


NORTHAMPTON POLICE DEPARTMENT Administration & Operations Manual		
Policy: Police Use of Force		AOM O-101
Massachusetts Police Accreditation Standards Referenced: [1.3.2], [1.3.1], [1.3.5], [1.3.6], [1.3.6.a], [1.3.6.b], [1.3.7], [1.3.13], [11.4.1.b,d&e], [1.3.12], [1.3.11], [16.3.6], [33.5.1], [1.3.11.c]		Issuing Authority <hr/> Jody Kasper Chief of Police
Dissemination Date: 11/17/1998 Effective Date: 12/01/1998	Amended: 12/98, 4/99, 3/00, 4/01, 9/03, 10/05, 8/08, 9/08 2/09, 4/09, 5/09, 10/10, 4/11, 11/11, 6/14, 6/17, 12/18, 6/20, 7/21, 3/22, 4/24 Reviewed: 1/03, 9/03, 10/05, 1/07, 9/08, 12/08, 2/09, 4/09, 5/09, 10/09, 10/10, 4/11, 9/11, 11/11, 9/12, 9/13, 6/14, 10/14, 10/15, 10/16, 6/17, 10/17, 10/18, 2/20*, 2/21, 3/22, 1/23	

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I. Introductory Discussion

- A. As a result of the duties inherent in the position of police officer, situations will arise where the officer must utilize a certain level of force in response to resistance, to affect an arrest or to protect themselves or others from the use of force or violence. The objective of this response to resistance is to maintain and/or establish control over a situation. Control is reached when a person complies with the officer's directions and/or the suspect is restrained or apprehended and no longer presents a threat to the officer or another.

- B. Officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, affect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or to the immediate threat to the officers or others.¹
- C. The policies and procedures within this directive are for internal Department use only and are not to be applied to any criminal or civil proceeding, nor do they create a higher legal standard of safety or care with respect to third parties. Violations of rules will only form the basis for administrative discipline, while violations of the law will be the basis for civil and criminal penalties in a court of law.

II. Definition of Conditional Terms [1.3.2]

- A. Active Resistance: When a subject makes physically evasive movements to interfere with an officer's attempt to control the subject; including bracing, tensing, pulling away, or actual or attempted flight.
- B. 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.²
- C. Deadly Force: Physical force that can reasonably be expected to cause death or serious physical injury³.
- D. 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.⁴ Officers of the Northampton Police Department shall receive pre-service training in De-escalation.
- E. Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, use of chemical spray, chokeholds or hard

¹ Graham v. Connor, 490 U.S. 386 (1989), 4th Amendment, MA Article 14

² See Section 4, Chapter 253 of the Acts of 2020; Section 30, Chapter 253 of the Acts of 220; G.L. c. 6E, § 1; Section 30, Chapter 253 of the Acts of 2020; G.L. c. 6E, § 5(b); G.L. c. 6E, § 14; G.L. c. 6E, § 15; See Section 119, Chapter 253 of the Acts of 2020

³ Same

⁴ Same

hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances to affect an arrest, or protect the officer or other person.⁵

- F. Passive Resistance: When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.
- G. Serious Bodily Injury: Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss of impairment of a bodily function, limb or organ; or (iii) a substantial risk of death.⁶
- H. Soft Empty Hand Control: The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.
- I. Hard Empty Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of the neck).
 - 1. Defensive strikes are used by officers to protect themselves from attack and may include strikes to other areas of the body including the abdomen or head. Techniques in this category include pressure point controls, stunning, or striking actions delivered to a subject's body with the hand, fist, forearm, legs, or feet. These techniques target the major muscle groups and are delivered to create muscle cramping, thereby inhibiting muscle action and allowing the officer to subdue the subject. In extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater. The use of neck restraints, chokeholds, or other similar weaponless control techniques, however, are prohibited.
- J. Verbal and Non-verbal Noncompliance: When a subject expresses their intentions not to comply with an officer's directive through verbal or non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.
- K. Verbal Command and Warnings: When tactically feasible, an officer will identify themselves as a police officer and issue verbal commands and warnings prior to

⁵ Graham v. Connor, 490 U.S. 386 (1989), 4th Amendment, MA Article 14

⁶ See Section 4, Chapter 253 of the Acts of 2020; Section 30, Chapter 253 of the Acts of 2020; G.L. c. 6E, § 1; Section 30, Chapter 253 of the Acts of 2020; G.L. c. 6E, § 5(b); G.L. c. 6E, § 14; G.L. c. 6E, § 15; See Section 119, Chapter 253 of the Acts of 2020

the use of force. When feasible, an officer will allow the subject an opportunity to comply with the officer's verbal commands. A verbal warning is not required in circumstances where the officer has to make a split second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.

III. Use of Force-In General

- A. Officers are required to adhere to the MPTC use of force continuum.
- B. Officers shall use advertisements, warnings, and verbal persuasion when possible before resorting to force.⁷
- C. Force shall be de-escalated immediately as resistance decreases.
- D. When feasible, based on the circumstances, officers will use disengagements, area containment, surveillance, waiting on a subject, summoning reinforcements, and/or calling in specialized units in order to reduce the need for force and increase officer and civilian safety.⁸
- E. Officers shall allow individuals time to submit to arrest before force is used wherever possible.⁹
- F. A law enforcement officer shall not use a chokehold. 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.¹⁰
- G.** 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. 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.

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:

⁷ MA Police Reform Law

⁸ MA Police Reform Law

⁹ MA Police Reform Law

¹⁰ See Section 4, Chapter 253 of the Acts of 2020; Section 30, Chapter 253 of the Acts of 2020; G.L. c. 6E, § 1; Section 30, Chapter 253 of the Acts of 2020; G.L. c. 6E, § 5(b); G.L. c. 6E, § 14; G.L. c. 6E, § 15; See Section 119, Chapter 253 of the Acts of 2020

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.

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 commission 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.

An individual officer using their department issued O.C. Spray in a targeted manner, is not considered use of a chemical weapon. Pepperballs are not considered rubber bullets. However the use of Riot Control OC canisters or pepperball for area saturation can only be used against a crowd deemed hostile and will likely require a POST Notification. Refer to AOM-O600-TB1(Crowds and Demonstrations) for further guidance on Crowd Control Operations.

IV. Policy

A. Members of this Department will use reasonable force in response to resistance, when force is used to accomplish lawful objectives. [1.3.1] ¹¹

1. An officer acting alone may be required to resort to a much greater degree of force than would be necessary if another officer had been present. Therefore, whenever possible, an officer should call for and await assistance unless immediate action is required.¹²
2. De-escalation: A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to: (i) effect the lawful arrest or detention of a person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the commission and the municipal police training committee pursuant to subsection (d) of section 15 of Chapter 6E.

B. Less Lethal (Non-Deadly Force)

1. A law enforcement officer is justified in using less lethal (non-deadly) force upon another person under the following circumstances:

¹¹ Graham v. Connor, 490 U.S. 386 (1989), 4th Amendment, MA Article 14

¹² MA Police Reform Law

- a. When necessary to preserve the peace, prevent commissions of offenses, or prevent suicides or self-inflicted injury;¹³
- b. When necessary to overcome resistance to lawful arrests, protective custodies, mental health commitment orders, searches and seizures, and to prevent escapes from custody; or
- c. When in self-defense or in defense of another against unlawful violence against persons or property.

C. Less Lethal (Non-Deadly Force) Restrictions

It should be noted that in Non-Deadly Force situations, certain tactics are prohibited:

1. Chokeholds or neck restraints, with or without a device that restricts a person's airway are prohibited.¹⁴
2. Force shall not be used against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, or as objectively reasonable, where physical removal is necessary to overcome passive resistance.
3. Any strike with an impact weapon or object to a person's head or neck is prohibited.
4. Any use of flashlights, radios, or any other items not issued or trained specifically as defensive weapons are prohibited. 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, and other issued equipment or item, to defend themselves, another person, or to bring a situation under control. This decision should be based on the circumstances surrounding the officer at the time, if the officer determines it was reasonably necessary to do so, as long as the level of defensive action is objectively reasonable given the existing circumstances.

D. Deadly Force [1.3.2]

An officer is justified in using deadly force only when they reasonably believe such force is necessary to:

1. Defend the officer or a third person from the imminent threat of death or serious bodily injury.
2. Effect an arrest or prevent the escape from custody of a person whom they reasonably believe has committed or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury; AND the officer reasonably believes this person still poses a significant threat of death or serious physical injury to the officer and other persons. Where feasible, the officer should give warning of the intent to use deadly physical force.¹⁵
- 3.

¹³ Estate of Corey Hill v. Miracle, 16-1818 (2017)

¹⁴ MA Police Reform Law

¹⁵ Tennessee v. Garner, 471 U.S. 1 (1985)

E. Deadly Force Restrictions

1. Warning Shots: Officers are prohibited from discharging their firearms as a means of warning or frightening a person;
2. Shooting at or from Moving Vehicles: 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.¹⁶ Such discharges will be rigorously scrutinized. Officers shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them. When confronted with an oncoming, moving vehicle, officers must attempt to move out of its path when possible, and should generally avoid placing themselves in situations where the use of deadly force is more likely;¹⁷
3. Risk to Innocent Bystanders: When officers are about to discharge their firearms they should be aware of their field of fire, including the backdrop, so as to avoid creating an unnecessary substantial risk of harm to innocent persons. Officers are prohibited from discharging their firearms when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the subject's actions. (i.e. discharging a firearm into a crowd or shooting into a building or through a wall, where the subject is not clearly identified and it is unknown if there are other occupants present.); and
4. Pointing Weapons: Officers are prohibited from drawing and pointing their firearm at or in the direction of a person absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy; and officers shall not carry or use any firearms or weapons while impaired by alcohol, drugs, or any other medical condition that might interfere with their judgment or proficiency. Officers with known medical conditions but who have passed all required medical exams, have been cleared to perform the duties of a police officer, and who successfully complete ongoing firearms qualifications, may carry and use any firearm or weapons issued by the department. If the officer notices a change in their medical condition that may impact their ability to properly and safely perform their duties, they shall report such change immediately to their supervisor.¹⁸
5. De-escalation: 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.¹⁹

¹⁶ See Section 4, Chapter 253 of the Acts of 2020; Section 30, Chapter 253 of the Acts of 220; G.L. c. 6E, § 1; Section 30, Chapter 253 of the Acts of 2020; G.L. c. 6E, § 5(b); G.L. c. 6E, § 14; G.L. c. 6E, § 15; See Section 119, Chapter 253 of the Acts of 2020

¹⁷ MA Police Reform Law

¹⁸ *Graham v. Connor*, 490 U.S. 386 (1989), 4th Amendment, MA Article 14

¹⁹ See Section 4, Chapter 253 of the Acts of 2020; Section 30, Chapter 253 of the Acts of 220; G.L. c. 6E, § 1; Section 30, Chapter 253 of the Acts of 2020; G.L. c. 6E, § 5(b); G.L. c. 6E, § 14; G.L. c. 6E, § 15; See Section 119, Chapter 253 of the Acts of 2020

V. Use of Excessive Force

Officers who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. The use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Department will thoroughly review and/or investigate all uses of force by officers to assure compliance with all legal requirements and this policy.²⁰

VI. Duty to Intervene

- A. 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. In addition to discipline up to and including termination, an Officer may have their certification revoked or be ordered to be retrained after a hearing by the POST for failure to intervene. [1.1.1 (1); 1.1.1 (5); 1.1.2 (5)]
- B. **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, not directly involved in the use of force incident, as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with this Department's policy. The supervisor will investigate the incident and complete a use of force report. The officer's written statement shall be included in the supervisor's report.[1.1.1 (1); 1.1.1 (6); 1.1.2 (6)]
- C. Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident, or made a report regarding the witnessed excessive force incident, shall be a violation of this Department policy and shall, upon a sustained internal administrative investigation, be subjected to the imposition of departmental discipline up to and including termination.
- D. The Northampton Police Department prohibits retaliation against any employee who observes and reports and instance on using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances to include discharge of the employee, any change to their official rank, grade or compensation, deny a promotion or take any other adverse action against an officer or employee or threaten to take any such action for providing information to the POST or testifying in any POST proceeding resulting. [1.1.1 (1)]

²⁰ Graham v. Connor, 490 U.S. 386 (1989), 4th Amendment, MA Article 14

VII. General Considerations

- A. In addition to being authorized, the use of force, especially deadly force, must be justified. Justification will depend upon the facts and circumstances known to the officer at the time of the incident. The officer's response must be reasonable and necessary in light of the situation. Unfortunately, there are no hard and fast rules, although certain factors may be given as examples.
1. The nature of the offense;
 2. The behavior of the subject against whom the force is to be used;
 3. Whether the situation is an "imminent use" situation as defined within this policy;
 4. Whether the officer is in uniform and/or has made their presence and authority known;
 5. Actions by third parties who may be present or come on to the scene;
 6. Physical odds against the officer;
 7. The feasibility or availability of alternative actions;
 8. The escalation/de-escalation factors involved; and/or
 9. Whether the officer(s) or a third party is in danger from deadly force.
 10. Types of weapons available to the officers at the time ²¹
- B. Department approved chemical agents/noxious gases may be used when physical force is necessary to deter persons engaged in riotous conduct or barricaded subjects. Such are to be used only at the discretion of the Officer-in-Charge.

VIII. Injury/Medical Aid Procedures [1.3.5]

- A. In cases of injury to detainees or bystanders, officers shall be responsible to ensure that appropriate medical aid is provided to the injured subject at the earliest possible opportunity in accordance with [AOM O105 Handling Injuries/Illnesses](#). Officers shall be trained in the proper treatment procedures for persons exposed to chemical sprays and the effects of other less-lethal force techniques.
1. The OIC shall be notified of all injuries obtained as a direct or indirect result of the use of force in an arrest situation.
 2. All injuries sustained by detainees as a result of the use of force in an arrest situation shall be documented in the arrest report as well as on [AOM O142.a Detainee Injury Report](#) by the OIC. Likewise, any injuries sustained by a third party shall be documented. This report shall be submitted to the Operations Division Commander.
 3. If a person is offered and/or refuses medical treatment, the refusal shall be recorded in the police report, along with all relevant information. In addition, under these circumstances, the officer will notify their supervisor as soon as practical.

²¹ Graham v. Connor, 490 U.S. 386 (1989), 4th Amendment, MA Article 14

IX. Administrative and Reporting Procedures

A. Required Forms/Reports - Use of Force [1.3.6]

1. The proper written reports shall immediately be submitted to the Officer-in-Charge (OIC). If the OIC was the one who used the force, they shall immediately notify their immediate supervisor. It is incumbent upon the OIC or immediate supervisor receiving use of force forms/reports to complete a timely review and provide comments if necessary and appropriate whenever an officer:
 - a. Discharges a firearm for any reason except for training or recreational purposes, or competition on approved range. [1.3.6,a]
 - b. Takes any action that results in, or is alleged to have resulted in, the injury or death of a person. [1.3.6,b]
 - c. Officers shall complete a use of force form whenever they use any force against a suspect greater than un-resisted handcuffing.²²
2. Forms/Reports to be submitted to the OIC include:
 - a. Copy of the Incident Report; and
 - b. If applicable, one of the following forms/reports:
 - 1) The Response to Resistance Form found in LEFTA under the Use of Force Section.
 - 2) Use of Firearm Report Form found in LEFTA under the Field Investigations Section.
3. The OIC, having received the applicable form/report in LEFTA, will complete and forward the report attached as follows:
 - a. The Response to Resistance Form to the Defensive Tactics Instructor. After review, the Defensive Tactics Instructor shall forward the report to the Training Coordinator.
 - b. Use of Firearm Report Form to the Senior Firearms Instructor. After review, the Senior Firearms Instructor shall forward the report to the Training Coordinator.
4. The Defensive Tactics instructor will review the Response to Resistance form to determine if the Use of Force was within the Policy of the Northampton Police Department.
 - a. If use of force is determined to be within Policy of the Northampton Police; The Defensive Tactics Instructor reviewing the Response to Resistance shall sign off and forward to the Training Coordinator.
 - b. If use of force is determined to be within Policy of the Northampton Police Department, a supervisor or the Defensive Tactics Instructor deems the

²² MA Police Reform Law

tactics used by the officer require additional coaching; The Defensive Tactics Instructor reviewing the Response to Resistance shall document the deficiencies.

- 1) The reviewing Defensive Tactics Instructor will create an action plan of appropriate coaching to aid officers in improving tactics to create a safer environment for themselves and the subject/suspects they encounter.
 2. Once the coaching plan is generated two or more defensive tactics instructors should vote to agree if the action plan is necessary and appropriate for the involved officer.
 3. Once a vote in favor of the coaching plan is completed by two or more Defensive Tactics Instructors, it will be forwarded to the training coordinator.
- c. If the Response to Resistance is determined to be not within the Policy of the Northampton Police Department, is being reviewed by the OIC or supervisor, the Defensive Tactics Instructor shall immediately be notified.
 - d. If the Response to Resistance is determined to be not within the Policy of the Northampton Police Department by the Defensive Tactics Instructor, they shall immediately notify the Training Coordinator. If the Training Coordinator is unavailable then the Operations Division Commander (ODC) shall be notified immediately.
5. The Training Coordinator shall perform a timely review of the police action and the use of force for appropriateness, justification, and authorization. Upon completion of their review, the Training Coordinator shall forward the original form/report to the Operations Division Commander (ODC) for administrative review. [1.3.7]
 - a. This review may serve as the basis for policy revision, procedural changes, additional training, disciplinary action, or official commendation.
 - b. Following review, all forms/reports regarding the use of force incident shall be filed as appropriate.
 - c. In the event that the Operations Division Commander or the Training Coordinator are the involved officer applying use of force tactics, the next highest ranking officer shall be the reviewer of all reports and forms. [1.3.7]
 6. By the end of March each year, the ODC shall complete a Use of Force Analysis Report for all use of force activities occurring during the previous calendar year. The ODC will forward a copy of such report to the Chief of Police following review. See AOM: A-105. [1.3.13] [11.4.1, a, c, & d]
 7. Within five (5) days of receiving a use of force report, the ODC shall submit a report to the FBI Use-of Force Data Collection database if the use of force involved resulted in:
 - a. The death of the person due to an officer's use of force;

- b. The serious bodily injury of person due to an officer's use of force; or
- c. The discharge of a firearm by an officer at or in the direction of person that did not otherwise result in death or serious bodily injury.

The ODC shall submit a zero (0) report to the FBI database monthly if there were no uses of force as described above.

B. Supervisory Action in Serious Injury/Death Actions [1.3.8]

1. In the event of any use of force and or any action that results in serious bodily injury or death, the employee's immediate Supervisor shall:
 - a. Relieve the employee from active duty, and [52.2.7]
 - b. Take control of the firearm or weapon used until the proper reports have been filed and a preliminary investigation has been completed. The supervisor responsible for removing an officer's weapon should, whenever possible, ensure that any such removal is done in a manner that is discreet and outside of public view so as not to cause embarrassment to the officer.
 - c. A supervisor not involved in the incident will complete a report, which will include the reporting officer(s) written statements.
2. If appropriate, the officer's firearm should be replaced by another firearm. The officer shall re-qualify with that firearm as soon as possible.
3. The Chief of Police shall place the officer on administrative leave pending the completion of a review board or any other pending investigations.
 - a. While on administrative leave, the officer involved shall attend a psychological evaluation and/or debriefing by a psychological or psychiatric services approved by the department. This evaluation and/or debriefing is mandatory for the officer involved and optional for the officer's family members.
 - b. Prior to returning to active duty, the officer shall, in the case of the use of a firearm, be re-qualified on any service firearm the officer is authorized to carry.

C. Administrative Review Board [1.3.8]

1. In the event of any use of force by any employee that results in serious bodily injury or death, the employee shall immediately be removed from their line of duty assignment and be placed on leave, pending an administrative review. The Chief of Police shall:
 - a. Appoint an Administrative Review Board consisting of a minimum of three (3) officers of equal or superior rank, not related to the incident, who shall be responsible for investigating the circumstances surrounding the use of force. In determining authorization or justification, only those facts known to the officer at the time of the shooting or use of force may be considered by the Review Board.

- b. The Review Board shall report their findings in writing to the Chief of Police within five (5) days along with any recommendation for further action, unless the Chief of Police has waived the five-day limit. The report of findings should include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the use of force was consistent with departmental directives and/or State statute.

X. Weapons & Training

A. Weapons Authorization: Only weapons and ammunition authorized by the Chief of Police shall be used by department members in law enforcement capacity both on and off duty. Refer to [AOM S211 Weapons, Equipment & Department Owned Property](#) for procedures regarding the approval, issuance, inventory, and maintenance of department approved/issued weapons. [1.3.9]

1. This does not preclude the officer from utilizing any means necessary to protect their life or the life of a third party.
2. Prior to being authorized to carry issued/approved weapons (firearms, OC, batons, etc.) all department members shall be issued copies of and be instructed in the following departmental AOM Chapters: [1.3.12]

- a. [O101 Police Use of Force](#)
- b. [O101tb5 Police Use of Firearms](#)
- c. [O101tb3 Police Use of OC Spray](#)
- d. [O101tb12 Police Use of PepperBall System](#)
- e. [O101tb14 Police Use of 40mm Less Lethal Launchers](#)
- f. [O101tb2 Police Use of Baton](#)
- g. [O105 Handling Injuries/Illnesses](#)

Prior to being authorized to carry any newly adopted issued/approved weapon, all department members shall be issued copies of and be instructed in the departmental policies pertaining to that weapon. The issuance of the policy and instruction shall be documented on the Training Reception Form. [1.3.12]

B. At least annually, all sworn personnel shall receive in-service training on department use of force policies including de-escalation training and shall demonstrate proficiency with any firearm authorized for carry by the officer. In-service training and proficiency demonstration for all other authorized weapons (batons, OC, etc.) shall occur at the discretion of the Lead Defensive Tactics Instructor, Training Coordinator, and Operations Division Commander. Biennial training for baton and OC is not required by the MPTC. After initial certification has been met, only familiarization training is needed. Demonstrating proficiency shall include: [1.3.11] [16.3.6] [33.5.1]

1. Achieve minimum qualifying scores on a prescribed course;
2. Familiarity with recognized safe handling procedures for the use of such weapon;
3. Attain and demonstrate knowledge of the laws concerning such weapon;

4. Demonstrate knowledge of department policies regarding the use of force and the use of the respective weapons. [1.3.12]
- C. Those officers that are unable to demonstrate proficiency with authorized firearms shall be provided with remedial training sufficient to correct the cause of the proficiency problem prior to resuming official duties. In those situations in which an officer has failed to demonstrate proficiency with an authorized firearm, the Firearms Instructor overseeing the proficiency testing shall immediately notify the Chief of Police or a Division Commander if the Chief is unavailable. The Chief or Division Commander shall then make a decision as to the work status of said officer. [1.3.11,c]
- D. Those officers who are unable to demonstrate proficiency with an issued weapon, other than issued/authorized firearms, shall be provided with remedial training sufficient to correct the cause of the problem prior to being authorized to carry such weapon while in the performance of official duties.
- E. All training, including remedial training, will be documented.