

Truro Police Department

USE OF FORCE

Policy Number: OPS-6.11

*REFERENCE: Attachment A, Less than Lethal
Attachment C, ECW*

Accreditation Standards: Std. 1.3.1. - 1.3.13.

Mass. Gen. Law

Other:

Approved from EOPS

*Julian v. Randazzo; Comm. v. Edward Klein; Tenn. v. Cleemtree
Garner; less than lethal changed to less lethal (8-13-08 MPTC)*

Effective Date: June 1, 2000

Revised Date: Feb 3, 2010

POLICY:

The Truro Police Department places the highest value on the life and safety of its officers and on the safety of the public. The department's regulations, policies and procedures are designed to ensure that this value guides officers in their use of force.

Officers are confronted daily with situations requiring the use of force to effect an arrest or ensure public safety. How much force is used, whether maximum or minimum is dependent upon the facts and circumstances surrounding the situation the officer faces.

All Officers of the Truro Police Department shall use only force that is proper, reasonable and necessary on any particular occasion.

Members of the Department may carry only those weapons authorized by the Chief of Police.

No policy or procedure for deadly or less-than-deadly force can possibly cover every situation. Officers of the Truro Police Department are expected to respond to all emergencies decisively, using the highest level of good judgement, restraint, and professional competence, whatever the level of necessary force.

Before an officer is authorized to carry department weapons, he/she will receive instructions in the department regulations, policies and procedures concerning the use of force. Officers receiving this instruction must satisfactorily show a working knowledge of the subject matter by way of practical and written testing. They shall use only those techniques and skills approved by the Truro Police Department and the Municipal Police Training Committee. An annual review and testing process will be conducted and documented by certified firearm's instructors according to the approved training policy. *(Revised: Sept 20, 2007)*

DEFINITIONS: For these procedures the following definitions will apply:

DEADLY FORCE: Is that degree of force likely to result in death or serious physical injury. The discharge of a firearm toward a person is an example of the use of deadly force.

LESS LETHAL FORCE: Is the force that is neither likely nor intended to cause serious physical harm or death. This includes the use of approved defensive/physical tactics, approved chemical substances, an Electronic Control Weapon (ECW), less than lethal weaponry, a K-9, and the authorized baton (ASP). *(New July 15, 2009)*

MINIMUM AMOUNT OF FORCE: The minimum amount of force is the least amount of force that is proper, reasonable, and necessary to achieve a lawful objective.

REASONABLE BELIEF: Are known facts and circumstances that would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

SERIOUS BODILY INJURY: This is a bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of any body member or organ.

ELECTRONIC CONTROL WEAPON: Electronic Control Weapon: Weapons designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

PROCEDURES:

- 1. AMOUNT AND DEGREE OF FORCE:** The amount of force used shall be no greater than is proper, reasonable, and necessary in a given situation. The amount and degree of force which may be employed will be determined by the facts and the surrounding circumstances, including but not limited to:
 - A. The nature of the offense.
 - B. The behavior of the subject(s).
 - C. Actions by third parties who may be present.
 - D. Physical odds against the officer.
 - E. The feasibility or availability of alternative actions.

2. CALL FOR ASSISTANCE WHEN POSSIBLE: An officer acting alone may be required to resort to a much greater degree of force than would be necessary if another officer or officers had been present. Therefore, unless immediate action is required, an officer should call and wait for assistance whenever possible and appropriate.

3. USE OF FORCE IN ASCENDING ORDER: The use of force continuum is described below in ascending order from the least severe to the most severe measures. Whenever possible, an officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe level 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 his lawful objective or to protect himself or another from serious physical injury or death. Conversely, officers must never overlook the possibility of force de-escalation when appropriate.

A. (LESS LETHAL) FORCE: *(Revised July 15, 2009)*

- 1. Presence/Appearance:** The image that an officer conveys can in many cases influence the outcome of the situation. The officer should be neat and well-groomed. He should be mindful of body language, always maintaining the highest level of vigilance.
- 2. Verbal Communication:** Effective verbal communication can many times reduce or manage anxious, aggressive, or violent behavior. The appropriate use of verbal persuasion can in some cases prevent and or minimize the need for physical force.
- 3. Initial (Light) Physical Tactics:** This application is appropriate when the subjects physical resistance is minor, not hazardous, and can be easily controlled. Examples of this are guiding a cooperative subject into a handcuffing position, out of a vehicle, or into another room.
- 4. Defensive/Physical Tactics:** This is the use of appropriate physical strength or hand control normally required to overcome passive or defensive resistance that is not intended as an act of overt aggression toward the officer when an individual refuses to comply with verbal instructions.
- 5. Electronic Control Weapons (TASER):** A Less lethal weapon that as a compliance technique, an ECW may be used as a countermeasure designed to counter the subject's enhanced degree of resistance. These tactics could include the Control and Restraint techniques, Takedowns, Pressure Points and Distraction Techniques. Using the TASER in a DRIVE STUN mode would be justified as a Compliant Technique. *(New July 15, 2009)*

A less lethal weapon as a defensive tactic, an ECW may be used as a countermeasure designed to counter the subject's perceived non-lethal assault on the officer or others, regain control, and assure continued compliance. When firing the TASER, it would be considered a Defensive Tactics tool with the goal of stopping an Assaultive (Bodily Harm) Subject. *This may only be used in accordance with department approved training. See Attachment B. (Revised July 15, 2009)*

6. **Chemical Substance (Sabre Red OC Spray (ECW Compliant)):** Chemical substances should **not** be used if resistance is minor and not hazardous, **or if light physical tactics would achieve the same end.** Chemical substances may be used in self defense or defense of another. They may also be used to subdue a person who physically resists arrest or to discourage persons engaged in violent, or more than passive resistance conduct. They may be utilized with the subject who resists initial physical contact, shows signs of imminent physical resistance, or when a physical confrontation would be necessary in self defense or in defense of another. The utilization of chemical substances may not be appropriate if such use could affect innocent bystanders particularly children. *This may only be used in accordance with department approved training. (Revised Sept 20, 2007)*
6. **Physical Tactics/Impact Weapon (ASP):** This is the impact weapon (expandable baton/ASP), which, after an evaluation of the circumstances, is used in self-defense or in defense of another. This should be used when the subject is assault and combative, and where other means or uses of force may not work. The use of force continuum should be constantly evaluated. *This may only be used in accordance with department approved training. (Revised Sept 20, 2007)*
7. **Less lethal Weaponry (beanbag weapon):** This weapon fires a drag stabilized beanbag round which, after an evaluation of the circumstances, is used in self-defense or in defense of another. This should be used when the subject is assault and combative, and where other means or uses of force may not work. The use of force continuum should be constantly evaluated. Generally, use of this weapon is justified at the same level as the baton or ASP. *This may only be used in accordance with department approved training. See attachment A for guidance and use of this weapon. (Revised Sept 20, 2008)*

B. FIREARMS/DEADLY FORCE: This is the use of issued and approved firearms and ammunition using approved training techniques. This will be done in compliance with criteria established by statute and case law. This may be used in self- defense or the defense of another.

4. **CIRCUMSTANCES WARRANTING NON-DEADLY (LESS LETHAL) FORCE:**
(Revised December 9, 2003)
 - A. When necessary to preserve the peace, prevent the commission of crime, or prevent suicide or self inflicted injury.
 - B. When necessary to overcome resistance to arrest, to conduct searches and seizures, and to prevent escape from custody.
 - C. When in self-defense, or in defense of another against unlawful violence to his person or property.
5. **PROPER TRAINING:** Officers **shall not** carry or use any weapon while on duty unless they have received proper training and authorization.
6. **AUTHORITY TO CARRY AND / OR USE DEPARTMENT WEAPONS:** Only those officers who have received specific training and demonstrated proficiency are authorized to use department-approved weapons. They must have demonstrated proficiency by achieving minimum scores on a prescribed course, demonstrating knowledge of the laws concerning the use of the weapons, and being familiar with safe-handling procedures. The Truro Police Weapons/Firearms Instructors shall coordinate this necessary training. All weapons training shall be in accordance with Municipal Police Training Committee. *(Revised August 13, 2008)*
7. **SAFE HANDLING / SECURITY OF WEAPONS:** All officers shall be responsible for the safe handling of their weapons at all times. They shall ensure the security of their weapons at all times, both on-and off-duty. Weapons must be secured in such a manner as to prevent theft and unauthorized/accidental use. *(Revised August 13, 2008)*
8. **WEAPONS TO BE CARRIED WHEN ON DUTY:** Members of the department shall carry the department issued pistol and ammunition and weapons whenever they are on-duty or in a compensated status. *(Revised August 13, 2008)*
9. **AUTHORIZATION TO CARRY FIREARMS OFF DUTY:** Unless prohibited to do so by the Chief of Police, members of the department are authorized to carry the department-issued pistol, and other weapons listed in Section 21 while off duty. Due to the high level of training and competency, which members develop with the issued firearm, all members are strongly advised to carry the department issued pistol when they choose to carry a firearm while off duty. This policy shall not be interpreted as restricting any member, who possesses a valid "License To Carry A Firearm" from carrying any firearm under conditions of law while off duty. Officers are not authorized to activate themselves to on duty status unless carrying an authorized weapon as described in Section 21 of this policy.

Officers who choose to carry a weapon, other than their department issued weapon, from the list of authorized weapons in Section 21 of this policy shall receive written authorization from the Chief of Police. Said authorization shall expire in one calendar year. Officers carrying said weapon from Section 21 may activate themselves “On Duty” and may carry said weapon while assigned to training or court. Officers shall qualify with the weapon annually.

Officers working details shall be considered on duty and must comply with the applicable uniforms and weapons policies of the Truro Police Department.

The Truro Police Department mandates that all officers to regularly inspect their weapons, and to keep such weapons clean and in good working order. *(Revised April 6, 2005)*

- 10. USE OF ALL FIREARMS OFF DUTY USE:** The policies and procedures contained in this chapter shall apply to the use of firearms regardless of the officer’s duty status.
- 11. CARRYING WEAPONS WHILE IN PLAIN CLOTHES:** No member of the department dressed in civilian clothing shall carry his firearm in such a manner that will attract attention or will be in open view **unless** he is displaying his badge of office in close proximity to the firearm.
- 12. USE OF FIRING RANGE:** Commanding Officers shall not allow any unauthorized person to use the firing range. Authorized persons shall include certified firearms instructors. No member of the department, except the firearms instructors, shall use the range while alone, unless authorized by a firearms instructor or the Chief of Police. Firearms instructors shall maintain and regulate the use of the firing range. He/she shall be responsible for establishing and posting within the range procedures governing range protocol and safety. All members of the department shall be bound by these posted procedures.
- 13. DRAWING / DISPLAY OF FIREARMS:** Officers **shall not** draw or display their firearm, unless there is justification for its use to accomplish a proper police purpose. An officer may draw and display his firearm to effect an arrest or investigate a situation that he has reasonable cause to believe may develop into **DANGER TO LIFE OR SERIOUS BODILY INJURY** to himself or another.
- 14. USE OF FIREARMS/DEADLY FORCE:** This section sets forth guidelines for Truro Police Officers making decisions regarding the use of deadly force. These procedures have been developed with serious consideration for the safety of both police officers and the public, and with the knowledge that officers must sometimes make split-second decisions in life and death situations.
 - A. Officers shall not use deadly force, except to protect themselves or another person from imminent death or serious bodily injury.**
 - B. Officers may discharge their firearms only when so doing will not unreasonably endanger innocent persons.**

- C. Officers **shall not** use deadly force to apprehend a fleeing felon unless:
 - 1. The felony involved the use or threatened use of deadly force, **and**
 - 2. The escape would result in imminent death or serious bodily injury to the officer, or another if apprehension is delayed.
 - 3. The use of force employed creates no substantial risk of injury to innocent persons
 - D. Officers **shall not** discharge their firearms to threaten or subdue persons whose actions are destructive of property, or harmful only to themselves, unless such actions constitute an imminent threat of death or serious bodily injury to the officer or others.
 - E. Officers **shall not** discharge their firearms at a moving vehicle, unless there is an imminent threat of death or serious injury to the officer or others.
 - F. Officers **shall not** discharge their firearms from a moving vehicle.
 - G. Officers encountering a situation where the use of deadly force is necessary shall, if circumstances and safety considerations allow, issue a verbal warning first. The preferred verbal warning is **POLICE - DROP THE WEAPON!**
(Revised: Sept 20, 2007)
 - H. Officers approaching situations where they can anticipate a hostile, armed individual should attempt to first call for assistance, and then take a position of cover before encountering the individual.
- 15. WARNING SHOTS:** Officers **shall not** fire warning shots or shoot to signal for help.
- 16. FIRST AID/MEDICAL TREATMENT:** In an effort to minimize pain and suffering and further injuries, officers shall as soon as possible render first aid to individuals injured as a result of the use of force. Appropriate emergency medical transportation and treatment shall be obtained as appropriate and necessary.
- 17. DUTY TO REPORT USE OF WEAPONS OR THE APPLICATION OF PHYSICAL FORCE:** A written incident report, detailing the events of the incident, shall be submitted by an officer with a copy forwarded to the Chief of Police whenever: ((Revised August 13, 2008))
- A. An officer has used any authorized lethal or less lethal weapon or applied physical force as defined by the department.
 - B. An officer has taken action that results in or is alleged to result in an injury or death to another person(s).
 - C. An officer discharges a firearm, for other than training or recreational purposes.

- 18. REVIEW BY COMMANDING OFFICER:** All reports referred to in Section 17 shall be forwarded to the Shift Commander, and the Chief of Police, both who shall review the matter. The Chief of Police will review the information and forward the package to the Internal Affairs Officer, if necessary. Review by the Chief of Police or Internal Affairs should include, but not be limited to, determining whether or not the use of force was consistent with the Department Policy, Department Training, and officer and public safety. The senior weapons instructor will conduct a documented annual review of all submitted reports, in order to determine if any training needs, policy changes, trends, or patterns are revealed.

No reports shall be given to the media except as authorized by Truro Police Department Policy.

- 19. INVESTIGATION WHEN USE OF FORCE RESULTS IN A DEATH OR INJURY:** Whenever an officer uses force that results in a death or an injury that may result in a death, the Shift commander on duty shall immediately notify the following: *(Revised 03-04-03)*

- A. Chief of Police
- B. The Staff Sergeant as Senior Weapons Instructor and the Lieutenant as IA Officer.
(Revised 2-5-02)
- C. Barnstable County District Attorney's Office via the Massachusetts State Police Detectives at the South Yarmouth Barracks. ***(Incidents that result in death only)***.
(Revised 03-05-02)
- E. Employees support group

The incident shall be investigated by the Internal Affairs Officer, with the full assistance of the Staff Sergeant, the Lieutenant, and the Chief of Police, and the Barnstable County District Attorney's Office. .

Under the direction of a supervisor, the weapon(s) used shall be secured for examination by the State Police Ballistic Experts. When the officer(s) involved is/are required to turn the weapon in for examination, the supervisor receiving the weapon **SHALL** ensure that the transfer is done out of the public eye and that the officer is not seen in uniform without a weapon. When circumstances permit and under the direction of a supervisor, the officer(s) sidearm shall be replaced with a re-issued sidearm. *(Added Sept 20, 2007)*

20. RE-ASSIGNMENT AFTER FORCE RESULTING IN DEATH OR INJURY: When an officer or employee has used force or whose actions has resulted in a death or serious injury, or when the discharge of his firearm has resulted in any injury, he will be immediately placed on administrative leave, with pay. This assignment shall remain in effect pending a review of the circumstances surrounding the incident. Said leave shall not be considered punishment or any indication of wrongdoing. During this time of administrative re-assignment, post-incident debriefing and counseling for those involved will be administered. *Revised January 25, 2007*

21. AGENCY AUTHORIZED WEAPONS - RECORDS

A. The Chief of Police, with the recommendations of the Firearms/Weapons Instructors, may authorize the issue and use of weapons on duty. The Truro Police Departments utilizes the following weapons: *(Revised July 15,2009)*

1. 40mm Smith and Wesson semi-automatic sidearm.
2. .9mm Smith and Wesson sidearm.
3. Sabre Red 10% OC Spray (ECW Compliant)
4. Remington .12 ga. shot guns
5. Mossberg .12 ga shot gun
6. ASP Expandable Baton
7. Remington 12 ga shot gun retro fitted for bean bag shot
8. Colt AR-15 Law Enforcement TAC Carbine rifle
9. M16 A-1 Rifle
10. Taser X26E *(Revised July 15,2009)*

B. Ammunition issued by the department shall be authorized as in sub-section A of this section. Specific Ammunition carried by officers are: *((Revised June 5, 2009)*

1. Federal Brand 40 Cal. Hollow point rounds
2. Winchester Brand 9mm Hollow point rounds
3. Federal Shot Gun Slugs
4. UMC .223 cal.
5. Armor Holdings #23 DS bean bag rounds
6. Taser 44200 Cartridges *(Revised July 15,2009)*

C. The Chief of Police may authorize the following weapons to be carried off duty or when attending court or training. Officers will comply with policies and procedures concerning the use of the weapons. (see Section 9) *(New September 8, 2006)*

7. S&W Model CS40
8. S&W Model 337
9. S&W Model 3913
10. Sig Sauer Model 227
11. Sig Sauer Model 229
12. Glock Model 27

- D.** Firearm's/Weapons Instructors shall inspect and review *all* weapons (*including less lethal weaponry*) checking for safe use. This will occur at the range during qualifications and/or prior to an officer being issued or carrying said weapon. This inspection and review will be documented on the training memo/score sheet issued after such training was completed, or in memo form to the Chief. Instructors who qualify officers shall then recommend authorization to carry said weapons to the Chief. Officers must check their weapons for operational readiness before each shift. An unsafe weapon will be secured in the Armory, and notification shall be made to an Firearms/Weapons's instructor. The officer, upon notification and permission, will obtain a replacement weapon, recording the weapons particulars. A log entry will be made under general services for such replacement. *(Revised August 13, 2008)*
- E.** Officers will qualify at least yearly, but not more than quarterly depending on scheduling and resources. Officers, will qualify with the shotgun and AR-15/M16 A-1 at least annually. Policies and procedures associated with Use of force, and use of firearms will be reviewed at least annually. Officers will re-train with less lethal weaponry at least every two years. Firearm's/Weapons Instructors will coordinate this training. *(Revised August 13, 2008)*
- F.** Officers shall check their assigned cruisers shot guns, rifles and Less lethal weapons for safety, and shall remove unsafe weapons, placing it in the Armory, The officer, upon notification and permission from a Firearm's/Weapons Instructors, will obtain a replacement weapon, recording the weapons particulars. A log entry will be made under general services for such replacement. *(Revised August 13, 2008)*
- G.** Officers shall regularly check their issued pepper spray for canister leaks, and for safety. An officer finding deficiencies shall secure the spray in the armory. The officer, upon notification and permission from a Firearm's/Weapons Instructors, will obtain a replacement weapon, recording the weapons particulars. A log entry will be made under general services for such replacement. *(Revised August 13, 2008)*
- H.** Officers shall check their issued ASP expandable baton to ensure that it is working properly. If any problem exists, the officer, upon notification and permission of a Firearm's/Weapons Instructor, will obtain a replacement baton, A log entry will be made under general services for such replacement *(Revised August 30, 2008)*
- I.** Weapons instructors shall keep records of training, inventory and maintenance records of each weapon for the department.
- J.** Weapons instructors will be responsible for the training and re-training of officers in the proficiency of the issued agency specific less-lethal weapons listed in sub section A, and all policies and procedures associated with said less lethal weaponry. Training or re-training with less lethal weaponry will be accomplished every two years. *(Revised August 13, 2008)*

- K.** Firearms/Weapons Instructors will keep an inventory of all weapons owned by the department, and a list of what weapons are issued. This list will be updated monthly and a copy submitted to the Lieutenant. The list shall also include weapons owned by individual officers who have authorization from the Chief to carry said weapon. Weapons stored in the armory will be checked for operational readiness every month by a Firearms/Weapons Instructor. This check will be documented in memo form to the Lieutenant. *(New August 13, 2008)*

ATTACHMENT A

The Truro Police Department may utilize a specialty impact weapons for providing control of disruptive individuals in consideration of officer and public safety.

I. PROCEDURE – USE

The Department will use the Armor Holdings #23 DS or Drag Stabilized Bean Bag Round. It has 40 grams of lead shot and travels at a rate of 280 feet per second. It delivers between 85-112 foot-pounds of pressure.

- A.** Officers shall not deploy specialty impact munitions until they have been properly trained and certified.
- B.** The use of a beanbag weapon is justified generally if the use of a baton would have been justified.
- C.** Verbal commands and a warning should be issued to the suspect(s) if possible, before deploying Specialty Impact Munitions.
- D.** The purpose of the command is:
 - 1. To offer the opportunity to comply.
 - 2. Evaluate the effectiveness of the round fired (if any) and
 - 3. To evaluate the level of the suspect(s)' compliance or resistance.
- E.** A lethal force back-up component MUST be in place. If possible, a single officer should be designated as lethal cover. The officer(s) should not fire unless they are in immediate personal danger.
- F.** Beanbag strikes should be directed at portions of the body, which coincide with "Green areas of a Monadnock Baton Chart" i.e. lower abdomen, legs or arms.
- G.** Beanbag strikes to center mass, head, neck, groin or spine should be avoided unless deadly force is justified.
- H.** If an officer equipped with a beanbag weapon is faced with the sudden escalation and must use lethal force, the point of aim may be raised to the chest, throat or eye area of the suspect. The use of a beanbag in this manner will be considered deadly force and will be treated as discharge of a lethal firearm.

II. AFTER DISCHARGE

The purpose of Specialty Impact Munitions is to increase the use of force options available to an officer. It allows for the use of an impact weapon from a safer distance. Specialty Impact Munitions are not a replacement of or substitute for deadly force when that level of force is required.

- A. Any person who has been struck with a beanbag or other Specialty Impact Munitions MUST be examined by rescue personnel as soon as is practical. Officers will activate the EMS system immediately as they would any other injury.
- B. The impact area of the suspect will be photographed by a department photographer.
- C. The spent beanbag round and casing, if retrievable will be tagged and submitted to the Evidence Officer.
- D. Use of a beanbag gun will not be treated in the same manner as discharging a lethal firearm. Use of a beanbag device will require an incident report to be submitted prior to the end of the Officer's shift,
- E. The report will include:
 - Circumstances leading to use
 - Number of rounds deployed
 - Point of aim and location hits
 - Effectiveness of the device
 - Medical follow-up and results thereof
- F. If the seal of the dedicated beanbag gun is broken, regardless of whether or not it was used, a Specialty Impact Munitions Instructor will be notified and will inspect, reload, and re-seal the weapon prior to it returning to service.

III. OPERATIONAL CONSIDERATIONS

- A. It is important to note that beanbags will not properly cycle an auto-loading shotgun. A conventional pump action shotgun must be used. A disadvantage to using a 12-gauge system is the higher potential for the unintentional introduction of lethal rounds. To reduce this problem, this department has dedicated a shotgun to less lethal rounds only. It is clearly marked with orange stock and forend as well as less lethal in black lettering. Specialty Impact Munitions will be stored separately from all other ammunition.
- B. A properly placed beanbag round can cause incapacitation, motor dysfunction, mental distraction and discomfort. The officer must be cognizant of the fact that beanbags do not always result in immediate incapacitation and should be prepared to launch several follow-up rounds if appropriate. Specialty Impact Munitions should never be deployed without an immediately available lethal force cover officer.

- C. When considering the use of Specialty Impact Munitions the following Hierarchy of Safety Considerations should be followed:

1. Hostages (if any)
2. Innocent bystanders
3. Officers
4. Suspect/subject

Decisions should be made with this hierarchy clearly in mind. The safety of the suspect should not be placed above that of other citizens or police involved.

Beanbags can be successfully used on resistive, assaultive, armed or potentially armed subjects to:

- De-escalate a dangerous or potentially deadly situation
- Control, detain, or arrest a subject/suspect
- Protect officers or other persons from harm-including the suspect from self-inflicted injury

When such force is necessary and appropriate, and used in an effort to reduce the potential for death or serious injury to all persons involved.

Attachment A issued December 9, 2003

ATTACHMENT B**SAMPLE MEMO OF INVENTORY CONTROL, INSPECTION OF WEAPONS**

TO Chief Thomas
FROM
DATE
RE: Monthly Weapons Inventory and Inspection
Cc Lt Lundborn

Please be advised that I have conducted an inspection and inventory of agency owned weapons checking for accountability and operational readiness.

The following weapons are stored in the Armory, accounted for and are operationally ready: (See weapons distribution list) which include

- Firearms
- Rifles
- Shotguns
- OC Spray
- ASPS
- Ammunition
- Other
- Taser (ECW)

Issued agency owned weapons have been inspected by the officer it was issued to them on the Cruiser and Equipment Checklist.

Attachment B
Feb 3, 2010

ATTACHMENT C
ELECTRONIC CONTROL WEAPONS
(Revised July 15,2009)

I. PURPOSE AND BACKGROUND

The purpose of this policy to provide officers with guidance and direction on the use of electronic control weapons (ECW) consistent with the Truro Police Department USE OF FORCE Policy and the Use of Force Continuum as developed by the Massachusetts Municipal Training Committee.

II. POLICY

It is the policy of this department to use only that level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. Electronic control weapons have been proven effective in furtherance of this policy, and are authorized for use in appropriate circumstances by trained and authorized personnel.

II. DEFINITIONS

- A. Electronic Control Weapon: Weapons designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
- B. TASER- a brand name for the ECW currently used and authorized by this department. The model used by this department is Taser X26.
- C. Air Cartridge- A replaceable cartridge for the ECW which uses compressed nitrogen to fir two barbed probes/darts on thin connecting wires sending a high voltage/low current signal into a subject.

IV. PROCEDURES

General-

There are three separate types of reportable ECW applications.

1. Spark Display- A non-contact demonstration of the ECWs ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and avoid the ECW being deployed in the Drive Stun or Probe mode.
Spark checks conducted to test the unit at the beginning of the officer's shift are not reportable incidents.

2. Drive Stun- Contact is made by pressing the front of the ECW (cartridge removed) into the body of a subject and activating the ECW. The Drive Stun causes significant localized pain in the area touched by the ECW but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject but may assist in taking a subject into custody.
3. Probe- The ECW is most effective when the cartridge is fired and probes make direct contact with the subject. Proper application will result in temporary immobilization of a subject and provide the officer a “window of opportunity” in which to take the subject into custody. Optimum range for deployment is 7-15 feet with 21 foot maximum distance.

A. AUTHORIZED USERS AND TRAINING

1. Only officers who have been designated by the Chief of Police and who have satisfactorily completed one of the following courses shall be authorized to carry and/or use the ECWs.
 - i. **Basic User** - 8 hour certification course approved and developed by the MPTC (recertification required every two years), or
 - ii. **Instructor** - 16 hour certification course with additional 4 hour training approved and developed by the Massachusetts Police Training Council (MPTC) (recertification required every two years)
2. All personnel authorized to carry these weapons shall complete a minimum of two hours of annual in-service refresher training.
3. Supervisors and Command Staff should receive ECW awareness training so they can make educated decisions about the administrative investigations they review.

B. WEAPON READINESS

1. The device will be carried by authorized officers in an approved holster on the support/weak side (opposite of the firearm side) of the body.
2. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
3. Officers approved to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for reapplication, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.

4. Only battery power sources recommended by the manufacturer shall be used in the ECW.
5. The ECW shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
 - i. NOTE: the restrictions in section B5 do not apply during a “tactical reload” of a cartridge.

C. DEPLOYMENT

There are two levels of force where ECWs are authorized;

COMPLIANCE TECHNIQUES- includes countermeasures designed to counter the subject’s enhanced degree of resistance. These tactics could include the Control and Restraint techniques, Takedowns, Pressure Points and Distraction Techniques, OC spray , etc. **Using the TASER in a DRIVE STUN mode would be justified as a Compliant Technique.**

DEFENSIVE TACTICS- includes countermeasures designed to counter the subject’s perceived non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include Weapon/ Weaponless Strikes, etc. **When firing the TASER, it would be considered a Defensive Tactics tool with the goal of stopping an Assaultive (Bodily Harm) Subject.**

1. When practical, the officer should give a warning to the subject and other officers before firing the ECW.
2. Center mass of the body should be the primary target area.
3. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.
4. Attempt to avoid hitting the subject in sensitive tissue areas such as head, face, groin, or female breast area, however darts penetrating these areas will be removed by medical personnel at a medical facility (see E-3).
5. ECW may be used to control an aggressive animal that is threatening the safety of a person.
6. Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
7. Only one officer should activate an ECW against a person at a time.

D. RESTRICTIONS

ECW should not be used:

1. in the known presence of combustible vapors and liquids or other flammable substances;
2. against suspects in control of a motor vehicle in motion unless exigent circumstances exist;
3. on handcuffed persons unless they are actively resisting or exhibiting active aggression;
4. on pregnant women, young children **under the age of 17** or on elderly persons **over 70 years** of age, on visibly frail persons, or on persons with cardiac pacemakers (if known) unless exigent circumstances exist;
5. where the suspect is in a position where a fall may cause a substantial injury or death;

E. AFTERCARE

1. Normally, the ECW darts may be removed by officers from the subject once he or she has been restrained using the procedure outlined in training. Universal precautions shall be followed to protect the officer from the transfer of body fluids.
2. All persons who have been exposed to ECW activation will receive a medical evaluation from at least a paramedic.
3. **The suspect shall be taken to an emergency care facility :**
 - i. In all cases where the probe has penetrated sensitive tissue areas (such as the groin, eye, female breast, face, or neck. The officer shall impound all probes removed at a medical facility for evidence.
 - ii. If the subject had a known pre-existing medical condition especially one affecting the cardio-vascular system i.e. a pacemaker, cardiac surgery.
 - iii. Where it appears that the tip of the barbed probe broke off and remains under the skin.

4. A subject exposed to an ECW activation will be monitored regularly while in police custody even if they received medical care.
5. Following an ECW activation, officers should use a restraint technique that does not impair respiration.
6. Photographs of the affected area should be taken after the probe is removed.
7. When the device has been used operationally, the officer will collect as evidence, package, and mark as a biohazard; the air cartridge, wire leads, probes, as evidence. Several APHIDS should also be collected and packaged separately as evidence.

F. OFFICER IN CHARGE

An OIC will respond to all incident scenes where an ECW was activated and:

1. Conduct an initial review of an ECW activation
2. Ensure photographs are taken of the site of the probes impact and any related injury.
3. Ensure report is completed
4. Take custody of the ECW that was used and submit the unit to the Lieutenant for data downloads. The Lieutenant will print the information and attach it to the officer's report.

G. REPORTING

1. The deploying officer shall notify the Officer in Charge as soon as practical after using the device, and complete an incident report. The incident report shall include:
2. Area of body hit by probes/ drive stun.
3. if the arrest was compliant with or without probe deployment (i.e. spark test at scene and suspect voluntarily complies with arrest)
4. photographs taken of probe impact area and any related injuries (if any)
5. Copies of reports involving the use of an ECW shall be forwarded to the Chief or his/her designee.
6. The Chief or his/her designee should conduct random audits of ECW data downloads and reconcile use-of-force reports with recorded activations

7. The Chief of Police or his/her designee shall forward quarterly reports of ECW activations to the Executive Office of Public Safety. The report will contain:
 - Statement containing the number of sworn Truro Police Officers, number of ECWs owned by the department, number of incidents involving ECWs, and
 - Copy of the incident report
 - Copy of data printout from the ECW