who discharge their firearm in an incident intentionally (not to include euthanizing an animal) or unintentionally; arrest or are in the process of arresting an individual who subsequently dies; engages in the use of force that results in serious bodily injury; or are present and participate in a critical incident in a meaningful degree. Meaningful Degree -The officer was able to view the action that caused the individual to have serious bodily injury; the officer was able to view the action that caused the individual to become deceased; or a supervisor determines that the officer was present and in significantly close proximity to the event that could break through an individual's normal coping mechanism that could in turn cause extreme psychological distress.
- U. Critical Incident: An officer's use of force tactic causes death or serious physical injury; an officer discharges a firearm during the course of duty or off duty in and official capacity. The incident is a significant emotional event that breaks through an individual's normal coping mechanisms and may cause extreme psychological distress.

5. DE-ESCALATION:

De-Escalation training shall be conducted initially at the recruit (student) officer level and annually thereafter. All officers shall participate in De-Escalation training. Officers shall be instructed on; related definitions, including a working definition of De-Escalation, appropriate verbal and non-verbal techniques to De-Escalate subject behavior, apply the principles of Time, Distance and Cover as they relate to de-escalation, and properly document in detail the subject's behavior and attempts to De-Escalate the subject's behavior when tactically feasible.

6. USE OF NON-DEADLY FORCE:

Worcester Police Officers shall not use physical force upon another unless: De-Escalation tactics have been attempted and failed or De-Escalation tactics are not feasible based on the Totality of the Circumstances. Such force may be necessary to effect the lawful arrest or detention of a person, prevent escape from custody or prevent imminent harm.

- A. An officer may use that level of non-deadly force that is objectively reasonable to bring an incident and/or subject under control.
- B. An officer is authorized to use non-deadly force to:
 - 1. Affect an arrest.
 - 2. Protect the officer or another person(s) from physical harm,
 - 3. Restrain or subdue a resistant subject, and/or
 - 4. To bring an unlawful situation safely and effectively under control.

NOTE: In the event an officer is faced with a situation where there is a substantial/imminent risk of physical injury or death to themselves or another, and access to approved tools and weapons are not available or tactically feasible, he or she may resort to using a tool of immediate means or opportunity (See Section IX, "Use of Force Model," Level Four, Below).

7. USE OF DEADLY FORCE:

Worcester Police Officers 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 serious bodily harm/death to a person. The amount of force used must be proportionate to the threat of serious bodily harm/death.

It should be noted that Deadly Force is not “tool” or weapon specific. An officer whom is faced with the imminent risk of SERIOUS BODILY HARM/DEATH may not have the opportunity to utilize an approved department issued force option and as such may be required to deploy a tool or technique which does not fall within department issued options.

An officer is authorized to use Deadly Force to:

1. Protect the officer and/or another person(s) from an unlawful attack, which the officer reasonably perceives as an imminent threat of death or serious physical injury. Under no circumstances may Deadly Force be used for the sole purpose of protecting or preserving property.
2. Fleeing Felon: Can only use Deadly Force if the officers are presented with a deadly threat to themselves or another. Whenever it is both practical and reasonable, a clear warning to the fleeing felon is required prior to the use of Deadly Force. Deadly Force may never be used to stop or apprehend a fleeing misdemeanor (*Tennessee v. Garner*).
3. Render harmless an animal which presents a clear and immediate danger of death or serious injury to a human being, or an animal which is so severely injured that humanity requires its removal from further suffering.

8. PROGRESSION OF FORCE:

The officer’s response options within each of the five force levels identified in the Use of Force Model (See Section IX) are not necessarily listed in the order of use and/or need. The officer may De-Escalate, stabilize or Escalate his/her response based upon his/her risk assessment and the perceptions of the subject’s degree of compliance or non-compliance.

The force tactics listed in each of the five force levels identified in the Use of Force Model are those tactics that officers are trained in. The Department recognizes that there are other methods and tactics that can be used at each of the levels of authority. If a tactic is used that is not listed it must be objectively reasonable as it relates to the officer’s risk assessment and the subject’s action.

9. USE OF FORCE MODEL:

Level One: The Compliant Subject:

1. The perceived subject actions: The officer perceives the subject’s actions as cooperative and control is maintained via public acceptance, officer presence, verbalization skills, etc.
2. The perceived circumstances are strategic: The officer must maintain a minimum level of awareness and preparedness to enhance the overall and ongoing status of officer safety anytime he/she is working.
3. The reasonable officer responses are cooperative controls: The cooperative controls would include, but not be limited to those force tactics listed below.

Cooperative Controls (Compliant Subjects)	
Police Strategy	Police Tactics
Officer Presence:	Appearance
Approach Techniques:	Dialogue, Verbal Commands
Frisk Techniques:	Confrontation Equation Relative Positioning Contact/Cover Officer Tactics
Searching Techniques:	1 Officer on 1 Subject 2 Officers on 1 Subject
Restraining Techniques:	Handcuffing Flex-Cuffs Leg Restraints 1 Officer on 1 Subject 2 Officers on 1 Subject
Transporting Techniques:	Two-Officer Unit One Officer Unit Patrol Wagon

Level Two: The Resistant (Passive) Subject:

1. The perceived subject actions: This is the preliminary level of subject non-compliance. The subject offers no physical or mechanical energy enhancement toward the resistant effort. The subject has not directed his or her physical strength and/or maintaining a posture of resistance. Rather, the subject merely fails to respond to any of the cooperative controls listed in the previous section.
2. The perceived circumstances are tactical: The officer perceives an increase in the threat potential within the confrontational environment, which would initiate the process where specific tactics and procedures would now be deployed.
3. The reasonable officer responses are contact techniques: The contact controls would include, but not be limited to those force tactics listed below.

Contact Controls (Passive Resistant Subjects)	
Police Strategy	Police Tactics
Restraint Techniques:	Elbow Grasp
Contact Controls:	Escort Position Handcuffing Control Position

Level Three: The Resistant (Active) Subject:

1. The perceived subject actions: The subject's non-compliance has increased in scope and intensity and now includes energy enhanced physical or mechanical defiance. The individual has directed his or her physical strength and energy in establishing, achieving and/or maintaining a posture of resistance.
2. The perceived circumstances are volatile: The officer is now confronted with the presence and/or potential of an increase in the threat intensity, severity, etc. The officer recognizes the increase in the threat potential and must deploy techniques and tactics that would overcome and/or control this increased risk.
3. The reasonable officer responses are compliance techniques: These compliance techniques would include, but not be limited to those force tactics listed below.

Compliance Techniques (Active Resistant Subjects)	
Police Strategy	Police Tactics
Compliance Techniques:	Front Wrist Lock Finger Grasp Rear Wrist Lock Arm Bar Bent Wrist Lock Take Down Pressure Points Triceps Pinch
Baton Control Techniques:	Strong Side Arm Lock Support Side Arm Lock Strong Side Wrist Drag Support Side Wrist Drag
Non-Chemical Agents:	Oleoresin Capsicum (O.C.) Spray Pepperball Saturation Techniques (Certification Required) O.C. Munitions (Certification Required) Sparks Display/Taser Stun Drive Mode (Certification Required)

*****MPTC distraction techniques that require strikes are prohibited at level three.*****

Level Four: The Assaultive (Bodily Harm) Subject:

1. The perceived subject actions: The officer's attempt to gain lawful compliance concluded in a perceived or actual attack on the officer or another person(s). The officer makes the reasonable assessment that such actions by the subject would result in his/her or another's bodily harm.
2. The perceived circumstances are harmful: The officer perceives an accelerated assessment of danger. This situation has reached the degree where the physical wellbeing of the officer or another person is in jeopardy if the subject is not stopped and controlled.
3. The reasonable officer responses are defensive tactics: These defensive tactics would include, but not be limited to those tactics listed below.

Defensive Tactics (Assaultive Bodily Harm Subjects)	
Police Strategy	Police Tactics
Impact Weapon Techniques:	Expandable Straight Baton PR-24 Expandable Baton (Certification required) Less Lethal Shotgun (Certification required) Taser Probe Deployment (Certification required) Tools of Immediate Means of Opportunity (See Section VI Above, "Use Of Non-Deadly Force")
Ground Fighting Techniques:	
Assault Defenses:	Personal Weapons: Head Hands i.e., Punches, Palm Heel Strikes, Edged Fist Strikes Elbows Knees Feet

Non Chemical Agents:	Pepperball Impact Technique (Certification required) 40 mm Gas Launcher (Certification required)
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Level Five: The Assaultive (Serious Bodily Harm, Death) Subject:

1. The perceived subject actions: The officer is now confronted by an assaultive act that reaches the ultimate degree of danger. The officer perceives that if these actions are followed through with, that the officer or others would be subject to death or serious physical harm.
2. The perceived circumstances are lethal: The officer perceives the highest degree of threat towards his/her or another's safety. The officer's reasonable assessment would be that if this situation were allowed to continue that he/she or another could be seriously injured or killed. A maximized system of defense must be initiated.
3. The reasonable officer responses are deadly force: These Deadly Force tactics would include, but not be limited to those force tactics listed below.

Deadly Force: Assaultive (Serious Bodily Harm, Death) Subject	
Police Strategy	Police Tactics
Service Weapons:	Department Issued Handgun Department Authorized Special Weapons

10. MEDICAL AID:

In all cases where a prisoner is sick or injured at time of arrest, whether related to an official and/or police action or whether the prisoner initially presented to the officer in that condition, officers shall render appropriate aid and activate the Emergency Medical Services system as soon as safe and reasonable to do so.

Officers shall refrain from utilizing restraint techniques that include compressing or squeezing the nose, trachea, windpipe, or throat area to stop a subject from ingesting what is believed to be a controlled substance. If an individual has *already placed* what is believed to be a controlled substance in their mouth force should not be used to remove said substance. Force in accordance with the Use of Force Model may still be used to affect the arrest

When it is the officer's belief that an individual in custody has swallowed a controlled substance medical aid shall be requested. The individual shall be monitored until relieved by EMS. If the individual is not under arrest he/she should be encouraged to be evaluated by EMS.

11. REPORTING USE OF FORCE INCIDENTS:

A. Any Official Police Interaction:

Whenever a sworn member of this department uses force in the performance of his or her duties, whether that involved an actual arrest or not, and that force is at a Level Three or higher (See Section IX, Use of Force Model), an incident report containing a detailing of that force shall be entered into the Police Server records management system (RMS). The pointing of any authorized police tool, with the purpose of compelling subject compliance constitutes a "use of force" and as such, must be reported. As with all reports entered into the RMS system, the report shall be reviewed by a police supervisor.

B. Arrests and Custody:

Whenever police force at any level (*i.e.*, Level One through Level Five inclusive) is used in the course of an arrest or other lawful detainment, a reporting thereof is required. This report shall describe the force that was used on the subject.

C. Initial Verbal Report to Supervisor:

Whenever a sworn member of this department employs Lethal Force and/or Less-Lethal Force Weapon Techniques in the performance of his or her duties, a **verbal report** of the incident shall be made to the officer's supervisor as soon as practically feasible.

For the purposes of this section, Lethal Force and Less-Lethal Force Weapons include the following:

- Firearm
- O.C. Aerosol Spray
- Baton
- Pepperball/40MM Gas Launcher
- Electronic Control Device (Taser)
- Less Lethal Shotgun
- Tools of Immediate Means or Opportunity
- Personal Weapons, *i.e.* hands, feet, head, elbows, knees utilized to strike

Additionally, a verbal report of any injury to an individual taken into custody that was caused by a use of force shall be made to the officer's supervisor as soon a practically feasible.

D. Written Reporting:

Pursuant to paragraphs A&B above, reports of the use of force must be entered into the RMS under the incident number as an arrest or supplementary report.

All use of force reports shall be reviewed and submitted prior to the end of the officer's tour of duty absent extenuating circumstances as determined by the Chief of Police or his designee. The designee shall submit a written report to the Chief of Police prior to that designee's end of tour of duty delineating the extenuating circumstances.

Pursuant to paragraphs A&B above where the level of force is perceived to be lethal in nature, reports by involved officers shall be submitted to and reviewed by a police supervisor no later than 72 hours after the incident occurred unless medical reasons or other extenuating circumstances as determined by the Chief of Police or his designee. The designee shall submit a written report to the Chief of Police prior to that designee's end of tour of duty delineating the extenuating circumstances.

Copies of use of force reports relative to force levels three, four and five are to be forwarded in hard copy form or via email to the following:

- Appropriate Deputy Chief
- Bureau of Professional Standards
- Training Division

E. Report Review:

When there exists the possibility that a use-of-force application fell outside of a stated policy or training guideline, the following review process will be conducted in addition to the required chain-of-command assessment that is conducted for each reportable use-of-force incident.

1. The officer, in conjunction with a designated member of the Training Division, will undergo a training review of the relevant policy and training guideline(s) to ensure a proper understanding of concepts and practical applications.
2. The incident will be reviewed within the Use-of-Force Risk Management Sub-Committee to identify any aggregate patterns or department wide training needs.

12. OFFICER MEDICAL EVALUATIONS:

In the aftermath of an officer's deployment of lethal/deadly force or when serious physical injury occurs protocols under Policy No. 501 for involved officers shall be followed.

In instances where a member of law enforcement on-scene incurs serious physical injury, involved officers shall be sent to a medical facility forthwith for medical evaluation. The aforementioned officers may not opt out of this medical evaluation except directly by professional medical staff at the medical facility.

13. DEBRIEFING MEETING AFTER CRITICAL INCIDENT:

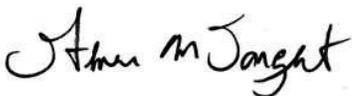
Debriefing meeting will take place when the following occurs:

- A. An officer's use of force tactic causes death or serious physical injury;
- B. An officer discharges a firearm during the course of duty (or off-duty in an official capacity) except when the firearm is used on an animal;
- C. A commander requests to review an incident.

The following personnel will be notified to attend:

1. Chief of Police or his designee
2. Deputy Chiefs or command staff designated by the Chief of Police
3. Shift Commander
4. Professional Standards (Policy Review)
5. Detective Bureau Official (if applicable)
6. Training Division Official
7. Department Authorized Use of Force Instructor
8. Armorer (if firearm used)

Per:



Steven M. Sargent
Chief of Police

- April 13, 2007: Policy # 400 Use of Force, September 1, 1993 was revised.
- May 6, 2008: “Injured prisoner IDC report” wording added to section XI, Medical Aid, and Revised
- October 30, 2008: Use-of-Force/Training division review added.
- September 13, 2010: “Brachial Stun” added to section IV “Definitions” and section VIII “Use of Force Model”, Level Four.
- October 2011: Section XI revised.
- October 12, 2014: reporting Use of Force Procedures Revised, Written Reports Mode of Reporting Revised, and Officer Medical Evaluation added.
- August 31, 2015: Section 10 (c) added: Personal Weapons, i.e. hands, feet, head, etc.
- July 05, 2018: 2nd paragraph in Section 9 concerning restraint techniques that include compressing or squeezing the nose, trachea, windpipe, or throat added.
- August 10, 2018: “Force in accordance with the Use of Force Model may still be used to affect the arrest.”
- July 9, 2021:
 - Amended “Purpose” section.
 - Amended “Policy” section.
 - Amended “Force” under Definition Section.
 - Amended “Objectively Reasonable” under Definition Section.
 - Removed “Brachial Stun”
 - Added letters “J-U” under Definition Section.
 - Added “De-Escalation” section.
 - Amended “Use of Non-Deadly Force” section.
 - Amended “Use of Deadly Force” section.
 - Added “i.e., punches, palm heel strikes, edged fist strikes” next to Assault Defenses under Level Four: The Assaultive (Bodily Harm) Subject Section.
 - Amended “Personal Weapons” under Initial Verbal Report to Supervisor Section.
 - Added Section 9 Level 3 “MPTC distraction techniques that require strikes are prohibited at Level Three”.
 - Added Section 10 Subsection C. verbal report for injury.
 - Amended Section 11 Subsection D, Written Reporting
 - Amended “Officer Medical Evaluations” Section