


Billerica Police Department 	POLICY NUMBER OPS-1	PAGES 15	EFFECTIVE 6/15/2025
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Use of Force			

I. GENERAL CONSIDERATIONS AND GUIDELINES

Because of their law enforcement and peacekeeping role, police officers will be required at times to resort to the use of physical force to enable them to fully carry out their responsibilities. Police officers are confronted continually with situations requiring or resulting in the use of various degrees of force to effect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The degree of force used is dependent upon the reasonable officer's perceived facts, circumstances and perceived subject actions surrounding the situation. Only a reasonable and necessary amount of force may be used. The degree of force the officer is forced to use often depends upon the amount of resistance or threat to safety the situation produces.

The objective of the use of force is to maintain and/or reestablish control over a situation. Control is reached when a person complies with an officer's directions and/or the suspect is restrained or apprehended and no longer presents a threat to the officer or others. Since officers will encounter a wide range of behaviors and be forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. They must be prepared to utilize a range of force options that are reasonable and necessary to maintain and/or reestablish control by overcoming resistance to the officers' lawful authority while minimizing injuries.

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no written policy can offer definitive answers to every situation in which the use of force might be appropriate. Rather, this policy will set certain specific guidelines and provide officers with a concrete basis on which to utilize sound judgment in making reasonable and prudent decisions.

The Billerica Police Department places the highest value on the life and safety of its officers and on the lives and safety of the public. The Department's regulations, policies and procedures are designed to ensure that officers use de-escalation tactics as their primary response to all situations prior to using force.

II. POLICY

It is the policy of the Billerica Police Department that officers use only the force that is permissible under applicable federal, state, and local laws and regulations. In furtherance of this mandate, officers will adhere to the following:

- A. When exigent and unforeseen circumstances cause officers to deviate from the provisions of this Policy, officers are still expected to act with intelligence, sound judgement and in full conformity with both state and federal laws and constitutional provisions. Any such deviations from the provisions of this Policy shall be examined on a case-by-case basis.
- B. Officers may carry or use only those weapons issued and authorized by the Chief of Police while on duty. Officers shall not carry or use any weapon while on duty unless they have received proper training in accordance with established Municipal Police Training Committee guidelines and Department policies and procedures. All officers must qualify for, keep, and maintain a "License to Carry" Class "A" firearms permit, issued by the Chief of Police of the Billerica Police Department. Periodic computer checks will be conducted for appropriate compliance.

III. DEFINITIONS

- A. **Deadly Force:** Physical force that can reasonably be expected to cause death or serious physical injury. This includes but is not limited to the use of department-approved firearms.
- B. **Non-Deadly Force:** Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another. Examples include but are not limited to the use of approved defensive physical tactics, OC/pepper spray, the K-9, and the authorized baton.
- C. **Less Lethal Force:** That force which is likely to have less potential for causing death or serious bodily injury than the use of deadly force. This includes but is not limited to the use of approved delivery systems and respective munitions (i.e. less lethal shotgun, Pepper Ball Launching System, and Taser).
- D. **Weaponless Physical Force:** Force that includes, but is not limited to, the MPTC Use of Force Model and Defensive Tactics areas of Contact Controls, Compliance Techniques, and Personal Weapon Techniques. Examples of weaponless force includes but is not limited to: escorts, wristlocks, arm-bars, head-butts, hand, elbow, feet, and knee strikes
- E. **Force:** Is the amount of physical effort required by officer(s) to gain compliance from a person. This includes any use of force by an officer(s) occurring in an official law enforcement capacity whether on or off-duty.
- F. **Reasonable Force:** Reasonable force is determined under the legal standard set forth in *Graham v. Connor*, 490 U.S. 386, 395 (1989). Reasonable force is defined as force which is objectively reasonable because it is necessary to overcome resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority.

- G. 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; the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.
- H. 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
- I. Use of Force Model:** Are force options that are divided into five (5) levels to guide the officer during a use of force situation.
- J. Compliant Subject:** A subject who submits to the officer's authority and direction through either words or actions.
- K. Perceived Subject Action:** The subject's actions as perceived by the reasonable officer with the collective knowledge of the subject's prior behavior that designate the subject at one or more of the Use of Force Model's complaint and/or non-compliant categories
- L. Perceived Circumstances:** 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
- M. Control Superiority Principle:** A recognized officer advantage, and a recognized subject disadvantage.
- N. Chokehold:** The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placements of any part of the law enforcement officers' 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.
- O. 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.
- P. Officer-Involved Injury or Death:** Any event during which an officer:
1. Discharges a firearm actually or proximately causing injury or death to another;
 2. Discharges a stun gun actually or proximately causing injury or death to another;
 3. Discharges a chemical weapon actually or proximately causing injury or death to another;
 4. Deploys a dog actually or proximately causing injury or death to another;
 5. Uses deadly force actually or proximately causing injury to another;
 6. Fails to intervene to prevent the use of excessive or prohibited force by another officer who actually or proximately causing injury or death to another;
 7. Engages in a physical altercation with a person who sustains serious bodily injury or requests or received medical care as a result.

IV. PROCEDURES

A. PROGRESSION OF FORCE OPTIONS / DE-ESCALATION

1. The amount and degree of force, which may be employed, will be determined by the totality of circumstances including, but not limited to:
 - a) The nature and seriousness of the offense;
 - b) The behavior of the subject against whom force is to be used;
 - c) Actions by third parties who may be present;
 - d) Physical odds against the officer;
 - e) The feasibility or availability of alternative actions; and
 - f) The opportunity to use de-escalation tactics at any time during the encounter.
2. An officer shall only use that amount of force that the officer feels would be reasonable in a particular situation to accomplish his/her lawful objective or to protect the officer or another from serious bodily injury or death. Officers shall continuously evaluate the circumstances of the encounter with the goal of exploiting both verbal and tactical opportunities with the intent of de-escalating to a lower force level. **When it is objectively reasonable that a subject is fully in law enforcement's control, then the force must terminate.**
3. The officers response options are outlined in the below **Use of Force Model**. These response options 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.
4. 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 actions. Note: Choke holds are prohibited under Massachusetts General Law.

B. USE OF FORCE MODEL

1. LESS-LETHAL FORCE

- a) 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:
 1. to effect the lawful arrest or detention of a person;
 2. to prevent the escape from custody of a person;
 3. to prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; or
 4. and proportionate in accordance with the regulations promulgated jointly by the Commission and the Municipal Police Training Committee pursuant to G.L. c. 6E, § 15(d).
- b) It is preferred that less-lethal force not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same result. Officers should issue a verbal warning and allow a reasonable amount of time for response unless a warning could endanger the officer or others.
- c) Each less-lethal force option is not intended to be a substitute for other options in situations in which the use of other force options are more appropriate.
- d) Absent exceptional circumstances, officers shall not use less-lethal force on susceptible population groups, or for the sole purpose of protecting property.
- e) The use of less-lethal force is not authorized for indiscriminate use, non-violent behavior or when an individual is handcuffed unless a threat to the officer or others exists.
- f) A subject who is exposed to less-lethal force shall be actively monitored while in police custody after they have received medical care. If the subject requests further medical attention, they shall be transported immediately by EMS to a medical facility.

I. LEVEL ONE: The Compliant Subject

Perceived Subjects Actions

The officer perceives the subject's actions as cooperative and control is maintained via public acceptance, officer presence, verbalization skills, etc.

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.

The reasonable officer responses are: COOPERATIVE CONTROLS.

The cooperative controls would include, but not be limited to those force tactics listed below.

COOPERATIVE CONTROLS:

Officer Presence:

- Appearance/Command Presence

Communication Skills:

- Dialogue, Verbal Commands

Approach Techniques:

- Relative Positioning
- Contact/Cover officer tactics
- Control Superiority Principle

Frisk Techniques:

- 1 officer on 1 subject
- 2 officers on 1 subject

Searching Techniques:

- 1 officer on 1 subject
- 2 officers on 1 subject

Restraining Techniques:

- Handcuffing
- 1 officer on 1 subject
- 2 officers on 1 subject

Transport Techniques:

- One officer unit
- Patrol Wagon

II. LEVEL TWO: The Resistant (passive) Subject:

Perceived subjects 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.

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.

The Reasonable Officer Response Is: CONTACT CONTROLS

These would include, but not be limited to those force tactics listed below.

CONTACT CONTROLS:

Officer Presence:

- Appearance

Contact Controls:

- Escort Position
- Handcuffing Control Position

III. LEVEL THREE: The Resistant (active) Subject:

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.

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 this increase in the threat potential and must deploy techniques and tactics that would overcome and/or control this increased risk.

The Reasonable Officer Response Is: COMPLIANCE TECHNIQUES

These compliance techniques would include, but not be limited to those force tactics listed below.

COMPLIANCE TECHNIQUES:

- Front Wristlock
- Rear Wristlock
- Bent Wristlock
- Arm Bar
- Baton – Arm lock only

NON CHEMICAL AGENTS:

- Oleoresin Capsicum (OC) Spray

IV. LEVEL FOUR: The Assaultive (bodily harm) Subject:

Perceived Subject Actions

The officer’s attempt to gain lawful compliance has 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 bodily harm to him/herself or another.

Perceived Circumstances Are: HARMFUL

The officer perceives an accelerated assessment of danger. The situation has reached a degree where the physical well-being of the officer or another person is in jeopardy if the subject is not stopped and controlled.

The Reasonable Officer Response Is: DEFENSIVE TACTICS.

These defensive tactics would include, but not be limited to those force tactics listed below.

DEFENSIVE TACTICS

Weaponless Force Techniques:

- Head, Hands, Elbows,
- Knees, Feet

Impact Weapons Techniques:

- Issued Baton,
- Taser Probe Deployment (drive stun not preferred)

2. DEADLY-LETHAL FORCE

A. A sworn member of this Department is authorized to use lethal force only after 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. This may include situations in which there are no viable alternatives available and lethal force is necessary for the officer to:

1. Defend himself/herself or another from unlawful attack which he/she reasonably perceives as an imminent threat of death or serious bodily injury;

OR

2. Effect an arrest, **only** when:

- i. The arrest is for a felony; and
- ii. The officer reasonably believes that:
 - a) The force employed creates no substantial risk of injury to innocent persons; and
 - b) The crime for which the arrest is made involved the use or attempted use, or threatened use of lethal force; and
 - c) There is substantial risk that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed.

B. Where practical, and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force.

C. 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

V. LEVEL FIVE: The Assaultive (serious bodily harm, death) Subject:

Perceived Subjects 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 bodily harm.

Perceived Circumstances Are: LETHAL

The officer perceives the highest degree of threat towards his/her or another's safety. The officer's reasonable assessment would be that if this situation were allowed to continue that he/she or another would be seriously injured or killed. A maximized system of defense must be initiated.

The Reasonable Officer's Response Is: DEADLY FORCE

These deadly force tactics would include, but not be limited to those force tactics listed below.

Service Weapons: Handgun, Patrol Rifle.

C. ENCOUNTERS WITH MINORS, EMOTIONALLY DISTURBED, MENTALLY ILL AND PHYSICALLY DISABLED PERSONS

1. Encounters may arise between law enforcement and those individuals who are known or suspected of being minors, emotionally disturbed, mentally ill or physically disabled. Such encounters may require special police skills and abilities to effectively and legally respond to the given situation. Officers should never, however, compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of emotional, mental and/or physical illness.
2. Should the officer determine that an individual may be a minor, emotionally disturbed, mentally ill and/or physically disabled and a potential threat to himself/herself, the officer, or others; or may otherwise require law enforcement intervention for humanitarian reasons, the following responses should be taken, bearing in mind officer safety is most important:

- a) Request a backup officer.
 - b) Take steps to utilize de-escalation tactics. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts are not occurring, avoid physical contact, and take time to assess the situation.
 - c) Move slowly and do not excite the person. Provide reassurance that the police are there to help and that he/she will be provided with appropriate care.
 - d) Communicate with the individual in an attempt to determine the root of the person's actions. Relate your concern for his/her feelings and allow the person to express their feelings. Where possible, gather information on the subject from acquaintances or family sworn personnel and/or request professional assistance, if available and appropriate to assist in communicating with the person and/or de-escalating the situation.
 - e) Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.
 - f) Avoid topics that may agitate the person and guide the conversation toward topics that may help ease the individual.
 - g) Always attempt to be truthful. If the subject becomes aware of a deception, he/she may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.
 - h) Consider containing the situation, establishing distance, waiting for additional help, and/or the arrival of trained medical staff.
3. While the policies and guidelines regarding the use of force do not change due to a subject's mental or physical status, officers should take this status into account (where the status is known) in their approach of the subject in an effort to de-escalate the situation.
 4. Once a person is under control, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's age, mental, emotional or physical status, and consider available and appropriate reasonable accommodations.
 5. As with any use of force, officers should always provide an immediate medical response to individuals who are exhibiting signs or complaining of injury or illness following a use of force. Officers should refer to the Billerica Police Department's policy on **Handling Mentally III** for further information.

D. DEADLY FORCE RESTRICTIONS

1. **CALL FOR ASSISTANCE WHEN POSSIBLE**: An officer reacting 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.
2. **WARNING SHOTS**: The use of “warning shots” are not authorized by the Billerica Police Department.

USE OF FIREARMS AND 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. To minimize the threat a moving vehicle can present, officers are to use sound tactics when approaching vehicles and should whenever possible, position themselves in such manner that the vehicle cannot be used against them as a weapon.

Officers shall **NOT** discharge their firearms from a moving vehicle unless circumstances warranting lethal force exist and no other reasonable means are available.

E. MEDICAL ATTENTION

1. After any level of force is used, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment whenever a person:
 - a. Has a visible injury; obvious injury, or
 - b. Is unresponsive or unconscious
 - c. Is in medical distress i.e., unable to breathe, labored breathing, wheezing, etc.
 - d. Sustained injury during apprehension or law enforcement action (i.e. injuries from falls or broken glass, cruiser and pursuit crashes, K9 contact, detainees who are injured, etc.)
 - e. Who is a suspect or detainee requests medical attention
 - f. In the case of use of pepper spray, immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness; or that person complains of injury or discomfort and requests medical attention.
 - g. Officers shall inquire of a person that has been sprayed if they are wearing contacts lenses. If yes, the person must remove the contact lenses. If they

refuse, they will be transported to the hospital for medical attention.

NOTE: The instances of when medical attention is necessary listed in the previous paragraph should also be given during any call of service, or during the detention or arrest of a person when applicable.

NOTE: Any person requesting and/or deemed in need of immediate medical attention shall be transported (in accordance with the departmental policy on **Transporting Detainees** to the appropriate hospital or medical facility. All medical treatment received shall be noted in the officer's report.

2. Injury to Detainee

- a. The officer shall promptly notify his/her immediate supervisor of the incident.
- b. The officer shall attempt to locate and identify all witnesses, and obtain and document their statements.
- c. The officer shall prepare and submit all required reports. If more than one officer is involved in a use of force incident resulting in an injury, each officer shall complete a report outlining his/her actions and observations in the incident.

3. Patrol Supervisor

- a. If available, the Patrol Supervisor shall immediately respond to the scene of any incident where, as the result of the application of physical force, an officer is injured, or a detainee has a visible injury, or complains of injury or discomfort and requests medical attention, and
- b. [S]he shall:
 - i. Ensure that officers receive any necessary assistance, including medical treatment, and that any injuries to officers are properly documented;
 - ii. Ensure that the need for medical treatment for the detainee is properly evaluated and provided;
 - iii. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photos, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs; and

NOTE: A photograph showing no injury may be as important as one which shows injury.
 - iv. File a report on the incident and his/her observations with the officer-in-charge.

F. DUTY TO INTERVENE AND REPORT

1. Any officer observing another officer or department member, regardless of rank or tenure, using physical force, including deadly force, non-lethal force, or weaponless force that is 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.

2. An officer who observes another officer using physical force, including deadly force, non-lethal force, or weaponless force beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor 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 officer's written statement shall be included in the supervisor's report.
3. Failure to intervene could result in civil liability, criminal prosecution and/or disciplinary action, up to and including, termination. Additionally, an officer failing to intervene may have his/her certification revoked with the Massachusetts Peace Officers Standards and Training Commission (POST) or be ordered to be retrained after a hearing by POST for failing to intervene.
4. Any harassment, intimidation, or retaliation including discharge, reduction in rank, or denial or promotion, or any other adverse action against any officer or department employee who intervened to prevent or stop an excessive force incident, made a report regarding the witnessed excessive force incident, or is aiding the agency or POST Commission during the excessive force investigation is prohibited.
5. Any Officer or department employee engaged in harassment, intimidation, or retaliation shall be in violation of this Department policy and shall, upon a sustained internal administrative & POST investigation, be subjected to the imposition of departmental discipline up to and including termination.
6. Officers shall be given documented Pre-Service training on duty to intervene during the Field Training Officer process. Annual In-Service training on duty to intervene will be conducted and documented through either the Municipal Police Training Council In-Service or internal department training.

G. USE OF FORCE REPORTING

1. All officers shall complete a separate use of force report using the Billerica Police Department's Use of Force form whenever:
 - a. An officer has used any authorized lethal or non-deadly weapon or applied physical or weaponless force as defined by the Department that is alleged to or has resulted in injury or death to another person. This will include pointing any lethal or non-lethal (Taser or less-lethal shotgun) at another person.
 - b. An officer discharges a firearm, for other than training, destroying a sick or injured animal, or recreational purposes.
 - c. An officer has taken action that results in, or is alleged to have resulted, in an injury or death of another person.

NOTE: All use of force report writing shall be governed by the Billerica Police Department's policy on **Use of Force reporting**. Officers shall refer to it and abide by its procedures.

H. WEAPONS TO BE CARRIED OFF DUTY

1. Unless prohibited by the Chief of Police, members of the Department are authorized to carry their Department issued pistol and ammunition, Oleoresin Capsicum (O.C.) spray and issued Baton while off-duty. The Department issued pistol is the only Department issued firearm that may be carried while off-duty. The use of a personal firearm by an off-duty officer for any lawful and appropriate purpose shall not in and of itself be considered to be a grossly negligent act and shall not in and of itself be cause for loss of personal indemnification.

I. SAFE HANDLING/SECURITY OF FIREARMS

1. All officers shall be responsible for the safe handling of their firearms at all times. They shall ensure the security of their firearms at all times, both on and off-duty. Weapons must be secured in such a manner as to prevent theft and unauthorized/accidental use. All department-issued firearms shall be stored in accordance with **MGL c. 140 § 131L**. The department shall supply every officer with a locking device for each weapon issued.

J. TRAINING ON USE OF PHYSICAL & DEADLY FORCE (MGL c. 6E, § 14 & 15)

1. All sworn/non-sworn officers authorized to use physical or deadly force shall receive pre-service and annual documented training on the proper and legal use of de-escalation tactics, physical force, and deadly force established by this written directive.
2. The Training Unit will establish lesson plans and conduct a review of this written directive during annual department-led training.
3. The Training Unit will conduct annual reviews of this policy to ensure it is up to date with Massachusetts General Law and best practices.