



POLICY AND PROCEDURE

NO.400

Use of Force

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1. PURPOSE:

The policy and procedure of the Worcester Police Department regarding the use of force, including non-deadly force and deadly force, is set forth in this policy with the purpose of providing officers with specific guidelines.

2. POLICY:

It is the policy of the Worcester Police Department that an officer's force response must be objectively reasonable in consideration of the officer's perception of the risk/threat presented and the officer's perception of the subject's action(s).

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 and the Municipal Police Training Committee.

Note: With the exception of pepper ball, all officials will consult with a SWAT official or SWAT officer to request the utilization of the following less-lethal force weapons: Electronic Control Device (Taser) and Less-Lethal Shotgun. Trained qualified SWAT 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 SWAT 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.
- 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:** In determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances including, but not limited to:
 - 1. The seriousness of the crime;
 - 2. The level of threat or resistance presented by the subject and the danger to the community;

3. The training that they have received.

- 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. **Brachial Stun:** Personal Impact Technique on Assaultive (Bodily Harm) Subject where officer drops their forearm (median or radial) or hand (backhand of palm) on a downward 45 degree angle and makes contact with the area on the side of the neck approximately where the neck meets the top of the shoulder (see section VIII "Use of Force Model", Level Four, below).

5. USE OF NON-DEADLY FORCE:

- 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 risk of physical injury or death to themselves or another, and access to approved tools and weapons is not available or tactically feasible, he or she may resort to using a tool of immediate means or opportunity (see section VIII "Use of Force Model", Level Four, below).

6. USE OF DEADLY FORCE:

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 immediate 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.
- 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.

7. PROGRESSION OF FORCE:

The officer's response options within each of the five force levels identified in the Use of Force Model (see section VIII) 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.

8. 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 energy in establishing, achieving

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
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 Req'd) O.C. Munitions (Certification Req'd) Sparks Display/Taser Stun Drive Mode (Certification Req'd)

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 V above, "Use of Non-Deadly Force")
Ground Fighting Techniques:	
Personal Impact Techniques	Brachial Stun
Assault Defenses:	Head Hands Elbows Knees Feet
Non Chemical Agents:	Pepperball Impact Technique (Certification required) 40 mm Gas Launcher (Certification required)

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 office'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

9. 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.

10. 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 VIII, 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 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, etc.

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.

Supplementary use of force reports shall be reviewed and submitted within 24 hours of the incident absent extenuating circumstances as determined by the Chief of Police or his designee.

Pursuant to paragraphs A&B above where the level of force is perceived to be lethal in nature, reports 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.

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 involved 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.

11. OFFICER MEDICAL EVALUATIONS:

In the aftermath of an officer's deployment of lethal/deadly force, all officers directly involved with the incident shall be sent to a medical facility forthwith for medical evaluation. The aforementioned officers may not opt out of this medical evaluation except directly to professional medical staff at the medical facility.

In instances where less-lethal force is used, or in instances where a member of law enforcement on-scene incurs serious physical injury, all officers directly involved with the incident shall be sent to a medical facility forthwith for medical evaluation at the discretion of the ranking official on scene and/or the Director of the WPD Stress Unit. The aforementioned officers may not opt out of this medical evaluation except directly to professional medical staff at the medical facility.

12. DEBRIEFING MEETING AFTER CRITICAL INCIDENT:

A 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:

Per:



Steven M. Sargent
Chief of Police

- Policy # 400 Use of Force, September 1, 1993 was revised April 13, 2007
- May 6, 2008 “Injured prisoner IDC report” wording added to section XI, Medical Aid,. 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, 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” added to Section 9.