

Natick Police Department
General Order

Order Number 91-04
Date: March 8, 1991

To: All Department Members and Personnel
From: Chief Dennis R. Mannix
Subject: Use of Force

I. POLICY

A police officer will be required at times to resort to physical force to enable him to carry out his law enforcement and peacekeeping role. A determination of the proper use of force is often done after the fact and is subjective in nature. The lawful use of force must be controlled so that an officer will not subject himself to civil and criminal liability through the unnecessary use of force. The following procedures are for the benefit of police officers so that they may have more specific standards to guide them.

II. PROCEDURES

A. Use of force means non-deadly force, such as the use of hands, handcuffs or other restraining devices, chemical substances, agents or similar devices or instruments for the emission of gas, and police or riot batons.

1. Non-deadly force shall mean that degree of force which in the circumstances is neither likely nor intended to cause great bodily harm;

2. The use of firearms is treated in a separate policy statement: " Use of Firearms. "

B. Non-deadly force may be used by a police officer in the performance of his duty:

1. when necessary to preserve the peace, prevent commission of offenses, or prevent suicide or self-inflicted injury; or

2. when necessary to overcome resistance to arrests, to conduct searches and seizures, and to prevent escapes from custody; or

3. when in self-defense, or defense of another against unlawful violence to his person or property.

- C. The force used shall be no greater than is necessary and reasonable in a given situation. The amount and degree of force which may be employed will be determined by the surrounding circumstances including, but not limited to:
1. the nature of the offense;
 2. the behavior of the subject against whom force is to be used;
 3. actions by third parties who may be present;
 4. physical odds against the officer; and
 5. the feasibility or availability of alternative actions.
- D. 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.
- E. The preferred means of using force are set forth below in ascending order from the least severe to the more drastic measures. An officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe application of force except where it is necessary to protect himself or another from serious bodily injury or death.
1. physical strength or skill;
 2. approved non-lethal chemical substance or noxious gas;
 3. approved baton.
- F. A weapon should not be displayed or brandished as a threat unless its actual use in the situation would be proper. This does not prohibit an officer from having a weapon readied when it is anticipated that a weapon may be required.
- G. Officers shall not alter or modify a weapon without the express permission of the Chief. Only weapons authorized by the Chief may be used.
- H. Officers shall be properly trained in the use of weapons such as batons and chemical substances before being authorized to carry such.

I. Chemical substances may be used when physical force is necessary:

1. to protect an officer or other person from an assault; or
2. to subdue a person who resists arrest; or
3. to deter persons engaged in riotous conduct.

It is preferred that chemical substances not be used if resistance is minor and not hazardous, or if physical powers would reasonably achieve the same end.

J. Because of the possibility of being overcome himself, an officer should avoid the use of chemical substances when he is in close proximity to the offender in a confined space.

K. An officer who employs chemical substances as a weapon shall provide treatment for the victim as soon as practicable under the circumstances.

L. The baton may be used by an officer:

1. in self defense or in the defense of another; or
2. when it is necessary to subdue a person violently resisting arrest; or
3. to deter persons engaged in riotous or violent conduct.

Because of the potential harm, the baton should only be utilized if lesser methods have failed or would be obviously futile.

M. When the use of the baton is necessary, these guidelines shall be followed:

1. Blows capable of inflicting possibly fatal or permanent injury must be avoided. For example, blows to the head, temple or throat can result in serious injury or even death; blows to the abdomen, groin or kidney areas can also be critical or fatal;
2. The baton should not be raised above the head to deliver a blow. Overhead swings of the baton are easily blocked and also make it possible for the baton to be taken from the officer and used against him;
3. Blows from the baton shall be made in a short and snappy manner and shall be directed to the arms and legs. This will temporarily incapacitate the aggressor but will not cause serious bodily harm;
4. Although the baton is a necessary police weapon, it was never intended to take the place of the service revolver. If deadly force is used or threatened, and human life is endangered, deadly force must be considered as a counter measure. The baton will not suffice in such cases.

N. Following any incident involving the use of force, the officer shall file with the proper authority a report containing the following information:

1. the names and addresses of victims and witnesses;
2. the extent and treatment of injuries, if any;
3. the name of treatment facility and doctor administering treatment;
4. the reasons and circumstances that required the use of force.

Per order -



Dennis R. Mannix
Chief of Police



Natick Police Department

Order Number 91-05

General Order

Date: July 29, 1991

Use of Firearms

- I. General Considerations and Guidelines: Police officers are issued firearms, and trained in their use, for self protection and for the protection of the public in the community in which they serve. The use of a firearm is the highest degree of force a police officer may apply and the decision to use a firearm, in the performance of his duties, is the most critical judgment a police officer is called upon to make.

This policy reflects the fact that a police officer is authorized to use deadly force whenever it is reasonable and necessary to combat deadly force, used or threatened, if there is imminent danger of death or serious bodily injury to the officer himself, or to any other person unlawfully attacked.

The use of firearms to effect the arrest of a known felon, or to prevent the escape of a fleeing felon, is herein restricted to those offenses where deadly force has been used or threatened and where the police officer has reasonable cause to believe that death or serious bodily injury could result unless the felon is immediately apprehended.

Firearms will not be used if other less drastic means are possible (see departmental policy: "Use of Force"), and when firearms are used, all reasonable precautions will be taken to prevent injury to innocent persons.

No set guidelines for the use of firearms can possibly cover every situation that might arise and every police officer is expected to respond to all such emergencies decisively with the highest level of good judgment and professional competence.

II. Procedures.

- A. Officers are authorized to use a firearm in the following circumstances, if there is no other reasonable alternative available:

1. to defend himself or another person from unlawful attack when he has reasonable cause to believe there is imminent danger of death or serious bodily injury;

2. The use of deadly force (including firearms) to effect an arrest is not justifiable unless;
 - a. the arrest is for a felony;
and
 - b. the officer believes that the force employed creates no substantial risk of injury to innocent persons;
and
 - c. the officer has probable cause to believe that:
 - (1) the crime for which the arrest is made involved conduct indicating the use or threatened use of deadly force; or
 - (2) there is substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.

See Comm. v. Klein, 372 Mass. 823, 363 N.E. 2d 1313 (1977), and Julian v. Randazzo, 380 Mass. 391, 403 N.E. 2d 931 (1980). See also departmental policy and procedure "Arrest".

3. to kill a dangerous animal or an animal so badly injured that humanity requires that it be removed from further suffering. In the case of an injured animal, the permission of the owner should be obtained, whenever possible. Great care should be taken to protect the public from a ricocheting bullet and, if possible, the killing of an animal in the presence of children should be avoided;
4. for authorized target practice or competition, with weapons issued or authorized by the department.

B. Officers are not authorized to use a firearm in the following circumstances:

1. to fire a warning shot;
2. to effect an arrest for a misdemeanor except as provided for in II(A)1.

3. Officers will not discharge firearms at moving vehicles or suspects fleeing in vehicles.
 4. Officers will not discharge a firearm from a moving vehicle.
 5. In all cases, every precaution will be taken to ensure the safety of the public.
- C. Officers will avoid the unnecessary display of firearms and not draw a firearm except when there is justification for its use to accomplish a proper police purpose. In responding to any potentially dangerous situation, such as a robbery or a breaking and entering in progress, an officer should carry his firearm in a position where it can be used speedily and effectively, if necessary.
- D. Under Massachusetts General Laws, a police officer is authorized to carry an issued or authorized firearm at all times when on duty and may carry such firearm while off duty within the Commonwealth.
- E. Officers will only carry firearms and ammunition issued or authorized by the department. An officer shall not alter or modify his firearm or ammunition in any way without the express permission of the Chief of Police.
- F. An officer who injures any person through the discharge of his firearm will ensure that necessary steps are taken to provide the injured person with necessary medical treatment.
- G. An officer who discharges his authorized firearm for any reason except for authorized target practice or competition shall, as soon as possible, submit to the Chief of Police a report in accordance with departmental procedures, which will include at least the following information.
1. the names and addresses of any injured persons and witnesses;
 2. the extent and treatment of any injuries; the hospital where treated and/or the doctor who provided such treatment;
 3. the number of shots fired and the reasons and circumstances that required the use of firearms.

- H. All officers must keep their firearms clean and in workable condition at all times. All officers, including Reserve Officers, must qualify at least annually, with all firearms they are authorized to carry, or are normally equipped with, during the course of their duties. All officers will be responsible for the safe handling of their firearms at all times and must properly secure their firearms when they are not under their direct control.

- I. These procedures are intended to regulate the use of any and all police firearms including revolvers, pistols, shotguns, rifles, automatic weapons, authorized off-duty firearms or related equipment. These procedures will also apply when an off-duty officer uses his firearm to perform a valid law enforcement purpose.

Per order of:



Dennis R. Mannix
Chief of Police



Natick Police Department

Memo Number 95-01

General Order

Date: Jan. 24, 1995

SHOTGUN POLICY

To: All Department Members and Personnel
From: Chief Dennis R. Mannix

I. Policy

The department will make available in selected vehicles the Remington Model 870 Police Shotgun. These weapons are a deadly force option at the disposal of the officer. They present several safety concerns. This policy will offer guidance when the shotgun should be deployed, the approved method of transport, and **the security measures required of every officer operating a vehicle equipped with a shotgun.**

No policy can cover every situation that will present itself to a police officer. These procedures have been researched, tested and reviewed. However, this is a dynamic profession and policies and training cannot be etched in stone. These procedures will be followed whenever safe and practical, and officers will be required to account for deviations from this policy.

II. Deployment

The shotgun may be deployed in the following circumstances:

1. To defend himself or herself or another person from unlawful attack when he/she has reasonable cause to believe there is imminent danger of death or serious injury;
2. The use of deadly force (including firearms) to effect an arrest is not justified unless:
 - a. the arrest is for a felony; and
 - b. the officer believes that the force employed creates no substantial risk of injury to innocent persons; and

c. The officer has probable cause to believe that:

- (1) the crime for which the arrest is made involved conduct indicating the use or threatened use of deadly force; or
- (2) there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.

Before deploying the shotgun the officer making the **deployment decision** must take into account the possible effects of the use of the shotgun given the surroundings, (i.e., Crowded shopping areas vs. woods or an open field, time of day and number of people present).

At no time will the shotgun be used as a scare tactic or threat when its actual use would not be authorized.

III. Procedures

The shotgun will be kept locked in the permanently mounted shotgun rack in the cruiser. The weapon will be kept with the action closed, **chamber empty**, and the **safety on** at all times while stored in the vehicle.

The magazine will be loaded with .00 Buck ammunition. An elastic stock carrier will contain five (5) additional rounds.

Once the **decision** to deploy the shotgun has been made the officer must press the release button. This will unlock the shotgun rack for 10 seconds (If rack is not opened in 10

seconds it will automatically re-lock). Remove the shotgun from the rack, exit the vehicle, depress the action release, operate the action and chamber a round. If time and the situation permit, a round from the stock carrier should be inserted into the magazine at this time.

Since possession of a shotgun limits the actions an officer may take, any officer deploying the shotgun will notify dispatch, and any other units that a shotgun has been taken into a situation by saying "SIGNAL 870" over the radio when signing off.

The first or second unit entering a situation may decide to deploy a shotgun. Once a shotgun is deployed at a scene, **no officer shall bring a second shotgun into that scene unless directed to do so by a supervisor or by one of the officers already inside.**

Except in extreme emergency the officer who deploys a shotgun shall remain in possession of it at all times until it is re-secured in the vehicle.

As soon as possible after the conclusion of the shotgun deployment the weapon will be taken outside any building and unloaded. The weapon will be locked back in the cruiser shotgun rack with the magazine loaded, the chamber empty and the safety on.

IV. Security

Since the shotgun racks are electrically operated, **the ignition key must be removed and the doors locked whenever an officer is away from the vehicle.**

Whenever a cruiser is taken out of service, the shotgun will be removed from the rack, completely unloaded and carried into the station with the **action open and the safety on.** The shotgun will be turned in to the Commanding Officer. An entry will be made in the Administrative Log by the C.O. using **CAD Code 914, Equipment Turned In,** indicating the weapon serial number, who turned the weapon in, and from which vehicle it was removed. The weapon will be secured by the C.O. in the shotgun case in the guard room.

V. Reporting

Whenever an officer decides to deploy the shotgun he shall include all information relevant to the deployment decision, and

the weapons use, if appropriate, in an incident report.

Per order of -



Dennis R. Mannix
Chief of Police